

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 April 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Vincent Square	
Subject of Report	Southside, 105 Victoria Street, London, SW1E 6QT		
Proposal	Demolition of existing building, extension of existing basement and erection of a new building of ground, mezzanine, plus up to fourteen-storeys with terraces at tenth to fourteenth floor level, comprising office accommodation; flexible retail, restaurant, bar, community and leisure uses; internal pedestrian route with 'Village Square', plant at main roof level; servicing, cycle parking and highways, landscaping and associated works.		
Agent	Louise Overton		
On behalf of	Southside Unit Trust		
Registered Number	20/04966/FULL	Date amended/ completed	6 August 2020
Date Application Received	6 August 2020		
Historic Building Grade	Unlisted		
Conservation Area	Outside		

1. RECOMMENDATION

1. Grant conditional permission, subject to the views of the Mayor and the completion of a S106 legal agreement to secure:

- The provision of 20 desk spaces (equivalent to 140sqm) of affordable workspace to be provided at 50% of the market rate and 50% service charge, for a 10-year period.
- Community use strategy for the multi-purpose activity space at basement level, to be provided to local community groups and local schools in perpetuity and free of charge.
- A Walkways Agreement to secure access for the public at ground floor level across the site.
- Employment and Skills Plan including operational phase employment targets and a Financial Contribution of £821,891.67 to support the Westminster Employment Service (index linked and payable on commencement of development).
- Highway works to Victoria Street, Artillery Row, Howick Place and Wilcox Place including changes to on-street traffic orders; changes to on-street parking bays and parking regulations; vehicular crossover into servicing bay; making part of Howick Place two-way; revised informal pedestrian crossing on Victoria Street; redesign of bus stop on Victoria Street; renewed footways; tree planting and provision of short-stay cycle parking and associated works (legal, administrative and physical).

- Carbon offset payment (index linked and payable on commencement of development) (amount TBC subject to submission of final Energy Strategy).
- Monitoring costs.

2. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and the dedication of new public highway to enable this development to take place.

That the Director of City Highways, Executive Director of Environment and City Management or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders.

3. 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.

3. SUMMARY

The application relates to the House of Fraser department store and offices on the south side of Victoria Street which also has frontages to Artillery Row, Howick Place and Wilcox Place. Permission is sought for the demolition of the existing building and its replacement with a 16 storey building comprising flexible uses including retail, restaurant, bar, health and leisure at basement, ground and mezzanine level and offices on the upper floors. A village square is proposed which will provide a new public route through the centre of the building between Victoria Street and Howick Place.

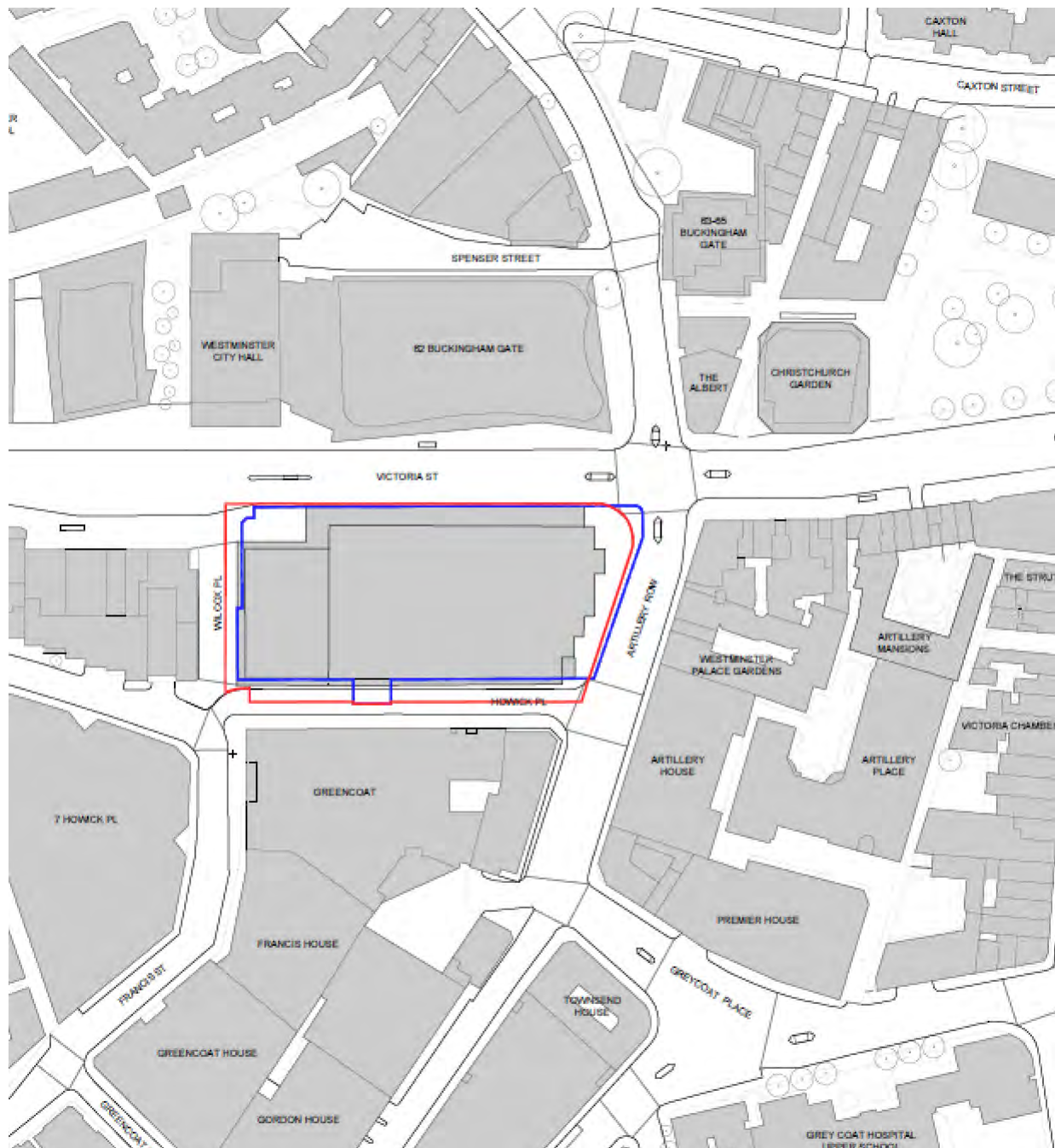
The key issues for consideration are:

- The impact of the proposals on the character and appearance of the area, the adjacent Westminster Cathedral and the Broadway and Christchurch Gardens Conservation Areas and on the setting of nearby designated heritage assets.
- The land use implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents;
- The impact of the proposal on the surrounding highway network; and
- The environmental implications of the proposal.

The replacement building is large and will certainly have a far greater street presence than the current building; and will have an adverse impact on the light enjoyed by neighbours. However, the

proposal represents an opportunity to secure the delivery of a high quality office development with new retail, health and leisure uses, with active street frontages and public realm improvements, including a new village square with public route through the building. Whilst the proposal will impact on the amenity of neighbouring residents and harm will be caused in terms of design, townscape and heritage impacts, it is considered that while finely balanced the benefits of the scheme outweigh the level of harm identified.

4. LOCATION PLAN



5. PHOTOGRAPHS



6. CONSULTATIONS

ORIGINAL APPLICATION

GREATER LONDON AUTHORITY

Stage 1 comments received. The application is supported in principle, but the development does not currently fully comply with the London Plan Policy which needs to be addressed to become acceptable in strategic planning terms:

- **Principle of development:** The proposed intensification of office use within the CAZ and Victoria Opportunity Area is strongly supported and given the site constraints a payment in lieu of on-site affordable housing is acceptable in this instance. The development of a tall building in this location is acceptable in principle.
- **Urban design:** The proposed height, massing, and architectural approach are broadly supported; however, the elevations would benefit from further refinement and simplification. The introduction of new public realm is supported. The proposal would not harm the significance or setting of nearby heritage assets. The City Council should secure key details relating to architecture and materials to ensure a high quality of design and construction are delivered.
- **Transport:** Further work regarding Healthy Streets, cycle parking, trip generation and impact assessment should be undertaken. The proposed highway works to the bus layby must be agreed with TfL. Appropriate conditions and planning agreements required.
- **Sustainable development:** The proposed energy strategy generally complies with the London Plan, however, the additional information requested. The Urban Greening Factor would exceed policy requirements, which is strongly supported. Landscaping details should be secured to ensure this is brought to fruition.

TRANSPORT FOR LONDON

The site has an excellent Public Transport Access Level (PTAL) of 6b which is the highest. Welcome the provision of new public realm and consistent footway width along the eastern frontage of the site, the proposed village square, improvements to the street scene along Wilcox Place and the raised table provided at the junction between Howick Place and Wilcox Place which will afford priority of movement to pedestrians.

Further details are required in relation to the following:

- A Pedestrian Comfort level assessment on Victoria Street.
- The redesigned bus layby agreed with TfL Buses.
- Detailed cycle parking plans and of the access ramp to show the design and layout is compliant with the London Cycling Design Standards.
- Electric vehicle charging points provided for the proposed disabled car parking on Howick Place.
- A detailed London Underground trip generation and impact assessment.

- Delivery and Servicing Plan (DSP); Construction Management and Logistics Plan (CMLP) and Code of Construction Practice (CoCP), should be conditioned by the Council in consultation with TfL.
- A Travel Plan.

HISTORIC ENGLAND (ARCHAEOLOGY)

The overall impact of the development on archaeological significance is likely to be very low or negligible. No archaeological condition recommended.

ENVIRONMENT AGENCY

No objection.

NATURAL ENGLAND

No comment.

NATIONAL AMENITY SOCIETIES (Georgian Group, Victorian Society, 20th Century Society, Design Council ; Society for the Protection of Ancient Buildings and Council for British Archaeology)

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

METROPOLITAN POLICE (DESIGNING OUT CRIME)

Theft related crime and anti-social behaviour dominate the statistics in this area. Unable to support the application due to the extreme permeability of the ground and basement floors of the site. Whilst a management strategy has been submitted in order to tackle any crime issues that may occur these should be tackled at the design stage of the project. Designing out the ability to commit crime and anti-social behaviour without the requirement for such a heavy presence of security staff is paramount. The main areas of concern relate to:

- Cycle Strategy -The design of the cycle ramp will attract and encourage cycle theft.
- Office Entrance - There is no demarcation between office and public use on the ground floor.
- The ground and basement levels are likely to generate anti-social behaviour and crime issues.

WESTMINSTER SOCIETY

Objection on design grounds. Further work needs to be done on the massing and appearance of the building to make the building sit better in its context. The public benefits of the scheme do not at this time outweigh the visual harm caused.

The proposal is an interesting mixed-use scheme that has land-use and public realm benefits. However, given the prominence of the building on Victoria Street, further consideration should be given to the massing and elevated treatment of the building to resolve scale, materiality, and contextual relationships.

THORNEY ISLAND SOCIETY

Raise objection on the following grounds:

- The development will add yet another tall building to an already canyon-like stretch of road. Eliminating the arcade and taking the building line back to align with the facades either side of Wilcox Place would be an improvement.
- From an environmental point of view, a new glazing system on the existing structure could provide many of the energy saving features.
- The 'greening' of the site with 'pocket parks' is modest and will have only a very moderately beneficial effect. Widening Wilcox place and concentrating the open space in one pedestrianised area would be more valuable.
- The 'Village square' will not be the agreeable space envisaged. Planters along the kerb on Victoria Street are a very feeble attempt at greening, and in Howick Place, which is already dark, the notion of a pocket park is even more heroic.
- The multi-purpose room below the 'village square' does not look appealing and the dominant and complicated circulation to reach the basement below and the Affordable Workspace/Co-working area above will detract from the openness of the 'village square'.
- The use of the basement for Bicycle parking and workshop is a reasonable use of space and has some merit.

CATHEDRAL AREA RESIDENTS GROUP

Any response to be reported verbally.

VICTORIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

VICTORIA BID

Welcome and support the proposals. The development represents a positive contribution to the vitality of the area, its character and architectural appearance, the business community, Victoria Street and the wider area, and the public realm. It will introduce much needed certainty for the future of this key site for the area. Further consideration should be given to introducing more greenery and trees in the 'true' public realm at street level; the effect of closing the Village Square at night; and reassurance that issues of wind tunnelling that have been created by buildings of a similar height in the area have been appropriately considered.

HIGHWAYS PLANNING MANAGER

Servicing is proposed to be undertaken off-street which is welcomed. The design and layout of the loading bay will accommodate a size 7.5T box van. Conditions are required that all servicing should occur from within the servicing bay and to secure a servicing management plan.

The proposals include making the east end of Howick Place two-way, so that servicing vehicles can come and go from Artillery Row. This arrangement will result in the loss of some on-street parking spaces, but the benefits of taking service vehicles out of Howick Place and Francis Street is considered to outweigh this.

944 cycle parking spaces (809 long-stay and 135 short-stay) are proposed to meet London Plan standards.

No objection subject to conditions and a S.106 agreement to secure highway works.

WASTE PROJECT OFFICER

No objection subject to conditions. Adequate waste and recycling storage is proposed.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

ECONOMY TEAM

An Employment and Skills Plan and a financial contribution of £821,891.67 is required.

ARBORICULTURAL OFFICER

The proposals include the removal of 3 Council owned trees on Wilcox Place. They make a valuable contribution to the streetscape; however, they are relatively young specimens and could be replaced. Replacement trees are proposed in a similar location, but not in the same arrangement. Further investigations and details are required to demonstrate which trees will be planted in the ground and which in pots.

The terrace planting proposals are vague but ambitious. Further details are required of the planting scheme, maintenance, soil and water volumes and building engineering to ensure that the building is adequately engineered to support the additional weight.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 952

Total No. of replies: 8

No. of objections: 5

No. in support: 3

Three letters of support have been received, which includes The Greycoat Hospital School who support the proposed basketball size court and its use for their students.

Five objections received from surrounding residents and the Queen Anne's Gate Residents' Association on the following grounds:

Land use

- The development seems inappropriate when office accommodation is beginning to be less needed due to new patterns of working.
- Welcome the public use.
- The amount of retail floorspace will be reduced with much smaller units.
- The loss of the department store will make the retail offer in Victoria Street more bleak and less distinctive. Loss of character and vitality in Victoria.

Design

- The building will be higher than most other buildings in the area.
- The height of the proposed building will accelerate the making of Victoria Street into a series of massive buildings, overshadowing and dominating neighbouring buildings.

- It will harm the skyline as seen from the east and western ends of Victoria Street.
- The proposed design is not attractive and is not much of an improvement on the existing building.
- If redevelopment is permitted the front of the new building should be moved back to the natural line of buildings either side, which will create much wider pavement and allow the possibility of trees, seating and hostile vehicle measures.
- Even though the proposed arcade to Victoria Street will be taller, a full height full width block on top will create a much more significant sense of enclosure in the immediate and wider areas.

Amenity

- Loss of light and privacy to surrounding residential buildings
- Loss of afternoon sun to the east of Victoria Street, including Christchurch Gardens.

Environment

- Waste involved in knocking down a sound and relatively modern building.
- Carbon cost of demolition and rebuilding. The problems of the existing building could be addressed with a full refurbishment. The proposal will make it harder for the city to achieve its zero carbon goals and will send a signal that other buildings of a similar age are expendable.

Other

- The new building must address the problem of rough sleepers in the area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

REVISED APPLICATION

(Revisions reducing the scale and massing of the building primarily to Victoria Street)

METROPOLITAN POLICE (DESIGNING OUT CRIME)

Maintain original objections. There should be clear demarcation between the public, office and retail areas.

WESTMINSTER SOCIETY

The revisions have addressed many of their previous concerns. The simplification of the overall form is supported. The setting back of the upper storeys has created a more resolved composition and has reduced the perceived height of the building when viewed from nearby streets. The simplification of the entrance canopy and treatment above has created a stronger composition that relates better to the street. Overall the external appearance is now more considered and calmer and the building looks less bulky and imposing in the townscape views.

THORNEY ISLAND RESIDENTS' ASSOCIATION

Maintain original objection. The facades on Victoria Street and Wilcox Place have been simplified beneficially, but they remain very much more dominant than existing, and would detract from the immediate surroundings. The village Square remains

problematic and will be devoid of natural light.

VICTORIA BID

Support the application. Welcome the aspirations for local retail centred around a modern-day Village Square, and the animation of the building at all sides. The creation of a new public space and the introduction of greening at street level is a welcome addition to the public realm and welcome the aspirations of the 'Activity Zone' which will provide a further flexible space and be available for use by local schools.

The simplification of the bulk, materials and refinements to the external massing help to further harmonise the proposals within its context, but regret the commensurate loss of the affordable workspace from the proposals.

ARBORICULTURAL OFFICER

The proposed replacement trees on Wilcox Place will be planted in the ground and will be a single species – Ginkgo biloba. The extent of tree planting in planters on Artillery Row has been increased. Trees in planters are high maintenance and can be short lived, however, there is no space beneath the pavements in these areas to accommodate tree planting in the ground and if greening is desirable in this area planters are accepted. Details of landscaping, soil volumes and profiles and a management plan for the terraces and street level planters should be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 959

Total No. of replies: 5

No. of objections: 3

No. in support: 2

Two letters of support received including one from Westminster City School who support the proposed basketball size court and its use for their students; cycle parking; space for hosting events and exhibitions; and the sustainable nature of the building and how it will benefit the school curriculum.

Three letters of objection have been received from neighbouring residents on the following grounds:

Design

- The towering height of the building will overshadow architecturally important buildings such as Artillery House, Westminster Palace Gardens and 8 Artillery Row.
- It will draw the eye away from more architecturally pleasing buildings in the vicinity.
- The proposed building is not ground breaking or eye pleasing but it will be one of the highest on Victoria Street.
- Longer views from Carlisle Place, Francis Street, Everton Street, Vincent Square, Greycoat Street will be radically changed.
- It will set an unwelcome precedent for high buildings in the area.

Amenity

- Loss of privacy and light: to 8 Artillery Row which is very close.
- Noise from the future development and deliveries particularly in Howick Place where there is residential accommodation.

Highways

- Lack of information to demonstrate that the proposed servicing will be adequate to meet the needs of the development.
- Increased traffic and noise to Howick Place.

Other

- The proposal will exacerbate Wind issue on Victoria street and will stop people from coming to the area for leisure activities. People will not sit outside in a windy environment.
- Noise and disturbance caused during building work.

7. BACKGROUND INFORMATION**7.1 The Application Site**

105 Victoria Street , known as Southside, forms a whole street block. It occupies a prominent corner site on the south side of Victoria Street with Artillery Row, with frontages also to Howick Place and the pedestrianised Wilcox Place. The original Army and Navy Store on the site was demolished in 1970, with the current department store and office complex of Southside opening in 1977 as part of the House of Fraser chain.

The building comprises two basements, ground and 12 upper storeys. The department store occupies the lower floors from basement to second floor level with a small café on Wilcox Place and offices above. The building incorporates a covered colonnade along Victoria Street.

The building is not listed and falls outside, but adjacent to the Westminster Cathedral Conservation Area to the west and the Broadway and Christchurch Gardens Conservation Area to the east. It is located within the Central Activities Zone (CAZ), and Victoria Opportunity Area (VOA). The surrounding area is characterised by tall commercial buildings to Victoria Street with a mixture of commercial and residential uses to the south.

7.2 Recent Relevant History

There is a limited planning history for the site, largely relating to telecommunications equipment, plant, alterations to shopfronts and entrances, signage and terraces for the office use at sixth and ninth floor level.

8. THE PROPOSAL

Planning permission is sought for the demolition of the existing building, albeit it is intended to retain the 1m thick diaphragm walls at the perimeter of the basement, and

erection of a new building comprising two basements, ground, mezzanine and fourteen upper floors with a plant enclosure at fourteenth/roof level. The proposed building will have a double height covered walkway/colonnade to Victoria Street with terrace above and will incorporate set-backs to the upper levels with terraces at tenth to fourteenth floor level.

Flexible retail, restaurant, bar, leisure and community uses (within Classes A1, A2, A3, A4, D1, D2 and sui generis) are proposed at basement level 1, ground and mezzanine level with office use (Class B1) at first to fourteenth floor level.

It is proposed to create a very permeable base to the building, with the central part of the ground floor featuring a public route through between Victoria Street and Howick Place and described as a 'Village Square'. Small retail kiosks will line, in a stepped plan either sides of this double-height space, which will also contain the entrance into the lift lobbies that will serve the offices on the upper floors. Shop fronts are proposed to all street frontages.

Towards the Howick Place side of the village square a large 2-lane spiral ramp is proposed, providing cycle access down to basement level 1 with the provision of 944 spaces for occupiers of the building and public use. A multi-purpose activity zone is proposed in basement level 1, capable of being used for a variety of functions including sports activities or lectures. Above the ramp is a feature stair which will provide access up to the mezzanine floor.

Ancillary facilities including plant, refuse and shower/changing room facilities are proposed at basement level 2. An off-street servicing area is proposed off Howick Place.

Procedural Matters

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. These Regulations made a number of changes to the Town and Country Planning (Use Classes) Order 1987, including the creation of a new Class E (Commercial, Business and Service) that includes a wide variety of uses into a single use class and the creation of a new Class F1 (Learning and Non-Residential Institutions) and F2 (local community).

Former Class A1 (Shops), Class A3 (Restaurants and Cafes), Class B1 (Business) are now included within Class E, whilst former Class D1 (Non Residential Institution) such as a hall or meeting place for the principal use of the local community would now fall within Class F2 (Local Community). Former Class A4 (Drinking Establishments) are now removed from any of the classes and are now a sui generis use.

If permission is granted and the development built out and occupied, the use of the building will transition into the relevant classes of the amended Order (1987) (or, in the case of a drinking establishment to a sui generis use). Thereafter, planning permission is not required to change the use within a use class. This is because changes of use within a use class do not constitute development.

As the application was submitted before these Regulations came into force, the

application has been assessed and is required to be determined by reference to the use classes as they were specified on 31 August 2020 – in this case retail (Class A1), financial and professional services (Class A2), restaurants and cafes (Class A3), drinking establishment (Class A4), offices (Class B1), non-residential institutions (Class D1) and assembly and leisure (Class D2).

9. DETAILED CONSIDERATIONS

9.1 Land Use

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

Use	Existing GIA (sqm)	Proposed (sqm)	Change (+/-)
Office	22,303.8 (includes 2,184.8 of plant for all uses)	53,255	+30,951.2
Flexible retail, leisure and community use (A1/A2/A3/A4/D1/D2/Sui Generis)	13,900 (retail/A1) 85 (café/A3)	4,193	-9,792
Multipurpose Activity Space (class D1/D2)	0	1,185	+1,185
Total	36,288.8	58,633	+22,344.2

(Applicants calculations)

Office Use

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 it's living, working and visiting populations. A mix of uses consistent with supporting its vitality, function and character will be promoted.

The policy goes onto 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 1 of The City Plan 2019-2040: Intend to Adopt version 'Westminster's spatial strategy' states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City including:

- supporting intensification and optimising densities in high quality new developments that integrate with their surroundings and make the most efficient use of land, including through developments that showcases the best of modern architecture.
- Supporting the growth, modernisation and adaptation of a variety of business space to provide at least 63,000 new office-based jobs alongside other forms of commercial growth.
- Balancing the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods.

This policy goes on to state that growth will be delivered through the intensification of the CAZ with commercial-led and mixed-use development to provide significant growth in office, retail, and leisure floorspace, alongside new homes; and continued major mixed-use redevelopment in identified Opportunity Areas to at least achieve London Plan growth targets including 4,000 new jobs and 1,000 new homes in Victoria Opportunity Area.

Policy S4 of the City Plan and Policy 4 of The City Plan 2019-2040: Intend to Adopt version relate to the Victoria Opportunity Area. Policy 4 states that development in the Victoria Opportunity Area will deliver the following priorities: The achievement of the growth targets for the area of at least 1,000 new homes and 4,000 additional jobs identified in the London Plan; additional and enhanced social and community facilities; Improved integration between public transport modes; Inclusive and high-quality public realm that enhances sense of place and encourages dwelling; Enhanced sustainable travel modes through improvements to the public realm and local environmental quality to strengthen the area's capacity, legibility and permeability, particularly for pedestrians and cyclists; Support for the relocation of Victoria Coach Station; the safeguarding of sites for Crossrail 2; Enhanced routes and connections between visitor attractions; The safeguarding and enhancement of heritage assets, particularly Westminster's World Heritage Site.

Policy S20 of the adopted City Plan 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.

Policy 13 of The City Plan 2019-2040: Intend to Adopt version 'Supporting economic growth' states that new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period, enabling the continued growth and clustering of the creative, knowledge, and research-based sectors. Additional floorspace that meets the needs of modern working practices, including

through the provision of co-working space and a range of Class E (commercial, business and service) uses on site, is supported in principle in the parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character, including the Opportunity Areas. Proposals involving the provision of affordable workspace will generally be supported throughout the commercial areas of the city.

Consideration

The site is located within the CAZ and Victoria Opportunity Area and the principle of new high quality office accommodation (class B1) is acceptable in principle, contributing to one of the Council's key policy objectives of providing new and improved office floorspace and generating employment opportunities.

Nine floors of office accommodation are proposed at levels 1 to 14 which will be accessed from two lift cores located either side of the Village Square. The applicant states that they are committed to optimising the comfort and wellbeing of the office users and provide a building to meet future office trends to ensure longevity and resilience in uncertain market conditions and ultimately ensure that their office premises remain attractive.

The upper floors are arranged as large open plan offices which will be capable of subdivision to provide flexibility in order to meet the needs of modern office occupiers and enable the space to be multi-let and suitable for small and medium-sized enterprises (SMEs) which is welcomed.

Outdoor terraces are proposed on floors 10 and above for the office occupiers and an entire floor of amenity space is proposed at level 10 which the applicant states will provide a range of different communal spaces such as breakout areas, meeting rooms, canteen and a 'walk and talk' track looping around the entire floor and external terrace, designed to facilitate informal gatherings and walking meetings between small groups. Staircases linking floors are designed to be actively used rather than solely for escape purposes.

As part of the original application, the applicant provided 700sqm of co-working and affordable office workspace as part of their key aim to provide a scheme to serve the local community. This was located on the mezzanine floor accessed by the feature stair in the village square. This was a welcome component of the application and considered a key public benefit of the scheme providing the local community and start-up businesses, office facilities at affordable below-market rents.

During the course of the application, a slight reduction in bulk and massing to the building has been introduced to seek to address design concerns. As a result, the floorspace of the development has been reduced by approximately 821sqm and the applicant withdrew their offer of providing affordable office workspace on the basis that this would make the scheme unviable. Following discussions, the applicant has agreed to provide 20 desk spaces (equivalent to 140sqm) as affordable office workspace provided at 50% of the market rate for a period of 10 years, and whilst their intention is to provide this at the mezzanine level they seek the flexibility for it to be accommodated elsewhere within the building.

The significant reduction in affordable office workspace is highly regrettable. It is recommended that the applicants reduced offer of 20 desk spaces - equivalent to 140sqm be secured as part of the S106 legal agreement.

Mixed use policy

The proposal results in 30,951.2sqm (GIA) of additional office floorspace and on the basis of Policy S1 of the adopted City Plan the proposal generates a requirement for an equivalent amount of residential floorspace, less 30% of the existing building floorspace, to be provided of 20,064.56sqm .

The applicant states that providing the on-site residential floorspace requirement on the site would compromise the office-led scheme and as part of their original submission proposed a payment towards the Councils affordable housing fund of £5million. However, following design changes to reduce the massing of the building this offer has been withdrawn.

The applicant has provided a financial viability assessment which they argue demonstrates that it would not be viable to provide a policy compliant payment in the region of £34.9 million 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 it would be viable for them to pay £4.9m towards the Council's affordable housing fund to which the applicant has not agreed.

Under the City Plan 2019-2040: Intend to Adopt version, there is no longer a policy requirement to provide residential floorspace as part of office developments. On the basis of this imminent policy change, it is no longer considered reasonable to seek a payment towards the Councils affordable housing fund.

Flexible retail, leisure and community uses (A1/A2/A3/A4/D1/D2/Sui Generis)

Policy context

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 SS4 states that development schemes should provide at least the same amount of retail floorspace as was there before.

Policy 14 of The City Plan 2019-2040: Intend to Adopt version relates to Town centres, high streets and the CAZ. It states that the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses is supported in principle, subject to impact on townscape and heritage. Uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy (this include Victoria Street which falls within a CAZ retail cluster). Uses serving visiting members of the public will also be supported at first floor level within centres characterised by large format, multi-level stores. All development within the town centre hierarchy will be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed. CAZ Retail Clusters will provide further large format retail and complementary town centre uses to meet the needs of residents, workers, and visitors.

Policies TACE 8, 9 and 10 of the UDP relate to entertainment uses, including restaurant and bars. These policies aim to ensure that entertainment uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area. Policy TACE 10 relates to entertainment uses over 500sqm and states that they will only be permissible in exceptional circumstances.

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. The Policy also states that new large scale late-night entertainment uses over 500 sq. m floorspace will not generally be appropriate within Westminster.

Policy 16 of The City Plan 2019-2040: Intend to Adopt version relates to food, drink and entertainment and requires such uses to be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

Policy S34 of the City Plan and SOC1 and SOC7 of the UDP relate to social and community infrastructure and encourage new social and community facilities. These policies supports the provision of community facilities, which includes uses within class D1 and D2, and states that community facilities will be required to be located as near as possible to the residential areas they serve; not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposal; and be safe and easy to reach on foot, by cycle and by public transport.

Policy 17 of The City Plan 2019-2040: Intend to Adopt version relates to Community infrastructure and facilities and states that it will be supported where there is an identified present or future need. New facilities will be of a nature and scale to meet identified need and be sufficiently flexible to meet the requirements of providers as they may change over time. Where new facilities are provided they should be designed to accommodate a range of community uses wherever possible. The council will strongly encourage the co-location of facilities and access for appropriate organisations and the local community.

Consideration

The proposal will result in a significant reduction of retail floorspace of 9,972sqm on the site. The existing House of Fraser department store is located at basement to second floor level and has a poor retail presence with low colonnade and overhangs to the ground floor and blank façades above. The applicant has confirmed that the department store is currently paying no rent and is incongruous with current market trends, which they state has seen a shift from large department stores towards smaller scale flexible retail units which meet local needs.

Whilst there will be in a significant reduction in retail floorspace, it is the applicants intention as part of their redevelopment proposals to provide a more diverse retail and leisure offer as well as a community event hosting facility, with active street frontages and pedestrian activity through the centre of the building between Victoria Street and Howick Place, with the ambition of creating a vibrant village square.

The proposed development includes the provision of 4,193sqm (GIA) of flexible floorspace for retail, restaurant, bar, leisure and community uses (A1/A2/A3/A4/D1/D2/Sui Generis). The applicant envisages D1/D2 uses would comprise of either art gallery, health clinic, cinema or gym/health facility use. A further 1,185sqm multipurpose activity zone is proposed at basement level which will be available for public and community use. The applicant states that the flexible use of the units is particularly pertinent given the current market and the need to adapt to the changing economics of the retail environment.

A range of unit sizes are proposed designed to cater for a range of different needs within Victoria with larger units on the busier street facing elevations and smaller units internally within the proposed new village square. The village square is presented as a flexible open space, which would principally function as an active through route and entry point, but could include features such as a market stalls, exhibitions and public events; and in the evenings, when the space can be closed by screens, it could be used for occasional secure event space.

The internal layout and shopfronts will provide flexibility in terms of configuration to provide up to 17 units. Ten 'small scale' units are proposed around the edge of the village square ranging in size of between 13.9sqm to 45.7sqm (GIA). The applicant states that 50% of these units will be for retail use only with the aim of providing local needs retail. A further standalone unit of 40sqm is also proposed for A1 use only at basement level. A condition is recommended to secure a minimum of either 6 units or 160sqm (GIA) for retail within Class A1 at any one time to ensure an element of solely retail floorspace is retained, in accordance with policies SS4 of the UDP, S6 of the City Plan and policy 14 of The City Plan 2019-2040: Intend to Adopt version.

The provision of restaurant, bar, health and leisure uses are consistent with the mix of uses supported within the CAZ and VOA, and will provide a far more active and engaging ground floor experience, with active uses and the new permeable village square offering the potential to be a destination point and a place offering flexibility of use, that can be enjoyed by multiple users including the local community and the general public.

The applicant has confirmed that the maximum size of any one single unit that could be created would be 1,258sqm with a combined unit through basement, ground and mezzanine level. Given the flexible nature of the units, this would allow a large restaurant or leisure use. The plans show that a maximum amount of floorspace of 365sqm (GIA) in total would have the flexibility to be used for bar use.

Single entertainment uses over 500sqm are only permissible in exceptional circumstances under Policy TACE 10 of the UDP. The UDP recognises that larger

entertainment uses can have a disproportionate impact on residential amenity and local environmental quality. However, the plan acknowledges that there can be considerable variation between the effects of different types of entertainment uses. The London Plan and Culture and Night time Economy SPG 2017, are also a material consideration. These support the growth and diversification of the night-time economy, particularly in the Central Activities Zone, building on the Mayor's Vision for London as a 24-Hour City and seeks to protect and support evening and night-time cultural venues.

It is considered that with appropriate conditions, restaurant, health and leisure (class D1/D2) uses of the scale proposed are acceptable in this central area of Westminster. Conditions are recommended to secure an operational management plan to provide full details of all future uses, including operating procedures, numbers of staff and customers, membership details (if relevant) and how they will prevent customers who are leaving the building from causing nuisance to surrounding residents; limiting the hours of opening of all flexible units to between 07.00 – 00.30; and to control internal noise to prevent noise outbreak from the units in order to protect the amenity of surrounding residents.

As part of an application for a restaurant use the City Council requires the applicant to submit details of ventilation and ducting equipment required, in order to ensure that the proposal would not result in a smell/cooking odour or noise and vibration nuisance. The applicant has made provision for extract ducts, and it is recommended that full details of plant be secured by condition.

All of the flexible units will be serviced from within the off-street servicing area proposed off Howick Place. Conditions are recommended that all servicing must take place between 0800 and 2000 and to secure a servicing management plan which sets out the servicing process, internal storage locations, scheduling of deliveries and staffing in order to protect residential amenity.

Multipurpose Activity Zone

A multipurpose activity zone is proposed at basement level 1 (1,185sqm) for use by tenants of the building and the local community. Its size will allow flexibility for many different uses including sports activities (pitches, courts, yoga and dance); presentations and lectures; and children's activities. It steps down to a lower level and creates seating steps that will allow for spectators of the sports activities.

Letters of support have been received from two local schools (The Grey Coat Hospital and Westminster City School) confirming their interest in using this space for school PE lessons and events.

The activity zone will enhance the mix of uses within the development and it is considered that it will have a positive and beneficial impact on the area as a whole and is welcomed in policy terms. It is recommended that a community use strategy to ensure that it is provided to local community groups and local schools in perpetuity and free of charge be secured through the S106 legal agreement.

Terraces

The proposed terraces are for office users only. Officers requested that the applicant explore the possibility of using an area of terrace for public use as they will afford

excellent views across Westminster. This has not been forthcoming and is considered a lost opportunity. The applicant, however, has stated that they will provide access to local schools to use a proposed 'urban farm' on the fourteenth floor terrace to grow plants to support their curriculum. It is recommended that this be included within the community use strategy.

9.2 Townscape and Design

Existing Site and Its Surroundings

The existing building dates from 1973-7 and was designed by Elsom, Pack & Roberts. Pevsner ambiguously describes it as a "yellowing stone-faced box, spliced into smoked-glass offices of broken outline and coming forward over a covered pedestrian passage." Certainly, the yellowed stone base which rises to 3 storeys onto Victoria Street and Artillery Row and which reflects the department store component of the building presents a blank and deadening façade. Combined with the low colonnade along Victoria Street, overhanging bays along Artillery Row and Howick Place and the inactive ground floor, the department store base to the building has a poor relationship with the surrounding streets, creating a dark and unwelcoming environment to its perimeter. The office part of the building, which is accessed in the recessed north-western corner near Wilcox Place has a more successful relationship with the surrounding townscape. This is in part because the neighbouring retail and office buildings which run to the west, along the south side of Victoria Street (Ashdown House and BP House) are by the same architects, Elsom, Pack & Roberts, and while slightly earlier (1971-75) feature a similar stepping to their massing as well as the colonnaded front. Thus, the upper office storeys of the application site complement the post-war office developments on the south side of Victoria Street.

In terms of its surrounding townscape, the site very much forms part of the Victoria Street frontage buildings – the majority of which date from the second half of the twentieth century or from the twenty-first century. Most of the buildings which face onto Victoria Street lie outside a conservation area and are of a plot width and scale which contrasts with the older, smaller scale and finer grain townscape which exists to north and south of Victoria Street. Most of Victoria Street and its frontage sites lie within the Victoria Opportunity Area and undoubtedly their scale and limited heritage importance are factors in this.

To north and south of Victoria Street and in the case of the application site to the immediate east, the townscape has largely developed from an earlier time period and large parts are designated as conservation areas, notably the Westminster Cathedral Conservation Area, which lies immediately to the south and west; the Broadway and Christchurch Gardens Conservation Area, which is immediately to the east; and the Vincent Square Conservation Area further to the south. Given the height of the proposed development its impact on other conservation areas at a greater distance from the site, also need to be assessed.

In terms of listed buildings there are relatively few in the immediate vicinity of the site and they all lie within the Broadway and Christchurch Gardens Conservation Area. They are the Albert Public House, diagonally opposite the site; and Westminster Place Gardens and Artillery House, which both lie on the east side of Artillery Row. All of these

buildings are grade II listed. To the west of the application site is the grade I listed Westminster Cathedral and its tall campanile is a townscape landmark of great significance and the impact of the development on this is a key consideration. In similar vein the spire to the Church of St Stephen with St John (grade II*) which lies to the south of the application site and within the Vincent Square Conservation Area is another local landmark, the setting to which must be assessed.

Legislation and Policy (Heritage & Design)

The key legislative requirements, policies and guidance for a proposal of this nature include:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

In terms of the National Planning Policy Framework (NPPF, 2019) the key sections are Chapter 12 (Achieving well-designed places) and Chapter 16 (Conserving and enhancing the historic environment). In the former chapter paragraph 131 indicates: “In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

In chapter 16 at paragraph 193 the NPPF makes clear:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 194 states:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....”

Paragraph 196 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Finally, paragraph 197 states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policies S25 and S28 of our City Plan are strategic policies which recognise the importance of Westminster's historic townscape and the need to conserve it and require exemplary standards of sustainable and inclusive urban design and architecture.

Policy DES1 of our UDP sets out principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

DES 3 of the UDP relates to High Buildings and seeks to protect and enhance Westminster's townscape, historic character and skyline.

DES 4 of the UDP sets out criteria to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. The policy sets out considerations whereby new infill developments must have due regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas and conforms to or reflects urban design characteristics such as building lines, storey heights, massing, roof profiles and silhouettes of adjoining buildings, distinctive forms or architectural detailing prevalent in the local area, existence of set piece or significant building groups.

Policy DES 7 of the UDP seeks to ensure the highest standards of design in all townscape details, including encouraging the provision of public artwork for suitable schemes of redevelopment.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

Within the new Intend to Adopt version of the City Plan 2019-2040 (March 2021) there are a number of relevant policies and some of the key ones are:

Policy 1 is Westminster's spatial strategy and seeks to support intensification and growth, while at the same time integrating with existing townscape and protecting the city's heritage assets. It makes clear that that growth will primarily be delivered through four means, one of which being the continued mixed-use development within the Opportunity Areas.

Policy 4 is specifically about the Victoria Opportunity Area and identifies a growth target for the area of at least 1000 new homes and 4000 additional jobs. At part I it notes the priority of safeguarding and enhancing heritage assets, particularly the Westminster World Heritage Site.

Policy 38 which sets out design principles, requiring exemplary standards of high quality, sustainable and inclusive urban design and architecture.

Policy 39 relates to Westminster's heritage and how it will be valued and that development should optimise the positive role of the historic environment. Parts I and K

specifically relate to the consideration of setting to listed buildings and to conservation areas.

Policy 40 relates to townscape and architecture, requiring development to be sensitively designed having regard to the surrounding townscape. Part C relates to extensive developments and indicates they should maximise opportunities to enhance the character, quality and functionality of the site and its surroundings, including creating new compositions and points of interest.

Policy 41 relates to tall buildings and sets out general design principles in circumstances where they might be acceptable. At part C it identifies that the development of tall buildings may be acceptable within the Opportunity Areas. With respect specifically to Victoria Opportunity Area the policy identifies the prevailing context height as 6 residential storeys (20m) and that tall buildings of 2 to 3 times this context height may be appropriate.

The Proposed Development

The proposal will involve complete demolition of the existing building (with retention of basement perimeter walls). The replacement building will occupy a similar footprint to that of the existing building, although it will not retain the set-back north-west corner but will leave a greater area of pavement on the Artillery Row façade, as well as reducing any low-level overhanging of the footway. The new building will have two levels of basement and 16 floors above ground (ground, mezzanine and 14 upper levels plus plant). This will mean at its tallest (the top of the plant room) it will measure 72.78m AOD, which compares with 51m AOD for the existing building.

In addition to being taller, the new building will also be of greater bulk, with larger floorplates to the upper floors. Floor levels 1-9 are a sheer extrusion rising to 50.12m AOD before set backs are introduced on the north, east and south sides. A further progressive stepping of the massing occurs at floor levels 10-14 rising from east to west. The architecture includes 4 principal façade components, which have been simplified in their disposition during the course of the application. The main facades, between levels 1-9, present a strong masonry grid framework. For most of the Victoria Street façade, all of the Wilcox Place façade and a shorter length of Howick Place façade, this is typically a 2-storey grid with an asymmetrical stepped profile cladding in a pale terracotta. The intermediate floorplate spandrels are a recessive element (in the form of glazed shadow boxes) as are the ventilation louvres and any window framing elements. Towards the eastern end, including a bay facing Victoria Street, all of the Artillery Row façade and most of Howick Place, the expressed grid is of a finer grain and has greater solidity. The principal facing material is a warmer reddish toned terracotta and the spandrels, while still recessive are solid metal panels.

The glazing to these terracotta-clad frames is set back 400mm from the face, thus creating relief and texture and a greater sense of solidity when viewed obliquely. The deep frame also has benefits in terms of providing some internal shading. All of these facades incorporate façade grilles, which allows the option of the office spaces being naturally ventilated.

Levels 10-14 which form the upper and set back part of the building are of a lighter character and appearance featuring a slender metal frame with an almost flush glazing

system. The exception to this is at the south-west corner (part of the Wilcox Place façade and part of the Howick Place façade), where the terracotta framing is taken to the full height, albeit there is a change to the grid proportions to reflect this differing element of the building.

The fourth façade component of note is the treatment to the double-height base (ground floor and mezzanine floor) and colonnade structure, including a quantum of office floor space at level 1. These are clad in a dark metallic frame which define them as distinct elements of the new building. The colonnade structure, which is centred over the main entrance to the building but extends along most of the Victoria Street frontage, will be supported on four columns and will measure approximately 8m high to its soffit, so will be a far lighter and less oppressive replacement of the existing build over the footway. The 8m height and approximately 4.5m width of the colonnade compares almost exactly with the spatial dimensions of the columned overhang to 64 Victoria Street, directly opposite.

The perimeter of the ground floor will primarily be used for retail and/or leisure community uses. The creation of a very permeable base to the building and village square providing a throughway between Victoria Street and Howick Place are seen as a particularly positive and bespoke component of the development by the applicant. The ambition of the design is to introduce additional retail frontage within this part of the development, thus emphasising the village square concept. The soffit to both the colonnade and the village square will be a decorative feature to unite the elements and define the space. The large ramp which connect the ground and basement is seen as a strong design component of this part of the development.

Impact of the Development on Heritage Assets and Townscape

The application has included a Townscape, Visual Impact and Heritage Assessment (TVIHA) and this has been updated with an addendum document to address the amendments made to the application during the course of consideration. This document has identified the heritage assets in the vicinity and potentially affected by the development, as well as assessed townscape characteristics and has included a visual impact assessment which has looked at 29 viewing points.

Amongst the views assessed are some of the strategic views identified within the London View Management Framework (LVMF) as well as views where the development could affect the setting of Westminster's World Heritage Site (views 18-24). From this assessment the development will be visible from Parliament Square and near The Sanctuary, but in these views looking westward along Victoria Street, the development will be at some distance (over 500m) and its height and bulk will complement the scale of foreground buildings and thus have no adverse impact. There will be no impact on the Protected Silhouette of the Palace of Westminster.

It is also evident from the views assessment that there will be minimal visual impact on views from north of Victoria Street. Views from St James's Park (grade I registered park, views 28 and 29) and from the eastern end of Constitution Hill, near Buckingham Palace (grade I listed) and the Queen Victoria Memorial (grade I listed) (view 27) demonstrate that while the upper storeys will be visible, they will only be glimpsed and seen amidst the context of other tall buildings that line Victoria Street. Also because of the road layout and the scale of buildings on the north side of Victoria Street, there are no prominent

views of the new development (eg. view 26) until within very immediate proximity, such as the southern end of Buckingham Gate (view 1).

It is in views from the south and looking along Victoria Street, where the development is most prominently visible and has the greatest townscape impact. Thus, in views 2 and 17, which are looking along Victoria Street from the east the increase in height and bulk is very apparent, however, there is no harm to townscape or in the case of view 2 to the setting of the Broadway and Christchurch Gardens Conservation Area. This is because the character of Victoria Street is one of larger scale, modern buildings and in that context the new building complements that townscape character; and even where the new development is seen juxtaposed the older townscape of the Broadway and Christchurch Gardens Conservation Area it does not harm the significance of this designated heritage asset, as the setting of this conservation area is already one which features largescale modern buildings and as such makes a limited contribution to the area's significance.

Views 6 and 7 demonstrate the townscape impact of the new building in views looking eastward along Victoria Street. These are views from outside a conservation area but the buildings on the right of the view, on the south side of Victoria Street, all lie within the Westminster Cathedral Conservation Area. In these views, particularly view 7, the new building, while large, sits in the context of other largescale modern buildings which line this part of Victoria Street and thus it is regarded as a complementary addition which does not have an adverse impact on the townscape or upon the setting of the conservation area.

Several view assessment points have been taken from within the Westminster Cathedral Conservation Area, namely views 4-5, 8 and 8-11. In some of these views the new building will be visible but will not harmfully change the townscape or conservation area setting, such as in views 5 and 8, because the new building is read within the context of adjacent largescale modern buildings. In view 9 which is close to the cathedral piazza and the main entrance front to the cathedral, the building is obscured by Ashdown House and does not change the setting. However, in other views, such as views 4 and 10, the new development will appear immediately behind the lower scale late-Victorian townscape that characterises the conservation area. In these views, the change in scale and height of the proposed building, is more apparent and abrupt and does cause harm to the setting of the conservation as appreciated from these viewpoints. The degree of harm is less than substantial and at the low end of that spectrum because the Westminster Cathedral Conservation Area already has a somewhat abrupt townscape relationship with Victoria Street and with the Victoria Opportunity Area and as such the impact of the change caused by the current proposal, while not positive, does not significantly alter the conservation area's setting.

Finally, the impact on the Vincent Square Conservation Area and the townscape to the south of the application site have been assessed in views 12-15. The Vincent Square Conservation Area does have a mixed character with a variety of building types and styles, ranging from simple domestic-scaled late Georgian and mid-Victorian residential terraces to larger institutional building with greater levels of embellishment. At the heart of the conservation area is the expansive area of green open space formed by the playing fields in Vincent Square, which is surrounded by tall mature London Plane trees. Because of the open expanse of Vincent Square and the generally lower rise townscape

around it, there are wide townscape views from the perimeter of the square and the conservation area audit notes that as a consequence of this open character the conservation area is strongly influenced by development outside its boundary. Thus, taller buildings which lie outside the conservation area, such as some of those in the Victoria Opportunity Area do impose on the conservation area's setting. In views 13 and 14, from the south side of Vincent Square, the new development will rise above the tree line and appear to the left of the spire of the Church of St Stephen with St John (grade II*), which is a local landmark. In terms of the impact on the conservation area there will be some harm to setting because while the new building will, like other taller buildings in the Opportunity Area such as 64 Victoria Street and Portland House, rise above the tree line, unlike these other examples, the orientation of the application proposal will introduce a building that is tall but also wide and as such reduces the containing qualities of the trees and their relationship to sky. With regard to the impact on St Stephen with St John's Church there will also be harm to its setting perceived from these views. The spire is a local landmark and its silhouette qualities set against a backdrop of sky and perhaps best appreciated from Vincent Square are eroded by the development. It is the case that the spire will still be readily appreciable as a landmark and remain visible from Vincent Square. The level of harm to both the setting of the listed church and the conservation area is considered to be less than substantial.

With regard to general townscape impacts, the applicant's TVIHA has subdivided the surrounding townscape into 6 character areas, which include areas of heritage designation as well as areas that have no heritage designation, these character areas are: Victoria Street; Westminster Cathedral and environs; Birdcage Walk and Broadway; Greycoat Place and environs; Great Peter Street and environs; and finally St James's. In many respects the townscape impacts of the development can be considered in terms of the Victoria Street character area and the relationship of the other townscape character areas to it. As the TVHIA indicates Victoria Street is the spine of this character area. It is a street that has imposed itself on the surrounding townscape from its beginning, when it was driven through this part of the city in the mid-nineteenth century, demolishing existing townscape and severing former street patterns. It is today distinguished by the predominance of large-scale post-war and modern office buildings lining most of both sides of the street. The other townscape character areas have their own distinct attributes but, in many respects, they also have an existing relationship with Victoria Street, whereby to a greater or lesser extent it imposes itself on these earlier areas of townscape and is somewhat unrelated to them. In some instances, the relationship or juxtaposition is well considered such as the massing and spacing between Ashdown House and BP House that created the piazza in front of Westminster Cathedral and opened up its wonderful entrance façade to Victoria Street, however, for the most part the taller, larger buildings whether they are seen from St James's Park or Vincent Square appear discordant and distinct from the townscape that adjoins Victoria Street.

Thus the proposed development in many respects complements the character of Victoria Street and also the relationship between this townscape area and surrounding townscape and as a consequence the overall impact on these townscape areas is considered to be generally neutral, although in the case of Victoria Street, the replacement building has many positive attributes which introduce enhancements to this area when compared with the existing building.

Concluding Assessment

While objection has been raised to the loss of the existing building, primarily on sustainability grounds, specifically the loss of embodied carbon, its loss from a design and townscape perspective is considered acceptable as it is not considered to have many positive aspects to its design, creates a poor environment to its perimeter and its demolition offers the opportunity to improve the character and appearance of this part of the city. Furthermore, as an unlisted building outside a conservation area, it enjoys very limited protection from demolition in planning terms. However, it is the case that as a building which is less than fifty years old, its demolition and replacement does represent a loss of embodied carbon and the generation of further carbon costs in the construction of a replacement building, which is an issue that merits appropriate scrutiny and justification.

The design and construction of the existing building does make refurbishment and re-use extremely challenging, with a forest of over 60 structural columns passing through each of the office floorplates, low floor-to-ceiling heights and poorly sized and positioned circulation cores the structure is not capable of delivering the standard of office accommodation that is now required. Also, as part of the building was designed to house a department store it has a somewhat unrelated structure and floor position to the office building and thus further complicates meaningful re-use.

In terms of carbon use, the applicant's intention with the proposed development is, using whole-life carbon analysis, to achieve carbon neutrality within 10 years of completing the project i.e. the length of time it would take the replacement building to have equalised in carbon cost compared with retaining and upgrading the existing building. Therefore, given the condition of the existing building and the performance of the replacement building compared with upgrading the existing building, it is considered that its demolition on sustainability grounds is also acceptable.

As far as the replacement building is concerned it is large and will certainly have a far greater presence than the current building. The design changes that have been introduced during the course of the application and which have come about in response to consultation feedback, have been effective in better integrating the new building into its immediate surroundings. The strong horizontal datum that defines the top of the terracotta grid at level 9 (50.12m AOD) responds to the height of the faceted glass office building opposite at 62 Buckingham Gate (58.5m – 64m AOD); and the disposition of height, with the taller part of the building to the west, does mirror in some respect the height distribution on the opposite side of Victoria Street. The two principal architectural zones also respond to the immediate context, with the denser grid and redder tones of terracotta relating to the red-brick neighbours to the south and east; while the larger grid and lighter terracotta tones relate to the larger, modern office buildings in Victoria Street. The depth to the façade created by a 400mm reveal and the profiled form to the lighter terracotta grid all add richness and texture to the facades, which is appropriate given the long oblique views that are available.

While the presence of any form of colonnade is to a degree regrettable, it is the case that the covered structure over the greater part of the Victoria Street façade has none of the oppressive characteristics of the current building; it does relate to and in part defines the main entrance; in technical performance terms it provides an important mitigation measure for the local wind microclimate; and finally it does offer the opportunity to

introduce some greening to the terrace above it, which is very much to be welcomed in Victoria Street. A significant enhancement brought about by the proposed design will be a far more active and engaging ground floor with permeability introduced with the provision of a new 'Village Square'.

Finally, the building has been designed to meet very high standards of sustainability and to provide a high standard of office accommodation with wellness embedded into the space and layout provision.

The proposal is considered to be in accordance with many design and design-related policies including policies 1, 4, 38, 40, 41, 43 and 44 of the City Plan 2019-2040: Intend to Adopt version. In terms of policy 41 (building height) and as the height of the building has been a focus of objection to the application, it is the case that this policy does indicate that tall buildings are most appropriately located within the opportunity areas and in the case of Victoria must not cause harm to the World Heritage Site and be sensitive to surrounding townscape, notably listed buildings, conservation areas and registered parks and gardens. As mentioned the proposal will have no harmful impact on the world heritage site and while there will be some harm to nearby designated heritage assets, in terms of impact on their setting, this impact is considered to be less than substantial and at the low end of this spectrum of harm. Finally policy 41 gives a broad indication that tall buildings of between 40 and 60m in height may be appropriate in this location. In this case the main terracotta grid will rise to a height of 45m above street level and the very tallest part of the plant room will be just under 68m above street level and these heights and the immediate context are considered to accord with this policy.

As indicated, there is considered to be some less than substantial harm to the setting of some designated heritage assets and paragraph 196 of the NPPF makes clear that in such circumstances this harm should be weighed against the public benefits of a proposal. In this case, the public benefits of the scheme, set out in this report, and including design and public realm benefits referred to in this section are of a quantum that is considered to outweigh the harm identified.

9.3 Residential Amenity

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.

Policy 7 of the City Plan 2019-2040: Intend to Adopt version relates to managing development for Westminster's people. It states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011), whilst recognising that these Guidelines should be applied flexibly.

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.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly, for example in an historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable. In special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan's Housing SPG which states that 'guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.' It goes on to state that 'the degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London.'

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 PSH 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.

The applicant's consultant, Point 2 Surveyors, has carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at 1 Kings Gate Walk; 1-5 Howick Place; 4-16 Artillery Row - known as 8 Artillery Row; 1-7 Artillery Row, (Westminster Gardens); 52 Victoria Street (Albert Public House); Blocks 8-10 Ashley Gardens and Wigram House, Thirleby Road.

The sunlight and daylight report shows that windows within Blocks 8-10 Ashley Gardens, and Wigram House, Thirleby Road will comply with BRE guidelines for daylight and sunlight.

Residential windows within 1 Kings Gate Walk; 1-5 Howick Place; 8 Artillery Row; 1-7 Artillery Row (Westminster Gardens); 52 Victoria Street (Albert PH) will experience losses in daylight to living/kitchen/dining rooms and bedrooms beyond BRE guidelines and are considered in turn below. Bedrooms are not considered to be main habitable rooms and are therefore considered to be less important.

1 Kings Gate Walk

This building is located on the opposite side of Victoria Street to the north-west of the site and comprises 102 residential units at second to fourteenth floor level with living/kitchen/dining room and bedroom windows facing the site. 121 windows serving 70 rooms have been tested. The windows to the south/Victoria Street elevation are set behind continuous balconies and a stone frame to the building, and the windows to the east elevation are within close proximity to City Hall. As such these windows/rooms, already receive very low daylight levels in terms of VSC and NSL, thus even a small change can appear to have a large proportional effect.

The proposal will see losses of VSC beyond BRE guidelines of between 20.75% - 32.74%. VSC levels to living/kitchen/dining room windows as existing are already as low as 3.56 at second floor level to 7.26 VSC at ninth floor level and will be reduced to 2.59 and 5.55 VSC respectively, with bedrooms as low as 1.50 at second floor level reduced to 1.16 VSC. However none of the windows tested will see a greater actual reduction in VSC than 2.2%.

In terms of NSL, only 5 bedrooms will breach BRE guidelines at second to fourth floor level. All living rooms will experience little or no change in NSL.

Forty rooms impacted on by the development have windows facing within 90 degrees of due south and have been tested for sunlight. Three living/kitchen/dining rooms at second, third and fourth floor level will experience a reduction of APSH beyond BRE guidelines of 33.3%, 22.2% and 24.1% respectively, however these will retain 14, 21 and 22 APSH and winter sunlight will not breach the guidelines.

Overall, it is considered that the impact on daylight and sunlight levels to this property as a result of the proposed development will be within acceptable tolerances.

1-7 Howick Place

This building comprises offices and 33 residential units. The residential units are located over 10 floors (above ground) to the east of the building and over the full footprint on the top two floors. Nineteen of the residential units have windows serving living/kitchen/dining rooms and bedrooms with a single aspect to Howick Place immediately opposite the application site. All windows will breach the BRE guidelines for daylight with significant losses of VSC up to 90.37%.

The lower floors already receive low daylight levels and thus even a small reduction has a large percentage loss in VSC. The existing VSC levels improve floor by floor up the building with the upper floors currently receiving excellent levels of light, and the reductions therefore become larger and will be even more noticeable by the occupants. The results of the VSC assessment for the main living/kitchen/dining room windows (the main habitable room) are shown in the table below:

Living/kitchen/dining rooms	Existing VSC	Proposed VSC	% Loss VSC
Floor 1	4.30	0.69	83.95
Floor 2	5.91	1.05	82.23
Floor 3	7.71	1.09	85.86
Floor 4	10.29	1.62	84.26
Floor 5	13.56	2.24	83.48
Floor 6	17.24	2.92	83.06
Floor 7	25.29	8.96	64.49
(one unit)	23.40	7.97	65.94
Floor 8	27.70	10.75	61.19
(one unit)	26.95	10.18	62.23
Floor 9			
Unit 1	29.53	12.73	56.89
	29.56	13.36	54.80
	19.40	16.40	15.46
Unit 2	29.02	11.51	17.51
	7.22	1.95	5.27
Unit 3	28.30	10.34	63.46
	7.34	2.46	66.49
Unit 4	26.24	9.38	64.25
	7.55	3.57	52.72
Unit 5	9.53	3.62	62.01
	22.43	9.79	56.35
Unit 6	22.43	10.32	53.99
	6.88	4.65	32.41
Floor 10			
Unit 1	31.69	28.01	11.61
	30.58	13.64	55.40
	16.68	11.21	32.79
Unit 2	29.95	12.02	59.87
	17.54	12.27	30.05
Unit 3	28.87	10.78	62.66
	18.01	13.43	25.43
Unit 4	19.68	13.82	29.78
	25.74	10.94	57.50
Unit 5	25.81	11.50	55.44
	13.41	10.94	18.42

NB. There are two further residential units on floors 9 and 10 with windows to Howick Place, however, their

living/kitchen/dining rooms are dual aspect with further windows to Francis Street, which will be unaffected by the proposal. These units are not included in the table.

All rooms will also breach BRE guidelines in terms of NSL experiencing losses of between 28.9 and 96.9%. The windows fronting the site face north and do not therefore need to be tested for sunlight.

The applicant makes the point that the retained VSC and NSL levels to the upper floors with the proposed development in place will be comparable to the existing VSC and NSL levels to the lower floors and that whilst there is a noticeable impact on the levels of daylight received on the upper levels the overall retained position can be considered commensurate with residential properties in this locality.

It is without doubt that the daylight losses to these flats are significant and undesirable, and fall at the very extreme of what can reasonably be considered acceptable even for a Central London location. Residents will experience a significant worsening of lighting standards with flats appearing more dull, and those on the upper floors particularly, will have a much reduced outlook and sense of airiness.

8 Artillery Row

This building contains 22 residential units, eight of which (one apartment per floor at first to eighth floor level) contain windows facing Howick Place opposite the application site. To the Howick Place frontage, each apartment contains windows serving two bedrooms, a bathroom and a living/kitchen/dining room - also served by further windows and a balcony onto Artillery Row which will be unaffected by the proposal. The first floor apartment has a floor to ceiling glass façade. The penthouse apartment has a terrace which wraps around the perimeter of the building and contains bedroom windows only to this elevation.

The windows to Howick Place already receive low levels of daylight which improve the higher up the building with VSC as low as 7.09 at first floor level up to 31 at eighth floor level. This will be reduced to 3.19 and 16.61 VSC respectively (with losses of 55% and 46.42%).

In terms of NSL, all bedrooms will breach BRE guidelines, but given the dual aspect of the living/kitchen/dining rooms they will experience little change in NSL. The windows fronting the site face north and do not therefore need to be tested for sunlight.

There will be a noticeable impact on daylight levels, particularly to the bedrooms and whilst these are not main habitable rooms, the impact upon them is highly regrettable. Given the dual aspect nature of the living/kitchen/dining rooms it is considered that these will retain an acceptable level of daylight.

1-7 Artillery Row (Westminster Palace Gardens)

This building is located to the east of the site. It has retail units at ground floor level with residential units at first to seventh floor level. The exact layout of the apartments are not known so the worst case scenario that they are main habitable rooms has been assumed. A number of the windows at first to fifth floor level are set back from the frontage behind stone columns and small balconies and these windows therefore already receive a very low level of light. The BRE guidelines acknowledge that existing

windows with overhangs/balconies above them typically receive less daylight, and that even a modest obstruction opposite may result in a large relative impact on the VSC. This report therefore focuses on the larger main windows to this frontage which do not have overhangs.

All windows will breach the BRE guidelines for daylight. At first to fifth floor level the windows currently receive reasonable levels of daylight for a close urban environment with VSC levels of between 15.57 at ground floor level up to 23.28 at fifth floor level. This will be reduced to VSC levels of 10.49 and 14.58 respectively (with losses of between 29.02% - 46.39% to all windows). The windows to the top two mansard stories currently have a VSC level of between 25.27 – 29.69 which will be reduced to a VSC level of between 16.53 - 22.16 (with losses of between 29.30% - 34.59%). All rooms will also breach BRE guidelines in terms of NSL experiencing losses of between 28.8 and 90.5%.

The loss of daylight from the proposed development will therefore be noticeable to residents. The applicant argues however, that the overall retained position can be considered commensurate with residential properties in this locality.

Nine rooms require to be tested for sunlight. Three rooms at third and fourth floor level will experience a reduction of APSH beyond BRE guidelines of 40%, 28.6% and 50%, however, these will retain 18, 25 and 16 APSH and winter sunlight will not be affected. The retained levels of sunlight are considered acceptable within a close urban environment.

52 Victoria Street (The Albert Public House)

The Albert Public House is located to the north east of the site on the opposite side of Victoria Street. The second and third floor level contain ancillary residential accommodation.

Fourteen windows have been tested, eight of which will breach BRE guidelines for daylight with a reduced level of VSC of between 14.30 – 18.83 as existing to 10.70 – 13.94 as proposed (losses of VSC of between 24.90% and 27.66%¹). Two rooms breach NSL, however the exact room layout is unknown. One room at second floor level will experience a reduction of APSH beyond BRE guidelines, however, it will retain 24 APSH and 4 winter PSH.

Overall, the impact on daylight and sunlight levels to this property as a result of the proposed development is considered to be within acceptable tolerances.

Daylight and Sunlight Conclusion

The proposed development will result in some significant losses of daylight to surrounding residential blocks, most notably to 1-7 Howick Place, where residents will experience a significant worsening of lighting standards. The losses fall at the very extreme of what can reasonably be considered acceptable even for a Central London location.

However, losses in excess of BRE guidelines would also be unavoidable even with a new building at the same height as existing but with a continuous building line to the street frontages. The only means of protecting substantively the existing lighting

conditions would be to reduce the height of any new building and incorporate setbacks. If this were to be done the floorspace then available on the site would be considerably reduced and is likely to render the scheme unviable and the regeneration and growth benefits in the scheme would not be realised. It is therefore considered that whilst the daylight losses are highly regrettable the benefits of the scheme are sufficient in this instance to justify the losses of amenity to surrounding residents.

Privacy

Terraces are proposed at tenth to fourteenth floor level on the flat roof areas where the building steps in. The balustrade to the terrace at tenth floor level is proposed to be set back 1.9m from the façade line so as to prevent any overlooking/loss of privacy to residential windows and terraces opposite on Howick Place and 8 Artillery Row. Given the height and set back nature of the terraces above, these will not result in any significant loss of privacy to the detriment of neighbouring residents.

The first floor apartment within 8 Artillery Row contains floor to ceiling height glazing. An objection has been received on the grounds that the proposed windows within the flexible retail unit at mezzanine level will result in significant overlooking to this property (approximately 14m apart). A condition is therefore recommended to secure a revised treatment to the windows to this unit at mezzanine level immediately opposite the first floor apartment at 8 Artillery Row to protect the privacy of residents.

9.4 Transportation/Parking

The applicant has submitted a Transport Assessment in support of their application. No car parking is proposed which is consistent with UDP policies TRANS21 and TRANS22 of the UDP and Policy 24 of the City Plan 2019-2040: Intend to Adopt version . Five disabled car parking spaces are provided on Howick Place.

Cycle parking

944 cycle parking spaces are proposed - 809 long stay for the occupiers of the building and 135 short stay for public use, which is in accordance with the London Plan 2021. The majority of spaces will be provided at basement level accessible via the feature ramp off Howick Place. A small number of short stay spaces will also be provided at ground floor level within the public realm. The London Mayor has requested detailed drawings of the cycle parking to ensure that it meets their standards and it is recommended that this be secured by condition. Showers and changing room facilities are provided at basement level which is welcomed.

The London Mayor requires a Travel Plan for the development and it is recommended that this be secured by condition.

Servicing

Policy S42 of the City Plan and TRANS20 of the UDP require adequate off-street servicing provision.

Policy 29 of the City Plan 2019-2040: Intend to Adopt version of relates to freight and servicing and states that servicing, collection and delivery needs should be fully met within a development site and applicants will produce Delivery and Servicing Plans

which encourage provision for low-emission, consolidation and last mile delivery modes. Provision for servicing, collection and deliveries within developments will be: located behind new or converted buildings, or below street level; appropriate in size, type and anticipated frequency of arrival of vehicles; and capable of being shared with other businesses.

The proposed development includes a three bay off-street servicing area off Howick Place to service the whole development. The servicing bay will accommodate 7.5T box vans which will be able to access and leave in a forward gear. The applicant maintains that all servicing will be able to be accommodated within the proposed servicing bay. The Highways Planning Manager considers that the design and layout of the loading bay is acceptable and raises no objection to this element of the scheme subject to conditions that all servicing occurs from within the servicing bay and not from the highway; and to secure a servicing management plan.

Highway works

The applicant seeks to make the eastern end of Howick Place two-way, so that servicing vehicles can come and go from Artillery Row, taking servicing vehicles away from Howick Place and Francis Street. This will result in the loss of some on-street visitor car parking spaces and a number of disabled car parking spaces having to be relocated, however, the Highways Planning Manager considers that the proposed arrangements are beneficial.

It is recommended that all highway works, including making part of Howick Place two-way; changes to the pedestrian crossing to Victoria Street; short stay cycle parking; changes to on-street parking bays and restrictions; new vehicle access and alterations to adjoining footway and associated works (legal, administrative and physical) are secured through the S106 legal agreement.

The proposed building line will require small areas of stopping-up of the existing highway and other areas where the pavement width will be slightly increased adopted as highway. The Highways Planning Manager raises no objection to this element of the scheme and considers it will improve the pedestrian environment. This will need to be secured by a S247 order to which Committees authorisation is sought.

A new public access route is proposed through the building and it recommended that a walkways agreement be secured through the s.106 legal agreement to ensure public access is retained and accessible to all.

Tables and Chairs

Tables and chairs are shown on the public highways on Wilcox Place and Artillery Row at its junction with Victoria Street. Tables and chairs on the public highway will need to be the subject of a separate application and an informative is attached advising the applicant of this position.

9.5 Economic Considerations

The applicant has submitted a Socio-Economics/Regeneration statement in support of their application which sets out the predicted uplift in economic benefits arising from the

development.

During the construction period, it is estimated that it is likely to support 900 construction jobs per year over a 4-year build period and will generate around £0.8 million to £1.4 million in local spend per year. When the proposed development has been completed it is estimated that it will create up to 3,130 full time jobs, which have the potential to generate between £210 – 213.9 million in Gross Value Added (GVA) for the local economy. The new on-site employment will also generate additional spending in the local economy, with the total spending generated by gross direct on-site employees estimated to be at least £4.9 million per year. The Proposed Development will also provide additional income to the public sector, generating an annual business rates revenue income in the region of £25 million per year, around £6 million higher than the current Site.

In addition an Employment and Skills Plan, including operational phase employment targets and a financial contribution of ££821,891.67 to support the Westminster Employment Service is to be secured by the S106 legal agreement.

9.6 Access

The application is supported by an Access and Inclusive Design Statement. This advises that the proposed development has been designed with inclusive access in mind and has taken into account relevant policy, regulations and good practice. Step free access is proposed into each of the uses with lift access to the basement and upper floors. The Village Square is gently ramped from Victoria Street to Howick Place to negotiate level differences, ensuring it is fully accessible to all users.

9.7 Other UDP/Westminster Policy Considerations

Noise/Plant

Plant is proposed at basement level 1 and 2 and within a plant enclosure at main roof level. Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

Refuse /Recycling

A central waste store is proposed at basement level 2 with separate waste, recycling and food waste storage areas, which are large enough to accommodate the waste expected from the development. A collection area is proposed within the servicing bay at ground floor level to prevent waste being stored on-street pending collection. The Council's Waste Project Officer raises no objection.

Trees and Urban Greening

Policy 34 of the City Plan 2019-2040: Intend to Adopt version relates to Green infrastructure and Policy G1 and G5 of the London Plan embed urban greening as a fundamental aspect of site and building design.

The application includes the removal of three council owned trees on Wilcox Place which make a valuable contribution to the streetscape. However, they are relatively young specimens, and one is not in a good condition. The Arboricultural manager therefore raises no objection to their replacement.

Six Ginkgo biloba trees are proposed to be planted in the ground on Wilcox Place, and ten trees in planters on Artillery Row on the corners with Victoria Street (6) and Howick Place (4). Trees in planters are high maintenance and often short lived, however, there is no space beneath the pavements in these areas to accommodate tree planting in the ground and the Arboricultural Manager therefore raise no objection to planters in this location. Substantial levels of planting, green walls and biodiverse features are installed across the several terrace levels of the building, described as a 'stepping urban garden'. The applicant has calculated the Urban Greening Factor (UGF) of the proposed development as 0.4 which exceeds the target set out in the London Plan.

It is recommended that full details of landscaping including soil volumes, profiles and water irrigation; and a management plan for the terraces and street level planters be secured by condition.

Sustainability

Policy 36 of the City Plan 2019-2040: Intend to Adopt version relates to energy and states that the council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. All development proposals should follow the principles of the Mayor of London's energy hierarchy. Major development should be net zero carbon. Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement.

The applicant has submitted an Energy 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.

A combination of optimised passive design measures, energy-efficient plant and a centralised heat pump system, will result in an overall annual carbon reduction of 47.2% relative to the current Building Regulations (2013). The Mayor's Stage 1 report has requested additional information in relation to the proposed energy strategy and for the applicant to investigate the use of renewable technologies including PV and bio-solar installations. A carbon offset payment will be required for any shortfall in carbon savings relative to the zero carbon target which will be calculated when the final energy strategy has been agreed and secured through the s.106 legal agreement.

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.

A thermal comfort study has been provided to demonstrate that the overheating strategy is suitable for current and future climates.

The scheme seeks to achieve an 'Excellent' rating under BREEAM New Construction 2018 'shell and core' assessment methodology and a Very Good' rating for the retail areas.

Whole Life Carbon Cycle

The environmental concerns raised about the demolition of the existing building is understood. Embodied carbon is defined in the London Plan as "The total life cycle carbon / energy / greenhouse gases used in the collection, manufacture, transportation, assembly, recycling and disposal of a given material or product."

The applicant states that the existing building significantly underperforms in terms of energy efficiency and would require comprehensive replacement of facades and mechanical plant and even then it would not deliver office accommodation currently required to meet modern office standards. The building currently achieves an E rating in energy efficiency, demonstrating its poor performance.

The Applicant has confirmed that a demolition and rebuild would be necessary to achieve the optimal levels of sustainability and that the enhanced sustainability credentials proposed will mean that carbon payback will be achieved within as little as 7 years. The building is designed to offer flexibility and resilience to ensure that it evolves and remains attractive as an office of the future.

Flood risk and sustainable urban drainage

The site is located within Flood Zone 3 and is protected to a high standard by existing Thames tidal flood defences. The Flood Risk Assessment submitted considers the risk of flooding from a range of sources and concludes that the site is at low or very low risk of flooding from surcharging sewers, ground water, surface water, rivers and tidal sources. The Environment Agency raises no objection.

The proposed development incorporates a Sustainable Drainage System (SuDS) to alleviate surface water flood risk, by limiting discharge flow rates and incorporating attenuation storage.

Air Quality

Policy 32 of the City Plan 2019-2040: Intend to Adopt version relates to Air quality. The council is committed to improving air quality in the city and expects development to reduce exposure to poor air quality and maximise opportunities to improve it locally without detriment of air quality in other areas. Major developments should be at least Air Quality Neutral. Major developments in Opportunity Areas must additionally demonstrate how local air quality can be improved across the proposed development as part of an air quality positive approach.

The whole of Westminster 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 in terms of building and transport emissions and the proposed development will be air quality positive.

Microclimate

The applicant has provided a local wind microclimate assessment. This confirms that when the development is complete, the wind conditions within and around the site will range from suitable for sitting to strolling use during the windiest season. Thoroughfares, entrances, pedestrian crossings and bus stops will be suitable for their intended pedestrian use. During the summer months, wind conditions will generally be one category calmer ranging from suitable for sitting to standing use. On the basis of the information submitted, the microclimate implications of the proposed development are therefore considered acceptable.

Designing Out Crime

Policy S29 of the City Plan seeks to ensure that development addresses the need to secure a healthy and safe environment, including minimising opportunities for crime. Policy 44 of The City Plan 2019-2040: Intend to Adopt version relates to security measures in the public realm.

The Metropolitan Police's Designing Out Crime officer has raised concerns about the proposal, particularly the extreme permeability of the ground and basement floors and the cycle strategy, on the basis that they are likely to generate anti-social behaviour, theft and crime issues.

The applicant emphasises that anti-social behaviour and crime prevention have been key factors in the schemes development and follows the principles of 'Crime Prevention Through Environmental Design' by supporting natural surveillance for staff and the public, as well as providing security surveillance systems and staff. There will be security cameras across the site and a security team who will have a 24/7 presence. The cycle storage and ramp will be actively managed and controlled by staff and security systems.

The increased permeability of the site with a new route through the building and on-site short stay cycle parking are seen as public benefits. The concerns of the Designing Out Crime officer are understood, however, it is considered that many of these issues can be dealt with through management controls and onsite security. Concerns about the demarcation of public and private areas are likely to evolve at the detailed design stage of the internal areas and as part of tenant requirements.

9.8 Westminster City Plan

Following an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concludes that with the recommended main modifications, the plan is sound and compliant with legal requirements. In light of this conclusion, council intends to formally adopt the City Plan 2019-2040: Intend to Adopt version (incorporating these main modifications) at the next meeting of Full Council. Therefore, having regard to the tests set out in paragraph 48 of the NPPF and the advanced stage in the plan-making

process, all policies in the City Plan 2019-2040 now carry significant weight as a material consideration when determining applications in accordance with the duty set out under s.38(6) of the Planning and Compulsory Purchase Act 2004.

9.9 Neighbourhood Plans

Not applicable.

9.10 London Plan

The application has been referred to the Mayor of London. The stage 1 referral letter has been received and the application is supported in principle. The intensification of office use within the CAZ and Victoria Opportunity Area is strongly supported and given the site constraints a payment in lieu of on-site affordable housing is acceptable in this instance. The development of a tall building in this location is acceptable, however, the elevations would benefit from further refinement and simplification. The introduction of new public realm is supported. The proposal would not harm the significance or setting of nearby heritage assets.

The proposed energy strategy generally complies with the London Plan. Further work, however, is required regarding the energy strategy, Healthy Streets, cycle parking and a trip generation impact assessment. The proposed highway works to the bus layby must be agreed with TfL Buses. The Urban Greening Factor would exceed policy requirements, which is strongly supported, and landscaping details should be secured to ensure that this is brought to fruition.

9.11 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 this conditions.

9.12 Planning Obligations

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

- The provision of 20 desk spaces (equivalent to 140sqm) of affordable workspace to be provided at 50% of the market rate and 50% service charge, for a 10-year period.
- Community use strategy for the multi-purpose activity space at basement level, to be provided to local community groups and local schools in perpetuity and free of charge.
- A Walkways Agreement to secure access for the public at ground floor level across the site.
- Employment and Skills Plan including operational phase employment targets and a Financial Contribution of £821,891.67 to support the Westminster Employment Service (index linked and payable on commencement of development).
- Highway works to Victoria Street, Artillery Row, Howick Place and Wilcox Place including changes to on-street traffic orders; changes to on-street parking bays and parking regulations; vehicular crossover into servicing bay; making part of Howick Place two-way; revised informal pedestrian crossing on Victoria Street; redesign of bus stop on Victoria Street; renewed footways; tree planting and provision of short-stay cycle parking and associated works (legal, administrative and physical).
- Carbon offset payment (index linked and payable on commencement of development) (amount TBC subject to submission of final Energy Strategy).
- Monitoring costs.

The estimated CIL payment is: £9,604,256.73

9.13 Environmental Impact Assessment

The City Council issued a screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) on 9 June 2020 confirming that a development of this nature would not require an Environmental Impact Assessment (EIA).

Sustainability and environmental issues have been covered in section 9.7 above.

9.14 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; SEMP; 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.

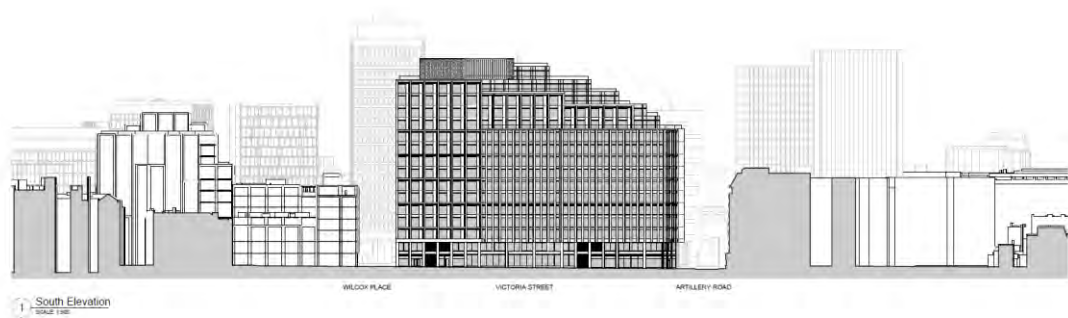
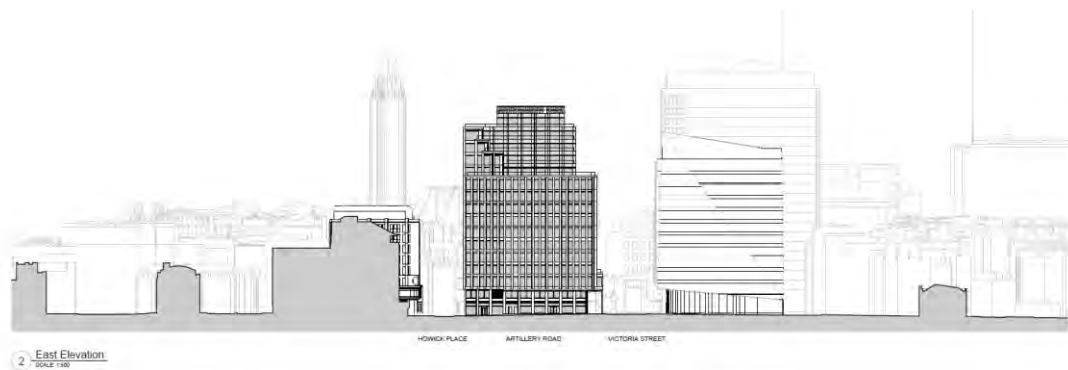
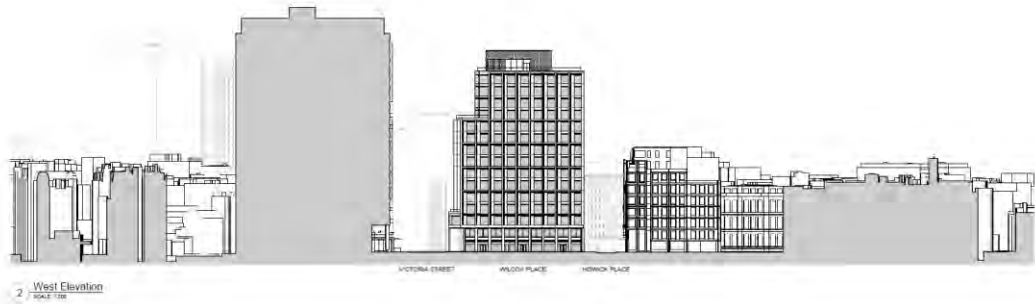
Fire and Safety

The applicant has submitted a Fire Statement as required by Policy D12 of the London Plan which details the range of fire safety measures in terms of fire detection and control, means of evacuation and escape and access. It is recommended that this be secured by condition.

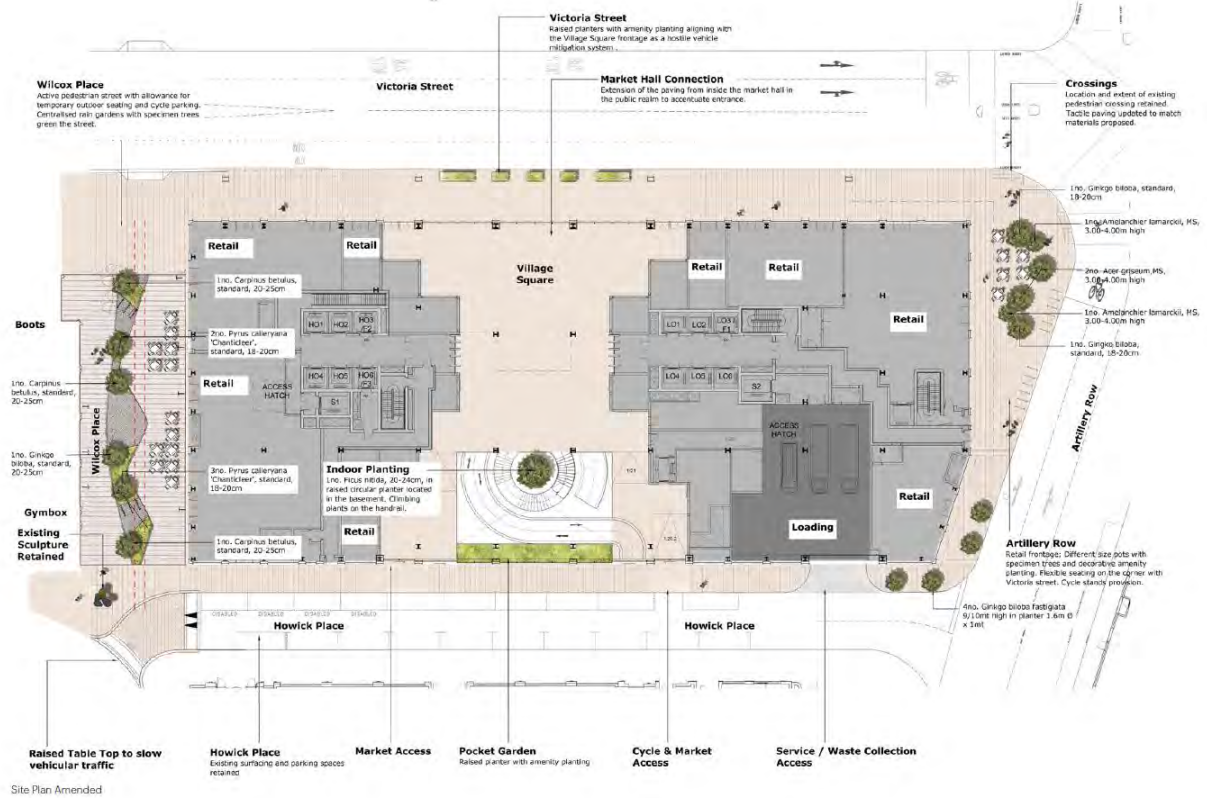
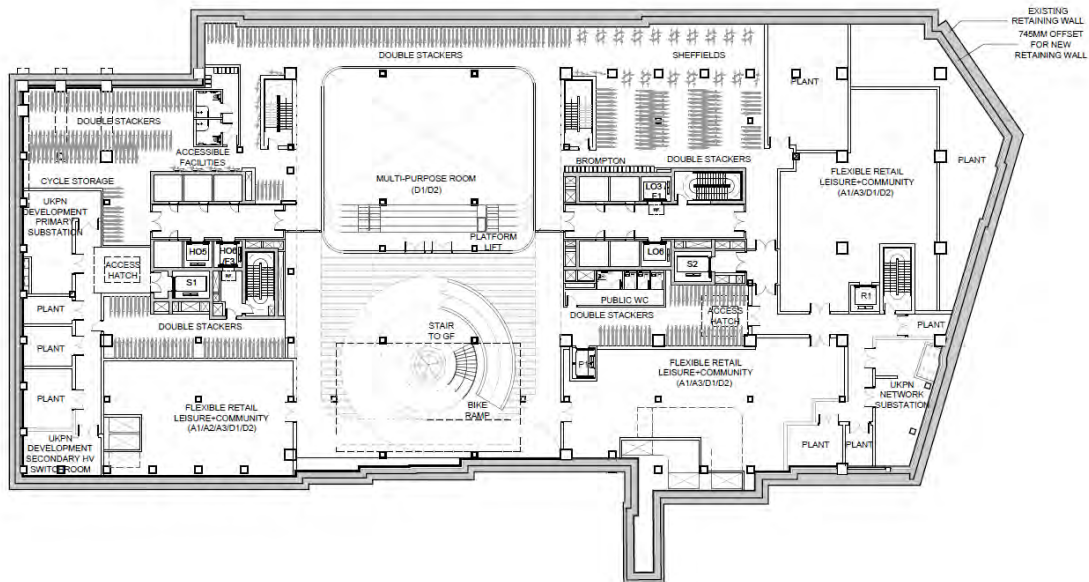
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

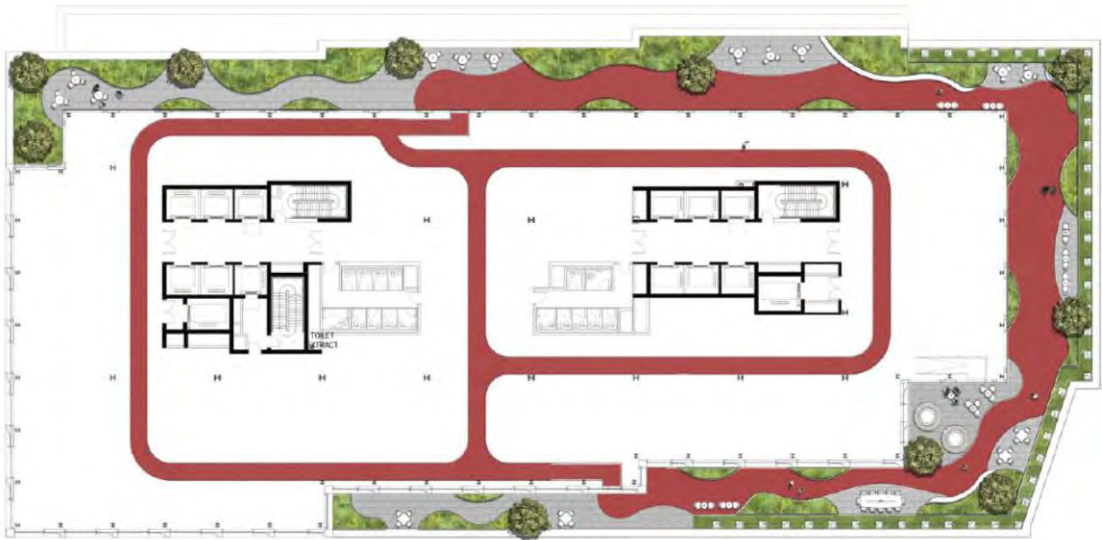
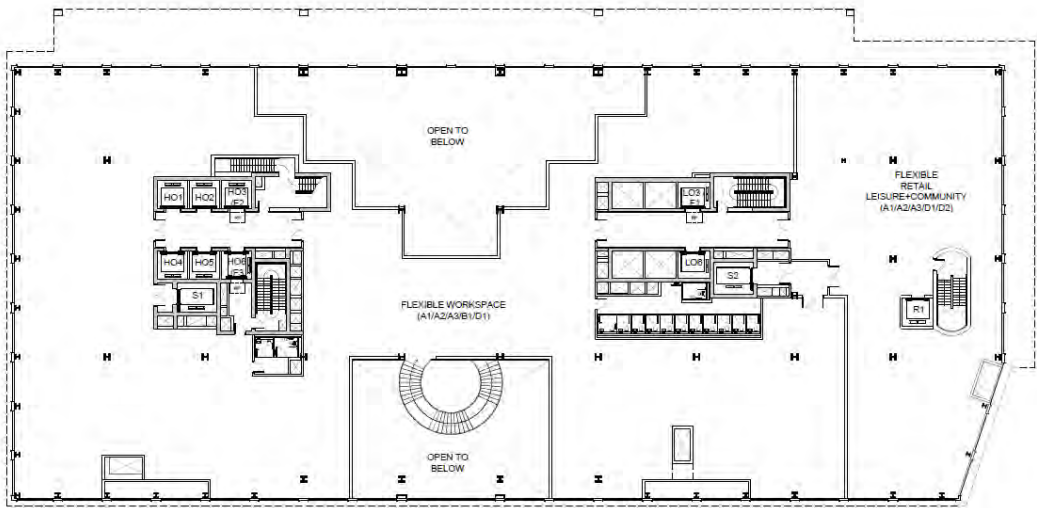
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

10. KEY DRAWINGS

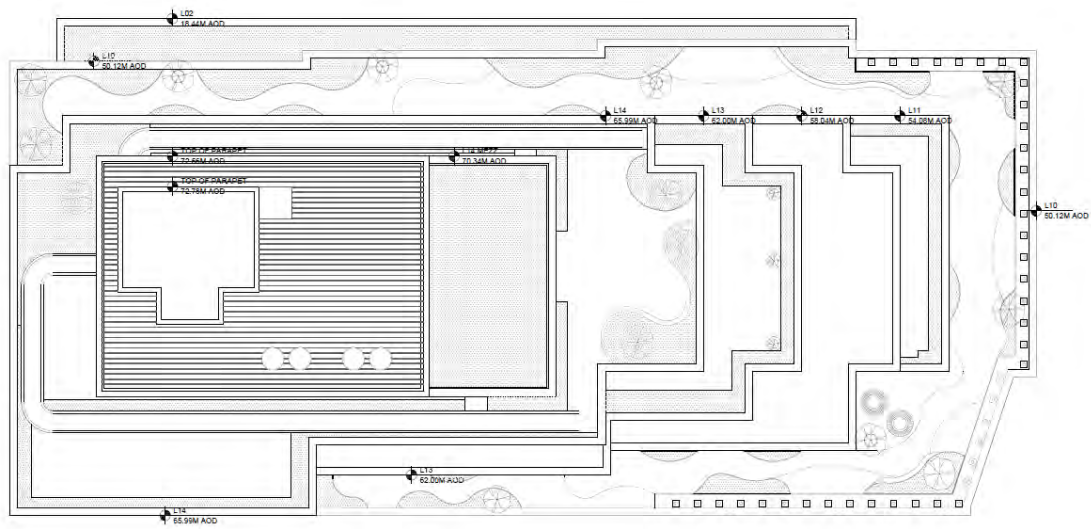








Level 10 Amended







DRAFT DECISION LETTER

Address: Southside, 105 Victoria Street, London, SW1E 6QT

Proposal: Demolition of existing building, extension of existing basement and erection of a new building of ground, mezzanine, plus up to fourteen-storeys with terraces at tenth to fourteenth floor level, comprising office accommodation; flexible retail, restaurant, bar, community and leisure uses; internal pedestrian route with 'Village Square', plant at main roof level; servicing, cycle parking and highways, landscaping and associated works.

Reference: 20/04966/FULL

Plan Nos: Existing Plans: PA 001, PA 002, PA 003, PA 016, PA 017, PA 018, PA 019, PA 020, PA 021, PA 022, PA 023, PA 024, PA 025, PA 026, PA 027, PA 028, PA 029, PA 030, PA 031, PA 032, PA 033, PA 034, PA 035, PA 036, PA 037, PA 038 and PA 039., Proposed plans: PA 098 - Rev 1, PA 099 - Rev 1, PA 100 - Rev 1, PA 101 - Rev 1, PA 102 - Rev 1, PA 103 - Rev 1, PA 104 - Rev 1, PA 105 - Rev 1, PA 106 - Rev 1, PA 107 - Rev 1, PA 108 - Rev 1, PA 109 - Rev 1, PA 110 - Rev 1, PA 111 - Rev 1, PA 112 - Rev 1, PA 113 - Rev 1, PA 114 - Rev 1, PA 115 - Rev 1, PA 116 - Rev 1, PA 117 - Rev 1, PA 118 - Rev 1, PA 201 - Rev 1, PA 202 - Rev 1, PA 203 - Rev 1, PA 204 - Rev 1, PA 205 - Rev 1, PA 206 - Rev 1, PA 250 - Rev 1, PA 251 - Rev 1, PA 260, PA 301 - Rev 1, PA 302, PA 303, PA 304 and PA 305. 762-11-01/F; 2762-11-08/E; 2762-11-10/B, 2762-11-12/B, 2762-11-14/B, 2762-11-15/D, 2762-11-16, 2762-11-17 and 23747501-STR-HGN-098-DR-D-70202/P0., Planning Statement, DP9 August 2020; Design and Access Statement, KPF August 2020; Design and Access Addendum Report KPF dated February 2021; Townscape, Visual Impact and Heritage Assessment, Peter Stewart Consultancy and Millerhare August 2020; Townscape, Visual Impact and Heritage Assessment Addendum by Peter Stewart Consultancy February 2021; Air Quality Assessment, Air Pollution Services August 2020; Arboricultural Impact Assessment, Arbeco August 2020; Archaeological Desk Based Assessment, AOC Archaeology Group; Contaminated Land Assessment, RMA Environmental August 2020; Daylight and Sunlight Assessment, Point 2 Surveyors August 2020; Letter from Point 2 Surveyors dated 29 January 2021; Energy and Sustainability Statement SWECO August 2020; Flood Risk Assessment and Sustainable Drainage Strategy, AKTII August 2020; Framework Travel Plan, Steer August 2020; Noise Impact Assessment, Sandy Brown August 2020; Outline Construction Management and Logistics and SEMP, Skanska August 2020; Outline Delivery and Servicing Management Plan, Steer August 2020; Letter from Steer dated 17 September 2020; Socio-Economics - Regeneration Statement, Hatch August 2020; Statement of Community Involvement, Kanda August 2020; Structural Survey Structural Methodology Statement, AKTII August 2020; Transport Assessment, Steer August 2020; Utilities Statement, SWECO August 2020; Fire Statement Rev 03 by SWECO dated 10 March 2021; Roffey Brothers Coir Roof Garden Mix; Sky Superstrates; Intensive Lightweight Topsoil by Bourne Amenity Ltd 11 February 2019.,

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 , onot 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 neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 and Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt, version (March 2021). (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 neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 and Policies 7 and 33 of the City Plan 2019 - 2040:

Intend to Adopt, version (March 2021). (R11AC)

- 4 You are required to comply with the Council's Code of Construction Practice referred to in condition 3 by including specific provisions as part of the site environmental management plan or construction management plan to secure the following: , , - A construction logistics plan.

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 and Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt, version (March 2021). (R11AC)

- 5 You must apply to us for approval of samples of the facing materials you will use for the new building, 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.

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), DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007 and Policy 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R26AD)

- 6 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the building: , , i) typical facade bays. , , The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels. , , You must then carry out the work according to these approved sample(s).

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), DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007 and Policy 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R26AD)

- 7 The following design features must be retained through the design development process: , , i) Provision for natural ventilation at façade; , ii) 400mm reveal depth to facades; , iii) use of terracotta as the primary facing material; , iv) profiled stepping to reveal elements of the lighter terracotta cladding; , v) profiled coffering and embellishment to the ceiling of colonnade structure and ground floor 'village square' area.

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), DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007 and Policy 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R26AD)

- 8 You must apply to us for approval of full details of the following parts of the new building: , i) typical window types;; ii) typical external door types;; iii) typical cills and reveals;; iv) location and size of movement joints;; v) step backs in façade;; vi) interfaces with windows/glazing;; vii) interfaces with landscaping;; viii) ventilation and other services terminations at façade and roof;; ix) railings and/or balustrades;; x) integral lighting;; xi) shopfronts, including indicative locations and design principles for display of all signage;; xii) location and appearance of CCTV cameras;; xiii) the entrance screens which can close off the 'village square' from Victoria Street and Howick Place, including means of operation;; xiv) the retail kiosks within the 'village square' and how the opening screens operate. , You must not start any work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016), DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007 and Policy 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R26AD)

- 9 The building maintenance unit(s) shall be positioned in the parked and hidden position at all times when not in use.

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), DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007 and Policy 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R26AD)

- 10 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.

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 and Policy 43 the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R37AB)

- 11 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), DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007 and Policy 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R26AD)

- 12 No more than 4,193 sqm (GIA) of floorspace shall be used flexibly within Classes A1, A2, A3, A4, D1, D2 or sui generis with the following individual limitations: , a. A minimum of either 6 units or 160sqm (GIA) shall be used as retail within Class A1 at any one time., b. The maximum size of any one unit shall be no more than 1258sqm (GIA).,

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SS4, SS5, TACE 8, TACE 9, TACE10, SOC1 and SOC7 of our Unitary Development Plan that we adopted in January 2007 and S6, S21, S24 and S34 of Westminster's City Plan (November 2016) and Policy 14, 16 and 17 of The City Plan 2019-2040: Intend to Adopt version (March 2021).

- 13 Customers shall not be permitted within the flexible units before 07.00 or after 00.30 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), ENV 6, ENV 7 and TACE 8, 9 and 10 of our Unitary Development Plan that we adopted in January 2007 and Policy 16 and 33 of the City Plan 2019-2040: Intend to Adopt version (March 2021). (R12AC)

- 14 You must apply to us for approval of an operational management plan (OMP) for each of the flexible units and the Village Square before any of the following uses commence: , (i) Restaurant/cafe (Class A3);, (ii) Bar (class A4);, (iii) Uses within Class D1; , (iv) Uses within Class D2; , (v) Uses within Sui Generis. , Each OMP should include number of staff and customers, hours of operation, membership details (if relevant) and 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 occupy any of the above uses 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 these uses are in place. Should any of the uses change a new OMP will be required to be submitted and approved by us and the measures carried out at all times that the use is in place. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S6, S24, S29, S32 and S34 of Westminster's City Plan (November 2016), TACE8, TACE9, TACE 10, SOC1, SOC7 and ENV 6 of our Unitary Development Plan that we

adopted in January 2007 and Policy 14, 16 and 17 of The City Plan 2019-2040: Intend to Adopt version (March 2021).

- 15 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. All servicing must take place between 0800 and 2000. 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), STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in, January 2007 and Policy S29 of The City Plan 2019-2040: Intend to Adopt version (March 2021). (R23AC)

- 16 No music shall be played such as to be audible outside the premises to the nearest noise sensitive, residential receptor.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016), ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007 and Policy 33 the City Plan 2019-2040: Intend to Adopt version (March 2020). (R13BC).

- 17 (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; 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; and Policy 33 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R46AB)

- 18 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 and Policy 33 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R48AA)

- 19 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, for any restaurant (class A3) uses or other uses which contain a commercial kitchen, including details of how it will be built and how it will look. You must not begin any restaurant uses allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016); ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007 and Policy 38 and 33 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R14AC)

- 20 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. 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); ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007 and Policy 33 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R13BC)

- 21 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels and Policy 33 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R51AB)

- 22 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the flexible use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the flexible use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted

hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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; and Policy 33 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R47AB)

- 23 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: , Measures to be used to prevent overlooking into the first floor apartment of 8 Artillery Row from the flexible retail unit (Use Class A1/A2/A3/D1/D2) at mezzanine level. , You must not start any work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to the approved drawings and the measures shall be installed prior to occupation of the flexible unit at mezzanine level and retained thereafter.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 of Westminster's City Plan (November 2016); ENV 13 of our Unitary Development Plan that we adopted in January 2007 and Policy 7 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R21BC)

- 24 You must provide the waste store shown on drawing 23747501-STR-HGN-098-DR-D-70202/P0 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); ENV 12 of our Unitary Development Plan that we adopted in January 2007 and Policy 37 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R14BD)

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

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016); ENV 12 of our Unitary Development Plan that we adopted in January 2007 and Policy 37 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R14BD)

- 26 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); TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007 and Policy 24 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R24AC)

- 27 You must apply to us for approval of details of secure cycle storage for the whole development (944 spaces - 809 long stay and 135 short stay). You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 25 of the City Plan 2019-2040: Intend to Adopt version (March 2020) and T6 of the London Plan (2021).

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

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), STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007 and Policy 29 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R23AC)

- 29 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), STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007 and Policy 29 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R23AC)

- 30 Before you occupy the building, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of: , (a) A comprehensive survey of all users of the building; (b) Details of local resident involvement in the adoption and implementation of the Travel Plan; (c) Targets set in the Plan to reduce car journeys; (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new development is occupied. , At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment and people in neighbouring properties as set out in T4 of the London Plan (2021) and Policy 24 of the City Plan 2019-2040: Intend to Adopt version (March 2020). ,

- 31 You must carry out the measures included in the Fire Statement Rev 03 by SWECO dated 10 March 2021 and you must not change it without our permission. , ,

Reason:

All developments must achieve the highest standards of fire safety as set out in Policies D5 and D12 of the London Plan (2021)

- 32 The development shall achieve a BREEAM rating of 'Excellent' (New Construction 2018 'shell and core' or any such national measure of sustainability that replaces that scheme of the same standard) and 'Very Good' rating for the retail areas. , , 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) and Policy 36 and 38 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R44AC)

- 33 You must provide the following environmental sustainability features (environmentally friendly features) as set out in your Energy and Sustainability Statement by SWECO dated August 2020 before you start to use any part of the development. 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) and Policy 36 and 38 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R44AC)

- 34 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. 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 three 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); ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007 and Policy 34 of the City Plan 2019-2040: Intend to Adopt version (March 2020). (R30AC)

- 35 You must provide details of the soil within the planters on terraces, including plan and section drawings showing the soil depth across each area and the drainage layer and confirming total soil volumes in each area. You must include a specification for the soil in these areas and a methodology for importing and laying the soil. 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 submitted details.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016); ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007 and Policy 34 of the City Plan 2019-2040: Intend to Adopt version (March 2020).

- 36 You must apply to us for approval of a management plan including details of biodiversity features, for all areas of soft landscaping, including the terrace planting and street level planters., , You must not occupy the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain these features in accordance with the approved management plan.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016); ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007 and Policy 34 of the City Plan 2019-2040: Intend to Adopt version (March 2020).

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, the City Plan 2019 - 2040: Intend to Adopt version (March 2021), 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 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:
 - , o The provision of 20 desk spaces (equivalent to 140sqm) of affordable workspace to be provided at 50% of the market rate and 50% service charge, for a 10-year period.
 - , o Community use strategy for the multi-purpose activity space at basement level, to be provided to local community groups and local schools in perpetuity and free of charge.
 - , o A Walkways Agreement to secure access for the public at ground floor level across the site.
 - , o Employment and Skills Plan including operational phase employment targets and a Financial Contribution of £821,891.67 to support the Westminster Employment Service (index linked and payable on commencement of development).
 - , o Highway works to Victoria Street, Artillery Row, Howick Place and Wilcox Place including changes to on-street traffic orders; changes to on-street parking bays and parking regulations; vehicular crossover into servicing bay; making part of Howick Place two-way; revised informal pedestrian crossing on Victoria Street; redesign of bus stop on Victoria Street; renewed footways; tree planting and provision of short-stay cycle parking and associated works (legal, administrative and physical).
 - , o Carbon offset payment (index linked and payable on commencement of development) (amount TBC subject to submission of final Energy Strategy).
 - , o Monitoring costs.
- 3 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)
- 4 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.

- 5 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.
- 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).
- 9 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.
- 10 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)
- 11 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 12 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)
- 13 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)

- 14 You are advised that you will need a separate planning application to place tables and chairs on the public highway. You will also need a street trading licence, which can be applied for at the following link: www.westminster.gov.uk/tables-and-chairs-licence.
- 15 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.
- 16 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 17 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.
- 18 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, for example by issuing regular bulletins about site progress.

- 19 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.
- 20 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)
- 21 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the flexible floorspace can change between the uses we have approved for 10 years without further planning permission. However, the actual use 10, years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 22 Please contact a Metropolitan Police Designing Out Crime Officers about suitable security measures for your development. You should also check whether these features will need planning permission. The contact details for Designing Out Crime Officers that cover Westminster can be found at the following link: www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region.
- 23 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)