

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	5 Strand, London, WC2N 5AF,		
Proposal	Demolition of existing building and construction of replacement mixed use building, comprising retail (Class A1), restaurant (Class A3), office (Class B1) and residential (Class C3) floorspace across two basements, lower ground and ground floors and 11 upper floors and associated alterations.		
Agent	Gerald Eve		
On behalf of	BNP Paribas Securities Trust Company (Jersey) Limited & BNP Paribas Securities Services Trust Company Limited as Trustees of the BlackRock UK Property Fund.		
Registered Number	16/10951/FULL	Date amended/ completed	23 November 2016
Date Application Received	16 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

1. Grant conditional permission subject to referral to the Mayor of London and subject to a S106 legal agreement to secure the following:

- i) A payment of £7,074,945 (index linked) towards the City Council's affordable housing fund, payable upon commencement of development.
- ii) Carbon offset payment of £97,710 (index linked) to be paid on commencement of development.
- iii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)
- iv) Employment and Training Strategy for the construction and operational phase of the development.
- v) Car club membership for residents (for a minimum of 25 years)
- vi) Car parking spaces in an off site location to be provided prior to first occupation of the residential flats, and maintained for the life of the development.

vii) S106 monitoring costs to be paid on commencement of development.

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

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

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within 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 Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

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

That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

The proposals seek the redevelopment of this site to provide a building comprising retail, offices and 26 residential units over basement, ground and 11 upper floors.

The main issues raised by the application are as follows:

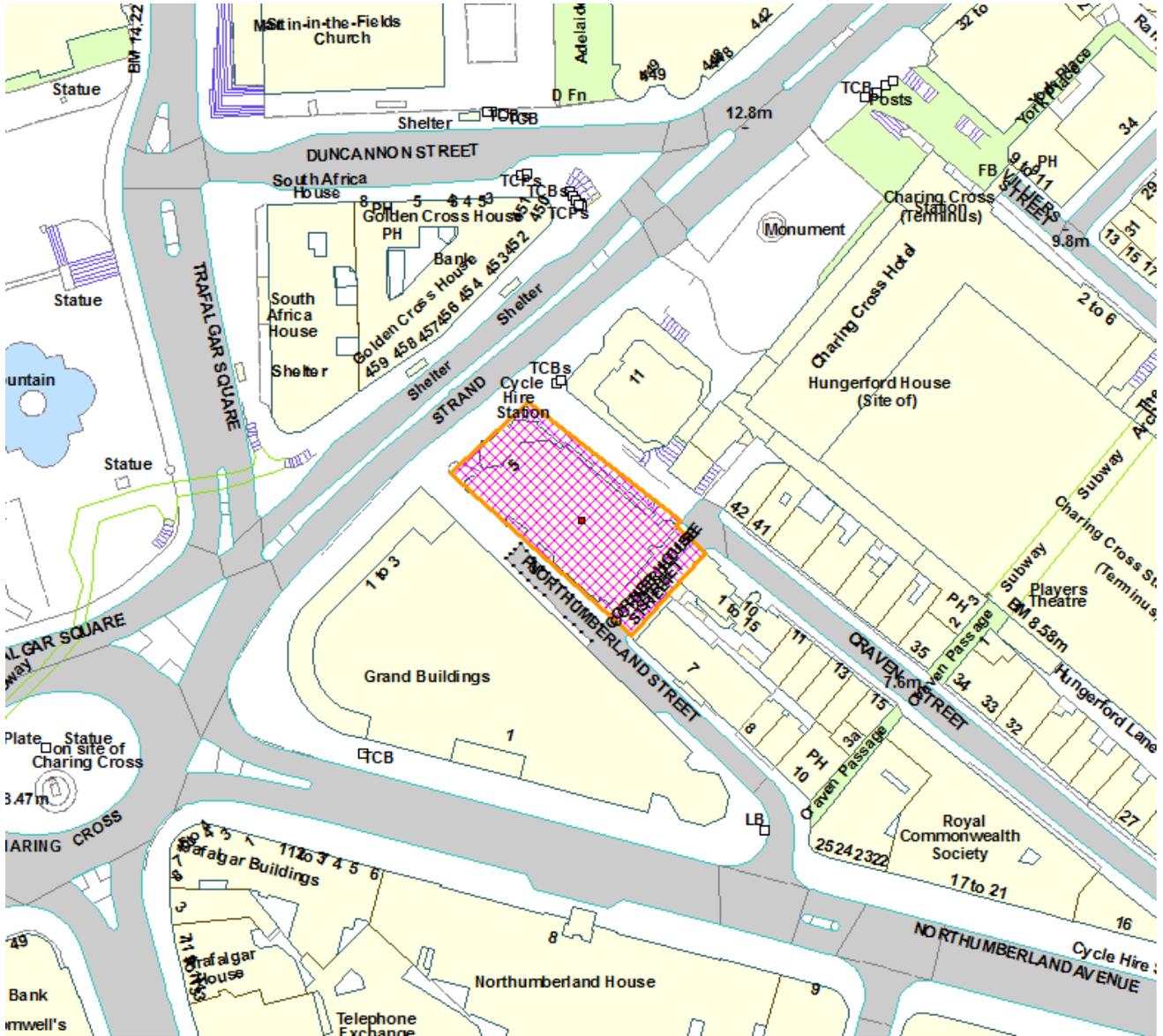
- The principle of demolition within the Strand Conservation Area and the design of the replacement building.
- The mix of land uses.
- The amount of off-street residential parking proposed.

Objections have been received from some residents with properties to the rear of the site, largely on amenity grounds. Whilst residents' concerns are understood, it is not considered the application could reasonably be refused on enclosure, privacy or daylight grounds.

The application is generally acceptable in land use terms subject to securing a policy compliant payment in lieu of providing affordable housing on site.

The level of off-street residential parking is not supported by the Highways Planning Manager, however on balance, the approach proposed is considered acceptable given the other benefits of the scheme.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Strand elevation



View from Craven Street towards Strand

5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation to determine in line with national and local guidance.

GREATER LONDON AUTHORITY

No objection in terms of the principle of development, urban design, or climate change. However, the £1.04m contribution to the City Council's affordable housing fund falls significantly short of both the Mayor's draft SPG threshold and City Council policy. In transport terms, the proposals are generally acceptable, but request reconsideration of the provision of off site parking, improved cycle facilities and S106 contributions totalling £110,000 to extend an existing cycle hire docking station and upgrade bus stops.

TRANSPORT FOR LONDON

- The applicant proposes to suspend half the existing cycle docking station at Craven Street during construction. TfL must be compensated for this, to be secured via S106.
- Request the Craven Street docking station is expanded by at least 50% - the developer should contribute £80,000 to fund this.
- The cycle parking does not meet London Plan standards.
- The 5 off site car parking spaces for the commercial occupiers of the development should be removed as this compromises the car free nature of the scheme.
- The 3 bus shelters immediately adjacent to the site require upgrading and the developer should contribute £30,000 to fund this.
- A travel plan and delivery and servicing plan must be secured.
- The development is liable for Mayoral CIL.

LONDON UNDERGROUND LTD

No objection subject to conditions.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to a condition securing an archaeological investigation.

METROPOLITAN POLICE

Concerned that many aspects of the proposal do not appear to take 'Secured by Design' into consideration. Request a pre-commencement condition to require details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included.

WESTMINSTER SOCIETY

No objection.

NORTHBANK BUSINESS IMPROVEMENT DISTRICT

Any response to be reported verbally.

THAMES WATER UTILITIES LTD.

No objection in terms of water infrastructure capacity, sewerage infrastructure or surface water drainage. Request condition regarding a piling method statement and associated informatives.

NETWORK RAIL

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

- The amount and location of cycle storage is acceptable.
- The servicing is not consistent with the requirements of adopted policy, but given the existing situation on site, no objection is raised.
- A servicing management plan is required, particularly to address refuse storage and collection as highlighted by the cleansing officer.
- The proposed public realm works are aspirational and outside the application site – they are not agreed at this stage and will require formal approval should they go ahead.
- The building clearance over Corner House Street highway to the rear of the site is insufficient at the southern end.
- The development will put undue pressure on on-street residential parking in the area. The applicant's offer of providing 5 spaces in a nearby car park is insufficient and recommend that 9 spaces should be provided.

CLEANSING

The applicant still needs to label the refuse stores correctly and consider providing a cardboard baler to reduce the number of bins required (and consequently reduce the time of refuse vehicles waiting on the highway).

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 344

Total No. of replies: 3

No. of objections: 2

No. in support: 0

Objections on the following grounds:

Design

- The building is brash and does little to enhance the surroundings. Designed to maximise its value to investors.
- The building will have a detrimental impact upon views from Trafalgar Square.
- The arches and canopies attracting rough sleepers are still present in this design – it will not fix the problem.
- The design is a backwards step in the visual appeal of the area.
- The detailing to the front and flank elevations is an improvement to the area, however, the rear is not appropriate and does nothing for the surrounding conservation area.

Highways

No car parking on site will increase pressure on surrounding on-street parking.

Amenity

Overlooking – the windows and balconies/terraces to the rear will directly overlook existing residential properties.

The additional height blocks views and increases the sense of overlooking. Unclear how the increased height will impact upon existing residents.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises the nine storey building at 5 Strand, bounded by Strand, Corner House Street, Craven Street and Northumberland Street. The building was constructed in the early 1980s. It contains a retail unit (currently occupied by Boots) at ground and lower ground floor with offices occupying the upper floors. The ground floor to the Strand frontage is recessed providing a covered walkway, with the overhanging upper floors supported by columns at street level. The building adjoins two other properties to the rear – 10 Craven Street (a residential block) and 7 Northumberland Street (offices).

The site is located in the Trafalgar Square Conservation Area and occupies a prominent position on the Strand, with significant views of the existing building from the Strand and Trafalgar Square. The existing building on the site is considered to be an undistinguished design with a poor ground floor/public realm interface which is not helped by the level change from Strand down to Craven Street. The retail and office entrances are to the Strand elevation, with both side elevations fairly 'blank' facades. Servicing takes place from the rear, where there is a small servicing area accessed from Corner House Street.

The site is within the Core Central Activities Zone.

6.2 Recent Relevant History

The building was constructed pursuant to a planning permission granted in 1980. It included the residential building at 10 Craven Street as well as the application site at 5 Strand.

There is no planning history of any significance since the original permission.

7. THE PROPOSAL

The proposal involves the demolition and redevelopment of the building at 5 Strand. The proposed building is designed by Adjaye Associates, and will comprise two basement levels and a lower ground floor, ground and 11 upper floors. At street level, there are two retail units (one shop use within Class A1 and the other either shop or restaurant use within Class A1 or Class A3) with offices (B1) at first to sixth floors. At seventh to eleventh floors, there are 26 residential flats with terraces to the rear. Servicing is undertaken from the rear, a small off-street bay is provided off Corner House Street. Cycle parking, refuse storage and plant are located at basement levels. No car parking is proposed on site, although the applicant has offered to secure car parking spaces within a local commercial car park.

The proposed building has a setback on the Strand elevation to allow for a wide pavement to accommodate the high footfall in this part of Strand between Charing Cross and Trafalgar Square. The existing columns are removed, and the building cantilevers over the pavement.

The drawings show public realm works to the east and west of the site, outside the site boundary.

8. DETAILED CONSIDERATIONS

8.1 Land Use

A summary of the existing and proposed floorspace by use is provided below:

Use	Existing	Proposed	Change
Retail (A1)	1337	253	-1084
Retail or Restaurant (A3)	0	296	+296
Office (B1)	8378	8506	+128
Residential (C3)	0	5587	+5587
Total	9715	14642	+4927

Offices

The provision of additional office accommodation within the Core CAZ is supported by Policy S20 of Westminster's City Plan and by London Plan Policy 4.2.

The proposed offices are located at first to sixth floors, accessed from the entrance on Northumberland Street. The floorplates at this level are large and well suited to office occupiers. Given the quantum of office floorspace is maintained, and slightly increased, the proposals are compliant with land use policies to protect and enhance office floorspace and job provision within Westminster.

Retail

Policy S6 identifies the Core CAZ as an appropriate location for a range of commercial and cultural uses. Policy S21 states that new retail floorspace will be directed to the designated Shopping Centres. In terms of the UDP, saved Policies SS4 and SS5 are relevant. SS4 requires developments within CAZ to include 'shop type premises' at street level, and should provide the same amount of retail floorspace as was there before. SS5 relates primarily to protecting Class A1 retail within the CAZ, and restricting the introduction of non-A1 uses at street level, basement and first floors.

The proposals include a Class A1 retail unit at ground floor, accessed from Strand. The unit to the rear ground floor area is intended to be either Class A1 retail or Class A3 restaurant use.

The proposed building retains a proportion of retail use at ground floor, but the unit is smaller than the existing retail area. There is potentially a loss of up to 1084 square metres of retail floorpace, although 619 sqm of this is actually located at lower ground and basement levels and is not used as sales floorspace.

Whilst the policies listed above do not generally support the loss of retail floorspace, it should be noted that the key aims of these policies include protecting the retail character and function of localities, as well as enhancing retail space. Notwithstanding the overall loss of retail floorspace, there are benefits to the proposed configuration including the increased retail frontage to Strand and the activation of the other frontages to a greater degree than at present. The retail character of this part of Strand is maintained and enhanced and the application is acceptable in this respect.

Restaurant use

Policy S24 sets out the Council's strategic planning policy in relation to new entertainment uses. New uses must be appropriate in terms of the type and size of use, scale of activity and relationship to any existing concentrations of entertainment uses. They should not negatively impact amenity, health and safety, the character and function of the area or local environmental quality. UDP Policies TACE 8, 9 and 10 provide detailed guidance according to their location and size.

The proposed restaurant is to the rear ground floor area, accessed from Craven Street. It comprises 296 square metres. TACE 8 is applicable, which states that applications for restaurants of this size will generally be acceptable subject to the City Council being satisfied that there would be no adverse impact on noise, vibration, smells, increased late night activity, parking or traffic and the character or function of the area.

The proposed restaurant area is modest and is considered to be in keeping with the character of this area.

In environmental terms the plans provide for appropriate full height extraction to serve the restaurants, routing out through the main roof of the new building. There is no reason to presume that, with suitable management procedures in place, the new uses would result in littering or pollution of the public realm. Subject to appropriate conditions controlling the hours of use and plant, this use is acceptable. The applicants have not specified the operating hours, but it is considered appropriate to restrict the hours to between 0700 to midnight Monday to Saturday, and 0800 to 2300 on Sundays/Bank Holidays.

Residential use

A total of 26 flats are proposed, with the following mix of sizes:

Number of bedrooms	Number of flats	Percentage of total
1	6	23
2	7	27
3	10	38
4	3	12
	26	100

In land use policy terms, the principle of the replacement residential accommodation is acceptable and supported by policy S15. Policy H5 requires that an appropriate mix of units is achieved in all developments, stating that the Council will normally require 33% of units to be 'family sized'. The proposals are for 50% of the units to be of 3 bedrooms or more. The overall mix as shown in the table above is acceptable. In terms of individual flat sizes, they are in compliance with the national space standards, with areas ranging from 55 - 82 square metres for a 1 bed; 87 – 129 square metres for a 2 bed; 127-178 for 3 bed flats and 314-347 for the 4 bed penthouses.

In terms of layout, 11 of the flats are single aspect, and of these, two are north facing. Whilst a single aspect flat is not an ideal layout, the windows are large and there is potential for them to receive appropriate levels of daylight. There is a very open outlook to the north facing flats. The deep floorplate of the building would make it difficult to achieve small, dual aspect units.

The flats are designed to meet lifetime homes space standards, with 10% being wheelchair accessible, in line with the aspirations of UDP policy H8.

Given their location on a busy road with potential noise sources from traffic and the railway station, the flats are mechanically ventilated, although windows will be openable. The mechanical ventilation heat recovery units are ducted to outside (rooftop) for the supply of fresh air which is then filtered. Environmental Health officers require further information regarding the mechanical ventilation heat recovery units and ventilation. It is considered this aspect can be effectively dealt with by condition as set out in the draft decision letter.

Provision of affordable housing

There is a policy expectation across all material plans and guidance that the affordable housing should be provided on site. In their Stage 1 response, the GLA appear satisfied that this provision should be as a commuted sum, dependent on the viability case made by the applicants.

The expectation of the London Plan, the UDP and the City Plan is that affordable housing should be provided on site. S16 states:

“Proposals for housing developments of either 10 or more additional units or over 1000sqm additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing.

The affordable housing will be provided on site. Where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off

site provision beyond the vicinity will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity.....”

The current scheme results in an increase in residential floorspace of **5587 sqm**. On the basis of the Council’s Interim Guidance Note on Affordable Housing April 2011, this generates a requirement for **1396.75 sqm** on site affordable housing.

Where it is neither practical nor viable to provide affordable housing on-site and the applicant is unable to provide off site affordable housing (either in the vicinity or beyond the vicinity), a financial contribution towards the City Council’s Affordable Housing Fund may be accepted as an alternative. The payment generated by the current scheme is **£7,074,945** (based on the **1396.75 sqm** shortfall in affordable housing provision). The payment would be expected to be paid in full on commencement of development and to be index linked from the date of the planning permission.

The applicants have put forward a case stating that it is not viable to provide affordable housing on site. A full viability assessment has been carried out on behalf of the applicant by DS2. The City Council has appointed independent consultants Lambert Smith Hampton (LSH) to review this assessment. LSH conclude that the proposed scheme is capable of supporting a full payment in lieu as outlined in the paragraph above, which has now been agreed by the applicant. It is accepted that in this case, the lack of on-site affordable housing is acceptable given it is mitigated by the full payment in lieu towards affordable housing elsewhere in the City.

8.2 Townscape and Design

The building is unlisted and sits within the Trafalgar Square Conservation Area. The Conservation Area Audit identifies the building as making a neutral contribution to the character and appearance of the conservation area. It is located in a prominent position within the conservation area on the edge of Trafalgar Square and Strand, one of the major processional routes in the city. The building was constructed in 1983. It is a generally undistinguished design with a strongly modelled form and a rather unfortunate ground floor interface with the public realm, which has led to significant problems of rough sleeping and anti-social behaviour. However, due to its size, modelled form and high quality stone facing, it sits comfortably within its conservation area context and justifies its “neutral” attribution in the audit. There is no in-principle objection to its demolition subject to a satisfactory replacement being approved.

The site is located next to the refurbished Grand Buildings which forms an important landmark and presence on Trafalgar Square. To the north-east is another late C20 building of undistinguished design and Charing Cross Station beyond. To the rear the ground slopes away sharply to the river. Craven Street has a number of smaller scale buildings, many of them listed and dating from the C18. This pattern of large buildings to the Strand and smaller scale development in the streets between it and the river is typical of this part of the City.

Building height, mass and impact on townscape views

The existing building is ground + 8 storeys with additional plant on the roof to the Strand frontage, but then steps down to the equivalent of ground plus 4 storeys to the boundary with Northumberland Street and Craven Street (allowing for the slope across the site). The

proposed building is higher, ground + 11 floors (including plant) across the entire site. The height of building onto Strand is slightly higher (approx 2 storeys) than the existing, though the top two floors and the plant room all step back from the façade line below. The increase in bulk and mass to the rear part of the building is considerable, in the order of 5-6 storeys as the new building maintains a consistent height across the site and does not step down like the existing.

While this increases the physical mass of the building considerably, it is the impact on views and the surrounding townscape that needs to be assessed in terms of the building's visual impact on its surroundings. The applicant has provided a comprehensive view analysis to help understand the visual impact of the new building on its surroundings.

The only London View Management Framework (LVMF) viewpoint affected is from Jubilee Gardens on the South Bank (View 01). From here, the new building would be partially visible as a minor infill to the sky between Whitehall Court and Charing Cross Station. However, there is no significant impact on the skyline or general view. It is clear that the building would also be visible from other places on the South Bank, but it is considered that it would have negligible impact.

There is also some minor impact on the view from the south-west corner of Horse Guards Parade. The very top of the building is just visible over the top of buildings in the far north-east corner. The impact is negligible and is only visible from this part of the Parade Ground. The identified Metropolitan View from the Parade Ground is unaffected. There is no impact on views from the Mall. There is, however, some impact on views from Trafalgar Square. View 04 from Cockspur Street shows a higher building but one not out of scale with its neighbours and largely screened by Grand Buildings in the foreground. There is a more significant impact from the north side of the square where the current building is seen between the grade II* listed South Africa House and Grand Buildings (Views 05A and 05B). The new building has a greater visual presence due to its increased height. It now appears higher than South Africa House and can be seen above the roofline of the grade II* listed building. While there is greater visibility of the building, its impact on the view is minor and it is only visible from this quite restricted viewpoint. From the great majority of Trafalgar Square the building will not be visible at all. It is considered that this is a minor negative impact on a small part of Trafalgar Square.

There is minor impact on a view from Charing Cross Road where the building becomes visible over the top of part of St Martins in the Fields (View 06D). However, other buildings already encroach on the skyline from this viewpoint, it is a fleeting glimpse as there are no views from further along Charing Cross Road and in summer it will be largely mitigated by tree foliage. The impact is considered negligible.

Views from Strand (Views 10 and 11) show a building slightly higher than existing but one that does not appear dominating or out of scale with its surroundings. Views 08 and 09 show the impact on Craven Street and Northumberland Street. Craven Street is an important street within Westminster with some of the most complete terraces of early C18 houses in the city. The increase in bulk and height from this view is considerable and the building does have a more dominating effect on this low scale, historic townscape. However, the juxtaposition of large buildings along Strand and smaller scale development in the streets running down towards the river is a characteristic of this part of the conservation area and this proposal does nothing to disrupt this pattern of development. It

is considered that the impact on this view is negative but of a low level of harm. There is a similar increase in scale on Northumberland Street but the scale of adjoining development in this street is higher than in Craven Street and the quality of the townscape significantly lower. It is considered that the impact on this view is negligible.

In summary, the impact on established views is generally minor in nature and causes little or no harm. The most significant impact is on views from Craven Street and, even this, is considered to be a modest degree of harm.

Building Design and Architecture

The existing building on site has an irregular footprint to the public realm with many recesses and a large arcaded area, as well as considerable lengths of blank frontage at ground floor level. The interface with the public realm is poor and has resulted in a degree of anti-social activity that has become a significant problem. The new building footprint fills the site, dispenses with the arcade and has more active frontage with an enlarged retail frontage, new entrances for the residential and commercial cores and a retail/A3 use to the rear part of the site. The building line to Strand moves forward to align with the adjacent Grand Buildings and, while this increases visibility of the building, it also helps to integrate the building into the existing street scene in a more satisfactory way than the existing building.

The building's architecture makes use of the arch form as a strong unifying device throughout the building. The ground floor of the building uses a large scaled arch to create a strong base and provide large areas of retail glazed frontage. A strong fascia or cornice then separates the base from the main part of the building. The next six floors of commercial use have a different scale of arch, while the next two floors (in residential use) have a smaller sized arch. The top two floors are set back and use an inverted arch in the same proportion as the residential floors below. This systematic use of arches as a unifying device to the architectural form provides a very distinct and powerful visual aesthetic for the building. This could be over-powering if it were not for further design details that provide another layer of detailing and interest to the facades.

On the Strand frontage, a series of columns define each bay and these change scale and shift as the arches change at higher level. These provide an extra level of depth and layering to this important and prominent frontage and will cause a subtle play of light and shadow upon the façade behind. Decorative balustrades will span between the columns and provide a further level of detailing. The stone surround to the arched openings above ground floor level is also modelled so that there is a subtle "wave" to the building façade.

On the side elevations, the columns are dispensed with and the modulation to the façade becomes more apparent without the shielding columns. The office floors (1st to 6th) have decorative panels to the windows to provide an element of screening to the office interior, while the upper residential floors retain the decorative balustrades from the Strand frontage.

The rear of the building is handled in an entirely different manner so as to protect privacy of residents in Craven Street and to reflect the boundary edge condition of this part of the site. The first six floors occupied by offices are blind and have a series of stone panels of different depths set within a frame of stone cornices and columns. While a blank elevation, the different depth and design details will provide interest and shadowing across the

façade. Above the office levels, the residential units have glazed facades in the same proportion as the stone “frame” below, though the arch motif is now dispensed with and a more convention orthogonal pattern adopted.

The choice of materials will be subject to a further approval of details but the applicant indicate the use of high quality stone as a facing material with a subtle differentiation of colour and texture between the base, the mid part the building and the darker roof storeys. It is also proposed to use different stone for the columns and cornice bands to the facing material. This varying use of different stones will need to be subtle to avoid too strident an aesthetic.

In summary, it is considered that the proposal provides a more dynamic and better designed building with larger and higher quality office, retail and residential accommodation than the current building on the site. In addition, there are clear benefits to the way the new building addresses the public realm, which is a significant failure of the existing building. The proposed building causes little harm to its surrounding townscape and neighbouring buildings, with the sole exception of the impact on the historic townscape in Craven Street. However, this impact is considered to be of a low order and the public benefits of the scheme are considered to outweigh any harm that may be caused.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in 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 ENV 6 seeks to protect noise sensitive properties from noise disturbance.

Daylight/Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) ‘Site Layout Planning for Daylight and Sunlight’ (as revised 2011). The applicant’s consultant, Gordon Ingram Associates, has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site on Craven Street and Northumberland Avenue. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it

receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The properties tested for daylight and sunlight levels comprise:

- 22-25 Northumberland Avenue
- 18 Northumberland Avenue
- 38 Craven Street
- 39 Craven Street
- 10 Craven Street (Flats 1-15)

There is no material impact on either daylight or sunlight to the properties tested as a result of the proposed development.

Sense of Enclosure

The proposed building is between 1 to 1.5 storeys higher than the plant room (highest point) on the existing building. The existing building steps down quite significantly between the roof and 5th floors towards Craven Street. The proposed building has significantly more bulk to the rear and does not step down in quite the same manner as the existing building, rising sheer to 6th floor, then with more marginal terrace setbacks up to roof level. Several residents with windows facing the site are concerned over this increase in bulk and its effect on the sense of enclosure and views from their properties.

Whilst the views from the south towards the rear of the building will change significantly, it is not considered that a material sense of enclosure would result given the distance of the application site from the residential units with a direct view. Views from the rear of properties at 10 Craven Street are very oblique, and whilst there will be a change, it is not considered so significant as to justify refusal of the scheme.

Privacy

Objections have been received from the occupiers of residential units at 22-25 Northumberland Avenue on the grounds of potential overlooking to their living rooms and bedrooms from windows and balconies on the rear elevation of the application site.

The proposed building rises sheer to 6th floor and there are no windows in this elevation. At seventh floor and above, there are windows and roof terraces serving the residential flats. Whilst these terraces will be clearly visible from the objectors' properties, they are set at least 50m away. Given the urban context of the area and distance between the existing residential windows and proposed terraces, it is not considered that permission could reasonably be withheld on this ground.

8.4 Transportation/Parking

Car Parking

UDP policies TRANS 22 and TRANS 23 set out the City Council's standards for car parking across different land uses.

No car parking is proposed on site for either commercial or residential uses.

Whilst the Highways Planning Manager raises no objection to the commercial uses having no parking; he does not consider that this is appropriate for the residential element given that the City Council's most recent on-street occupancy surveys show that the streets surrounding the site are at saturation point for legal on-street spaces both overnight and during the day. Policy TRANS23 expects that where appropriate and practical, off street parking is provided on the basis of a maximum provision of one space per unit of 1-2 bedrooms, and a maximum of two spaces for dwellings with three or more bedrooms. The aggregate provision should not exceed more than 1.5 spaces per 3+ bedroom dwelling. Applying these standards to the development would generate a requirement for a maximum of 32 spaces.

TRANS 23 does allow for alternative provision where it is accepted no car parking can be provided on site. The applicant has offered the following measures to mitigate the impact:

- In terms of providing long term off-street parking in the vicinity, the applicant is offering the provision of five spaces within the Trafalgar Square Q Car Park. These spaces would be provided for the use of residents within the development.
- The applicant has offered to provide car club membership for a period of 25 years to residents within the development (at no cost to residents).

The Highways Planning Manager does not consider this offer to be sufficient mitigation to address the potential increased pressure on on-street car parking spaces as a consequence of the proposed development. He suggests that based on car ownership figures for this ward, the residential units would be expected to generate 9 vehicles. The applicant considers that the provision of 5 off-street spaces is sufficient given the highly accessible location and the relatively low levels of car ownership in the locality. On balance, in this very accessible location and with the provision of car club membership, it is considered that the provision of 5 spaces is appropriate. They will need to be secured through legal agreement requiring the spaces to be provided prior to first occupation of the residential units and retained for the life of the development.

Cycle Storage

Residential cycle storage comprises space for 46 bicycles, in line with the UDP and London Plan policy requirement.

Cycle storage for the commercial uses is shown as being sufficient for 80 bicycles, and is in line with UDP policy requirements, although the Mayor has requested additional commercial cycle storage (171 spaces). Given the storage proposed is in line with Westminster's adopted policy, then no further changes are considered necessary.

Servicing and deliveries

Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and safe access to premises for servicing, and generally requires that servicing is undertaken off street. The existing building has a small servicing area accessed from Craven House Street and there is a general purpose loading bay on Strand in front of the application site.

The proposed servicing provides a loading bay in a similar location to existing, accessed from Corner House Street. It is intended to serve the office and residential uses, although the height restriction in the design limits the vehicle size to transit type vans. The retail units are intended to be serviced from the loading bay on Strand, which the applicants state is current practice. Refuse will continue to be collected from Corner House Street.

Proposed changes to the highway/footway layout and new public realm

Some drawings/visuals submitted with the application show a reconfigured area of public realm to the north end of Craven Street where it meets Strand. The area contains the Mayor's cycle hire scheme docking stations, along with steps to accommodate the level change between Strand and Craven Street. Whilst there would be benefit in tidying up the appearance of this area, it is outside the application site and a detailed scheme would need to be agreed with the City Council. The applicants have offered to contribute £710,000 towards works to the public realm in this location. There is no policy mechanism that requires any public realm improvements on a scheme such as this, therefore it is not recommended that this offer is secured by the legal agreement.

Building line and changes to the footway

The existing building line will change slightly all around the site, most notably on Strand, where the existing bulky street level planter will be removed. The removal of the planter effectively means there is more space available to pedestrians. The area will need to be dedicated as public highway, along with some areas of stopping up. The Highways Planning Manager is content with the areas to be dedicated/stopped up.

To the rear of the site, the new building 'bridges' over Corner House Street, as it does at the moment. The Highways Planning Manager has objected to the proposed design as the sweep of the arch to the south-eastern side of the bridge does not show sufficient clearance over the highway. He requires that there is at least 5.3m clearance over the carriageway and over any footway within 1m of the kerb line (this is the minimum requirement to issue an oversailing licence to enable the building to be constructed over the highway). It is recommended an amending condition is added to this effect.

8.5 Economic Considerations

The economic benefits generated by the provision of modern office and retail accommodation are welcomed.

In terms of employment and local procurement opportunities, Policies 3A.26 and 3B.11 of the London Plan and City Plan Policy S29 encourage the provision of employment opportunities through new development. It is considered appropriate that the applicant agrees to sign up to the local procurement code which requires developers to allow local companies access to some of the tender opportunities generated by a development where there are suitable contenders locally.

8.6 Access

The development would be fully accessible to those with disabilities, with level access to all buildings proposed as part of the scheme in accordance with Policies TRANS27 and DES1 in the adopted UDP.

8.7 Other UDP/Westminster Policy Considerations

Noise/plant

Environmental Health officers are satisfied that the plant is capable of complying with the City Council's noise standards; residential units must also be constructed to achieve the relevant internal noise standards as set out in Policy ENV6 and ENV7 of the UDP. Appropriate conditions are attached to the draft decision notice.

Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. Refuse storage is provided at basement level.

Sustainability

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

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

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

The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles.

In terms of addressing the GLA's 'energy hierarchy', the applicant commits to maximising the energy performance through the use of efficient plant, lighting and ventilation equipment as well as passive design measures in the building's structure. There is an on-site gas fired combined heat and power plant for space heating and hot water. In terms of the use of renewable technologies, the applicant considers the most viable of these to be the use of photovoltaic panels at roof level. The photovoltaics will comprise an 88 square metre array to the main roof.

The overall carbon reduction over the 2013 building regulations baseline is predicted to be 19.6%. Even with the CHP and renewable technologies, the development fails to achieve the target set out in the London Plan. Policy 5.2 of the London Plan states:

"The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may

be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere”.

It is therefore appropriate in this case to secure a carbon-offset contribution which the City Council’s energy officer has advised should be £97,710 based on the London Plan rate of £60 per tonne of CO₂.

The development is targeting BREEAM ‘excellent’ for the non-residential parts of the building.

8.8 London Plan

The application is referable to the Mayor of London under the provisions of the Town and Country Planning (Mayor of London) Order 2008. The proposal raises strategic issues in terms of its design, land use, transport and energy.

The Mayor does not raise any issues in terms of the design or energy aspects of the development. He does, however, consider that the initial offer of £1.04m contribution to the City Council’s affordable housing fund falls significantly short of both the Mayor’s draft SPG threshold and City Council policy.

In transport terms, the Mayor considers the proposals acceptable, but requests reconsideration of the provision of off-site parking, improved cycle facilities and S106 contributions totalling £110,000 to extend an existing cycle hire docking station and upgrade bus stops.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

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

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The Westminster CIL payable will be approximately £1.493m, along with Mayoral CIL of £274,622. These figures are provisional and may be subject to any relief or exceptions which may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

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

- i) A payment of £7,074,945 (index linked) towards the City Council's affordable housing fund, payable upon commencement of development.
- ii) Carbon offset payment of £97,710 (index linked) to be paid on commencement of development.
- iii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)
- iv) Employment and Training Strategy for the construction and operational phase of the development.
- v) Car club membership for residents (for a minimum of 25 years)
- vi) Car parking spaces in off site location to be provided prior to first occupation of the residential flats and maintained for the life of the development.
- vii) Monitoring costs.

Officers consider that these 'Heads' satisfactorily address City Council policies and the CIL Regulations subject to detailed resolution of the relevant trigger dates.

8.11 Environmental Impact Assessment

It is not considered that the proposal warrants an Environmental Statement (ES) under the EIA Regulations (2011). The applicant has submitted various studies relating to the principal environmental issues raised by the development including noise, archaeology, ecology, construction impact, employment, drainage, energy and recycling. The issues raised can reasonably be dealt with by conditions attached to the permission. The principal environmental effects requiring further clarification or work through conditions and mitigation are examined in the relevant sections of this report.

8.12 Other Issues

Archaeology

The site is within the Lundenwic and Thorney Island area of archaeological interest. In line with Policy DES11, an archaeological mitigation strategy has been prepared and agreed in principle with officers and Historic England. The archaeological investigation can be secured by condition.

Basement

The proposals involve the excavation of a deeper basement than currently exists, to be set over three floors below ground (currently there are 2). The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Given the proximity of the proposed basement to London Underground tunnels and associated infrastructure, London Underground Ltd have requested the addition of conditions requiring details of foundations/underground structures and associated

vibration and ground movement. The details will need to be agreed by LU prior to the commencement of development.

Construction impact

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

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new Code of Construction Practice was adopted in July 2016 and the applicant is required to sign up to it. Compliance is monitored by the Environmental Inspectorate. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

Crime and security

The Metropolitan Police note that there are several aspects of the scheme which do not appear to adopt the principles of 'secured by design'. They recommend a pre-commencement condition is attached, requiring a detailed submission of security measures throughout the scheme and how these achieve the 'secured by design' standard.

8.13 Conclusions

As set out above, whilst there has been some harm identified to the historic streetscape on Craven Street, the proposal is considered to provide a more dynamic and better designed building than currently exists on site. The new building relates much better to the surrounding public realm and is considered to provide a greater level of animation to the Strand and return elevations. The application is acceptable in the context of the NPPF, London Plan and Westminster City Plan, subject to the recommended mitigation secured by legal agreement and draft conditions attached to this report.

9. BACKGROUND PAPERS

1. Application form
2. Response from Thames Water Utilities Ltd, dated 30 November 2016
3. Response from Westminster Society, dated 1 December 2016
4. Letter from occupier of 34 Craven Street, London, dated 2 December 2016
5. Letter from occupier of Flat 4, 22 Northumberland Avenue, dated 3 December 2016
6. Letter from occupier of Flat 5, 22 Northumberland Avenue, dated 5 December 2016
7. Letter from Historic England dated 6 December 2016.
8. Response from London Underground Ltd dated 7 December 2016.
9. Letter from Historic England (archaeology) dated 12 December 2016.
10. Response from Transport For London, dated 16 December 2016
11. Letter from the Metropolitan Police dated 10 February 2017.
12. Letter from the Greater London Authority dated 20 February 2017.
13. Memorandum from Environmental Sciences dated 22 December 2016 and 2 March 2017.

14. Memorandum from the Highways Planning Manager dated 13 March 2017.
15. E-mail from Cleansing dated 14 March 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT mmason@westminster.gov.uk

10. KEY DRAWINGS



Existing view from Strand



Visual of proposed building seen from Strand.

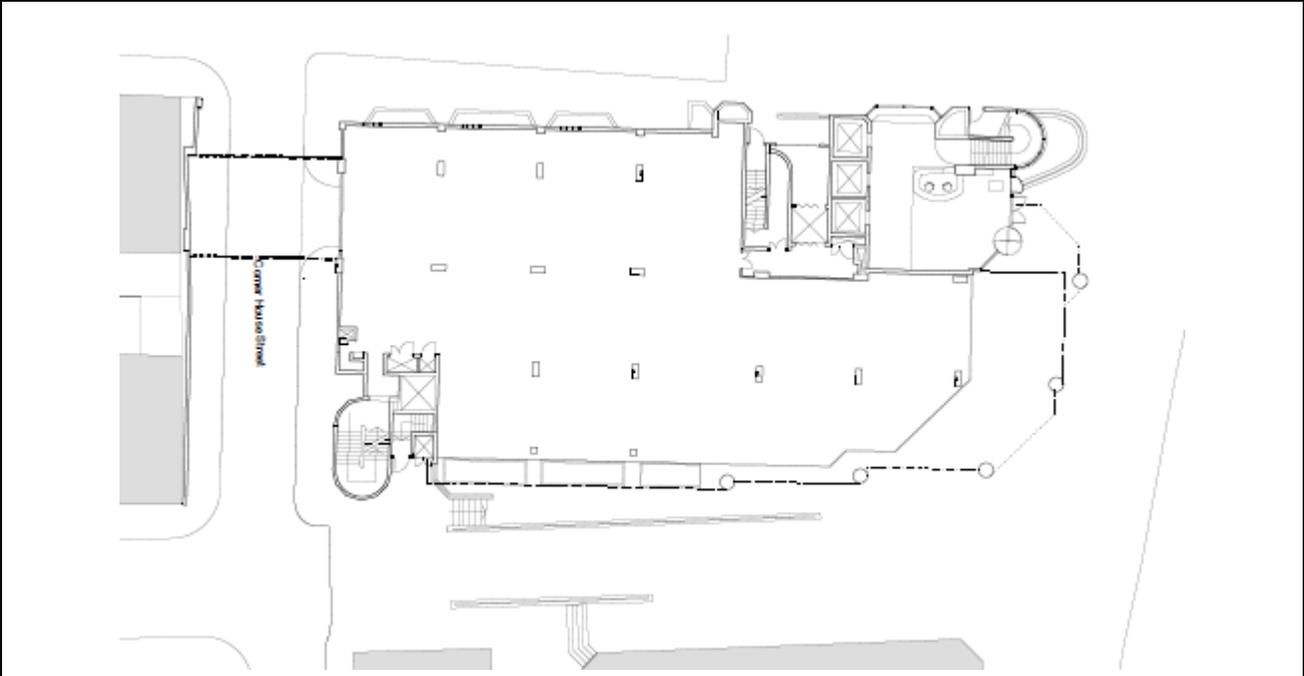


view from corner of Trafalgar Square (Existing above; proposed below)

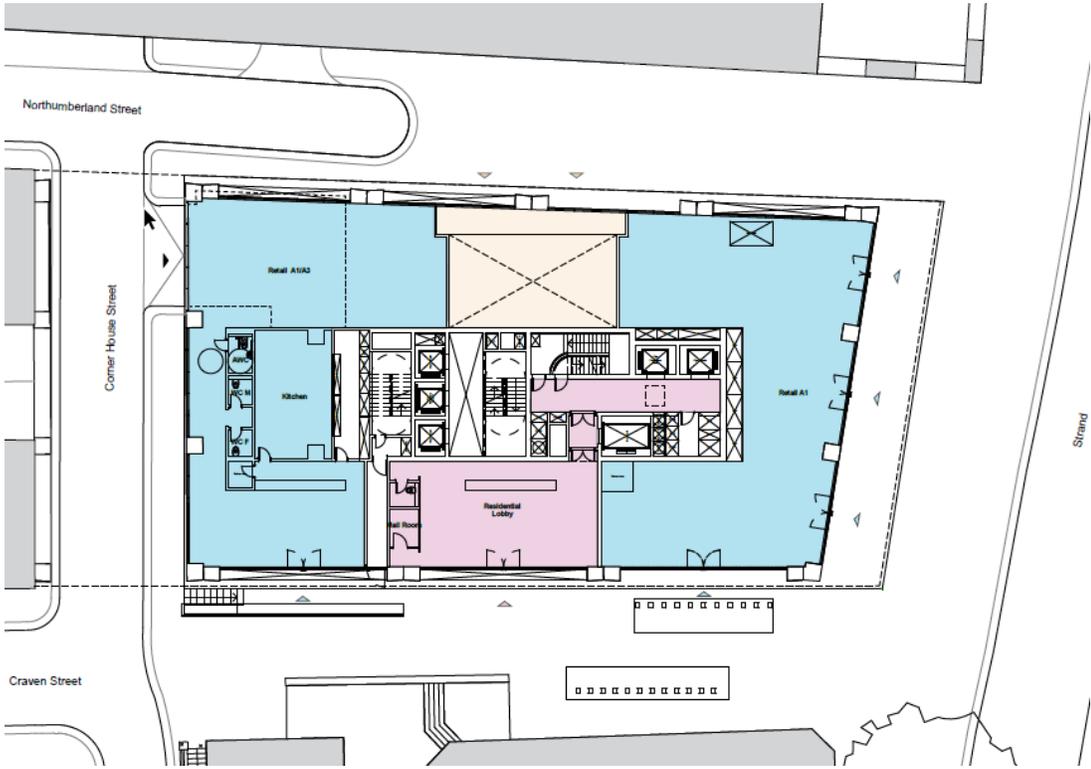




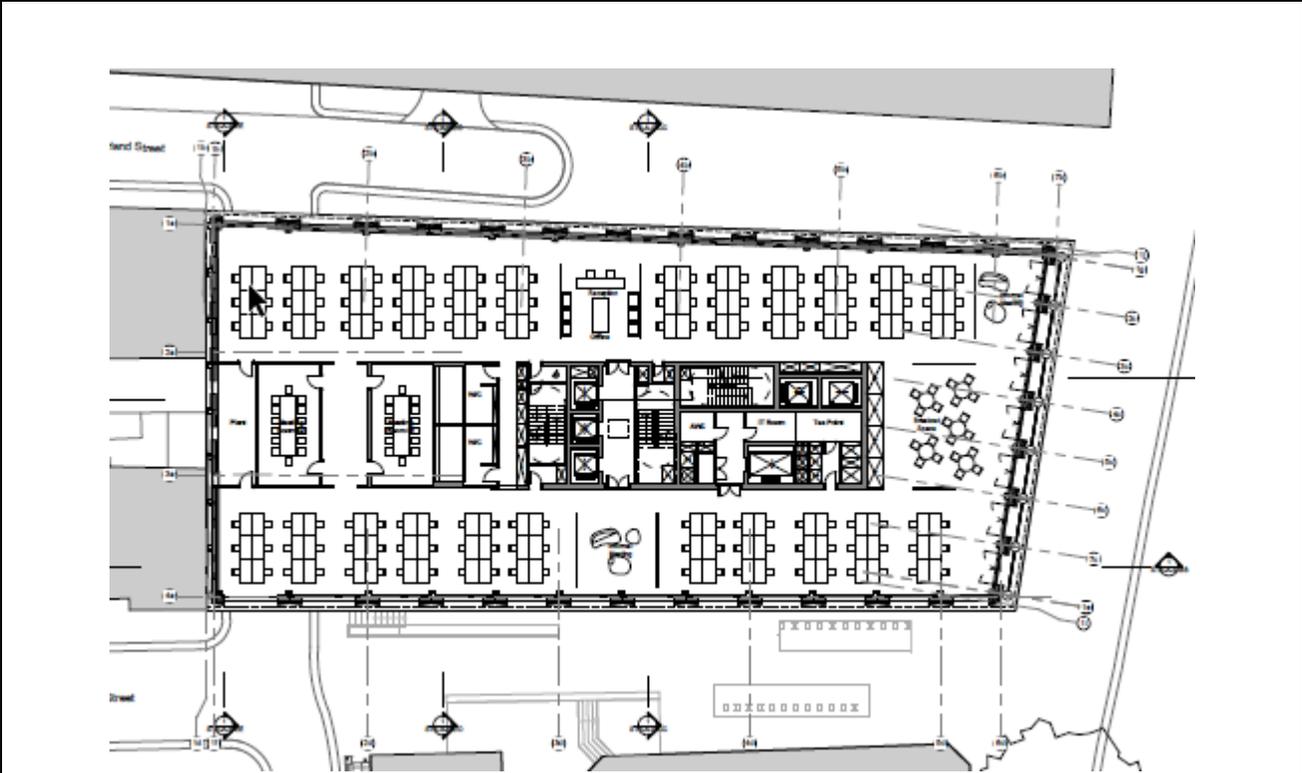
Existing and proposed views from Craven Street



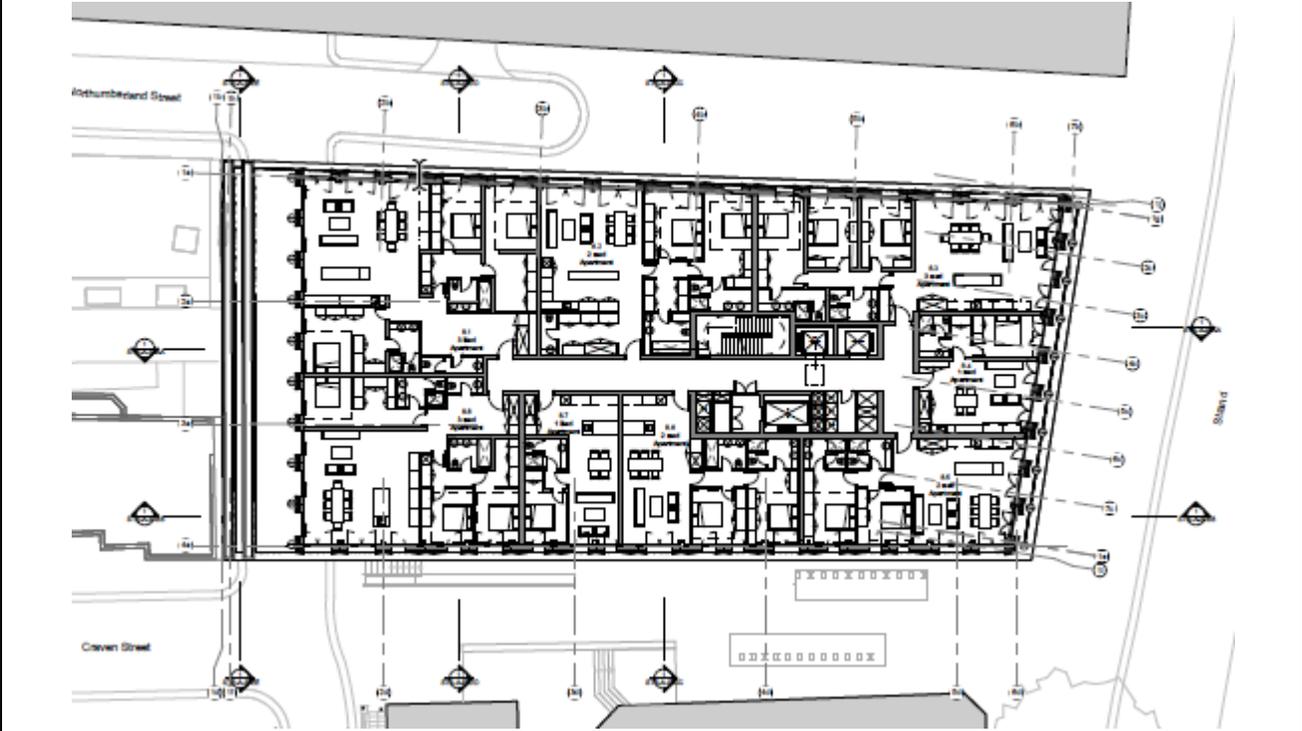
Ground floor as existing



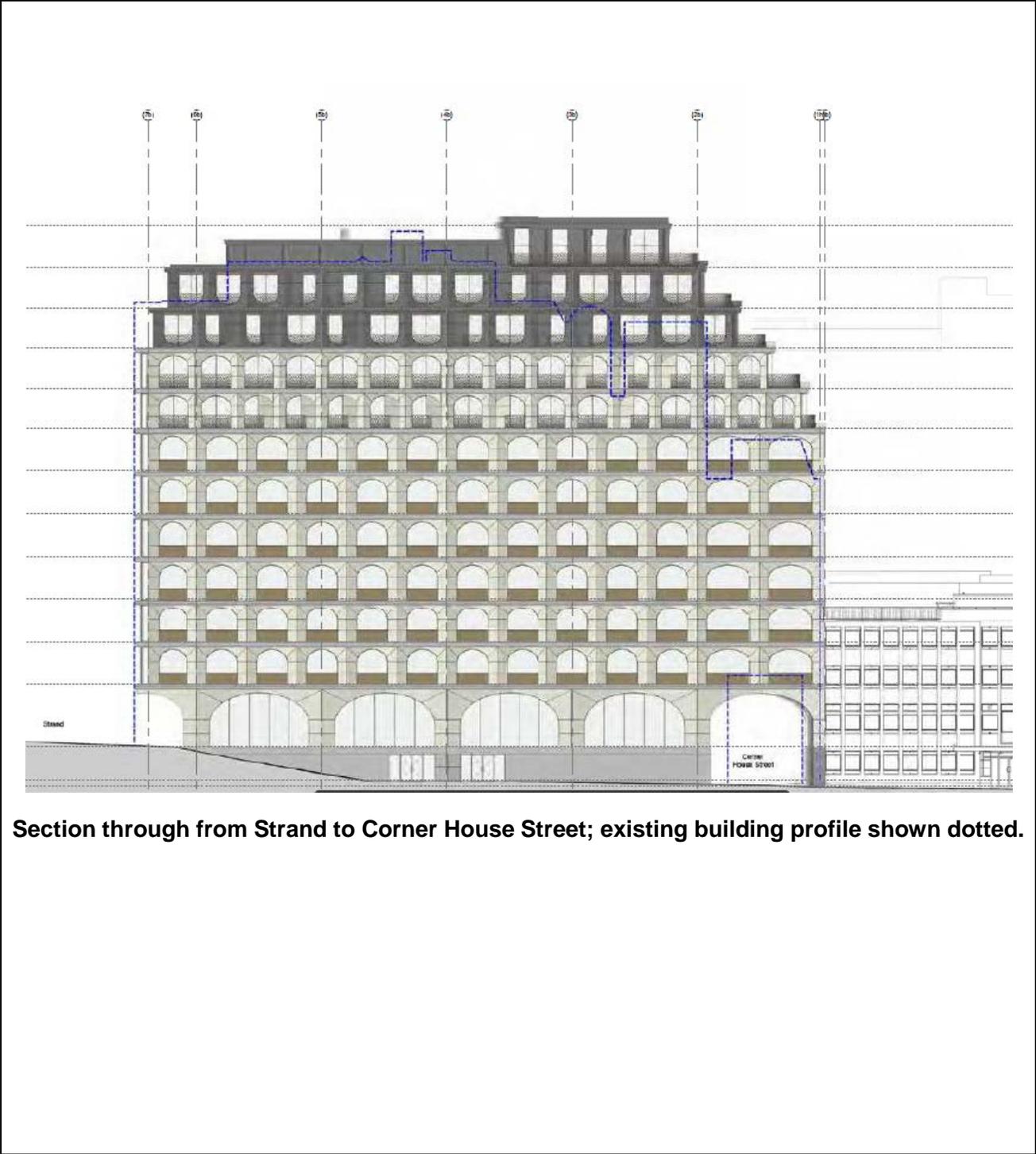
Ground floor as proposed.



Typical office floor (first floor shown here)



Typical residential floor (eighth floor shown)



Section through from Strand to Corner House Street; existing building profile shown dotted.

DRAFT DECISION LETTER

- Address:** 5 Strand, London, WC2N 5AF,
- Proposal:** Demolition of existing building and construction of replacement mixed use building, comprising retail (Class A1), restaurant (Class A3), office (Class B1) and residential (Class C3) floorspace across two basements, lower ground and ground floors and 11 upper floors, and associated alterations.
- Reference:** 16/10951/FULL
- Plan Nos:** STR-A-XP-GF; STR-A-XP-01 to 08 inclusive; STR-A-XP-RF; STR-A-XP-LGF; STR-A-XP-B1; STR-A-XEL-N; STR-A-XEL-W; STR-A-XEL-E; STR-A-DSP-01; STR-A-DP-GR; STR-A-DP-01 to 09 inclusive; STR-A-DP-LGF; STR-A-DP-B1; STR-A-DEL-N; STR-A-DEL-W; STR-A-DEL-E; STR-A-P-LP; STR-A-P-GF rev P-A; STR-A-P-01 to 11 inclusive; STR-A-P-RF; STR-A-FP-LGF-01; STR-A-FP-LGF-02 rev P-A; STR-A-FP-B1 rev P-A; STR-A-FP-UB rev P-A; STR-A-S-AA; STR-A-S-BB; STR-A-S-CC; STR-A-S-DD; STR-A-S-EE; STR-A-E-N; STR-A-E-W; STR-A-E-E; STR-A-E-S; STR-A-SKT-01; STR-A-SKT-02; STR-A-SKT-03; STR-A-SCH-00; STR-A-SCH-01; STR-A-SCH-02; STR-A-SCH-03; STR-A-SCH-04; STR-A-SCH-05; Design and Access Statement (Adjaye Associates November 2016); Townscape, Heritage and Visual Assessment (Tavernor Hayes Davidson, November 2016); Planning Statement (Gerald Eve, November 2016); Transport Assessment (Iceni, November 2016 and additional note dated March 2017); Daylight and Sunlight Assessment (gia, November 2016); Sustainability Statement, CIBSE overheating analysis and Energy Statement (all by Hurley Palmer Flatt, November 2016); Air Quality Assessment (Hurley Palmer Flatt, February 2017); Ambient Noise Survey (Applied Acoustic Design November 2016); Acoustic Report (Applied Acoustic Design, 18 January 2017); Structural Methodology Statement (mnp, November 2016 - for information only); Statement of Community Involvement (four communications, November 2016); outline construction management plan - for information only (Campbell Reith November 2016); Archaeological report (MoLA November 2016).

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the City Council as local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

As required by Thames Water. The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 4 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which: , (i) provide details on all structures, (ii) accommodate the location of the existing London Underground structures and tunnels, (iii) accommodate ground movement arising from the construction thereof, (iv) mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels., , The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

As required by London Underground, and to ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2016 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 5 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. , , If heritage assets of archaeological interest are identified

by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include: , A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works, B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of the resulting material.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: , (a) A schedule of all plant and equipment that formed part of this application; , (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; , (c) Manufacturer specifications of sound emissions in octave or third octave detail; , (d) The location of most affected noise sensitive receptor location and the most affected window of it; , (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; , (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; , (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; , (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; , (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for

a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 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.

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

Reason:

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

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

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 10 **Pre Commencement Condition.**

You must not start any demolition work on site until we have approved either: (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or, (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building., You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Trafalgar Square Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 11 Pre Commencement Condition, Prior to the commencement of development, details of the measures to be incorporated into the development demonstrating how the principles of 'secured by design' are included shall be submitted to and approved by the City Council in consultation with the Metropolitan Police.

Reason:

In line with the requirements of S28 and S29 of Westminster's City Plan, November 2016 and as required by the Metropolitan Police.

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

Reason:

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

- 13 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 6 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.

- 14 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 8 and 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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.

- 15 A scheme of mechanical ventilation shall be provided to the residential properties. Details of the ventilation system must be submitted to and approved by us prior to the occupation of the residential units. The approved scheme shall be installed and maintained as approved for the life of the development. The mechanical ventilation system installed shall ensure the internal noise levels of the residential units do not exceed the noise levels outlined in conditions 8 and 12.

Reason:

To safeguard the amenity of the future occupiers of the properties, provide an appropriate living environment and ensure appropriate air quality in accordance with the aims of policies S29, S31 and S32 of the Westminster City Plan, November 2016.

- 16 You must apply to us for details for approval of details for a ventilation strategy for the residential properties to mitigate against overheating. The ventilation scheme installed, with windows closed, to prevent overheating must show compliance to at least the Overheating Standard of CIBSE Guide A (2006), specifically; , For living rooms, less than 1% of occupied hours are over an operative temperature of 28 degrees celcius; , For bedrooms, less than 1% of occupied hours are over 26 degrees celcius; , You must not start work on this part of this development until we have approved what you have sent us and you must carry out the work in accordance with the approved details, to be retained for the life of the development.

Reason:

To safeguard the amenity of the future occupiers of the properties, provide an appropriate living environment and ensure appropriate air quality in accordance with the aims of policies S29, S31 and S32 of the Westminster City Plan, November 2016.

- 17 No vibration shall be transmitted from the railway lines so as to cause a vibration dose value of greater than 0.4m/s(1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential property.

Reason:

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

- 18 The design and structure of the development shall be of such a standard that it will protect residents within it from ground borne noise from the railway lines so that they are not exposed to levels indoors (in residential units) of more than 35 dB LASmax within habitable rooms during day and night.

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.

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 20 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number STR-A-FP-LGF-02/revP-A and STR-A-FP-UB rev P-A. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 21 You must apply to us for approval of a detailed servicing management plan. The plan shall identify process, storage locations, scheduling of deliveries and staffing. You must not occupy any part of the buildings until we have approved what you have sent us. The servicing management plan shall be maintained for the life of the development unless a revised strategy is agreed in writing by us.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 22 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 23 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , photovoltaic panels, , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 24 The new building must achieve a BREEAM rating of at least 'excellent' (or any such national measure of sustainability for commercial buildings that replaces that scheme of the same standard). Within 1 year of the completion of the commercial units, you must submit to us for our approval a copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that an 'excellent' rating has been achieved.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 25 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall not be used for food retail purposes (i.e. a supermarket).

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 26 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) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to

10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 28 You must apply to us for approval of detailed drawings of the following parts of the development: i) windows at a scale of 1:10, ii) external doors at a scale of 1:20, iii) shopfronts at a scale of 1:50, iv) external railings and balustrades at a scale of 1:20, , You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.,

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 29 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 this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 30 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:, , A revised design for the oversailing to Craven House Street to ensure a minimum clearance of 5.3m over the carriageway and footway within 1 metre of the kerb., , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 31 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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, 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 to:
 - i) A payment of £7,074,945 (index linked) towards the City Council's affordable housing fund, payable upon commencement of development.
 - ii) Carbon offset payment of £97,710 (index linked) to be paid on commencement of development.
 - iii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)
 - iv) Employment and Training Strategy for the construction and operational phase of the development.
 - v) Car club membership for residents (for a minimum of 25 years)
 - vi) Car parking spaces in an off site location to be provided prior to first occupation of the residential flats, and maintained for the life of the development.
 - vii) S106 monitoring costs to be paid on commencement of development.
- 3 You are advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

- 5 Archaeological written schemes of investigation will need to be prepared and implemented by a suitably qualified, professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition (condition 5) is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 8 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)

- 9 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641

2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 10 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.
- 11 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 12 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 13 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 14 With reference to condition 31 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 15 In relation to Condition 30, the minimum clearance heights must be adhered to enable a highways licence to be issued - any lesser clearances would not enable an oversailing licence to be issued.

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