

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	Development Site at Bressenden Place, Victoria Street and Allington Street, SW1 (Nova Place)		
Proposal	Construction of a ground floor plus part four, six and seven storey building with new basement fronting Allington Street, Bressenden Place and Victoria Street for use as offices (Class B1), flexible retail (Class A1/A2/B1), flexible office/library (Class B1/D1) and flexible retail/library/office (Class A1/A2/B1/D1) and associated works, hard landscaping, highway, utilities and ancillary works with servicing from Bressenden Place. Reinstating elements of the retained facade and interiors of Sutton House.		
Agent	Gerald Eve		
On behalf of	Victoria Circle Limited Partnership		
Registered Number	18/10917/FULL	Date amended/ completed	21 December 2018
Date Application Received	21 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a deed of variation to the original S106 legal agreement dated 9 October 2009 (as varied and secured under ref 08/08206/FULL) and subject to the views of the Mayor, to secure the following:</p> <ul style="list-style-type: none"> i) The Class D1 (library) space at a peppercorn rent for a period of 25 years ii) A one-off capital sum of £1,000,000 (index linked to 2012) to be used as a sinking fund to off-set the management costs associated with a multi-level library. iii) Monitoring payment of £500 for each obligation. <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to

determine and issue such a decision under Delegated Powers; however, if not

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

2. SUMMARY

The application site forms part of the original Victoria Transport Interchange 2 (VTI2) Masterplan site approved in October 2012. The Masterplan was split into three separate planning applications due to constraints imposed by works associated with London Underground's Victoria Station Upgrade (VSU). Permission 1 (now known as Nova) has been completed in full and comprises a mix of retail, offices and 170 residential flats. Permissions 2 and 3 have been revised since the original permission was granted. These developments comprise a mix of residential, offices, a library and retail but remain unimplemented at the time of writing.

The application site comprises the site of Permission 2 (land bounded by Victoria Street, Allington Street, Bressenden Place and the Nova development) and is known as Nova Place. The application site is vacant having previously been used as a construction site for the VSU. The site is located outside a conservation area. However, the Westminster Cathedral Conservation Area is located to the south east and the Grade II* listed Victoria Palace Theatre is nearby.

The proposal is for the construction of a ground floor plus part four, six and seven storey building with new basement for use as offices (Class B1). It is also proposed to provide space for a new library (Class D1) with the flexibility that the space can be used for office (Class B1) should the council's library service decide not to take up the space. At ground floor level it is proposed to provide either retail (Class A1/A2) office (Class B1) or library (Class D1). The scheme proposes to reinstate elements of the retained facade and interiors of Sutton House that was previously at 156-158 Victoria Street.

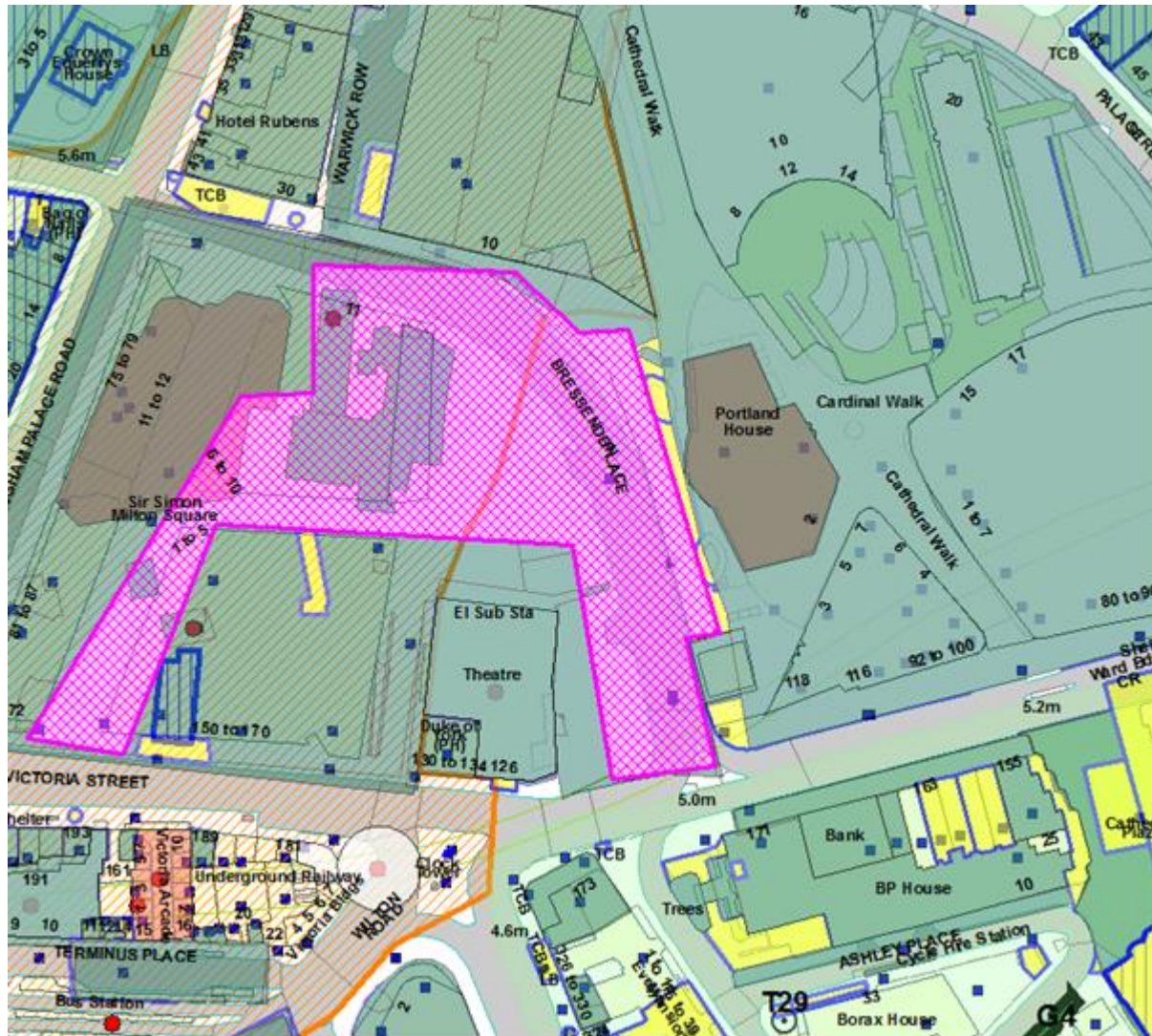
A separate application for revisions to the approved scheme for Permission 3 (known as Nova East) is Item 4 on this agenda.

The application is accompanied by an Environmental Statement (ES).

The key issues with this application are the mix of uses within the development, the design of the new building and its impact on the townscape and the design of the library space.

The proposal is considered acceptable in terms of design, land use, highways, amenity impact and environmental considerations. The application is considered to comply with relevant policies in our City Plan and Unitary Development Plan and is recommended for approval subject to a Deed of Variation to the legal agreement dated 9 October 2009 (as amended).

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Nova Place from Victoria Street

5. CONSULTATIONS

Westminster Society

Any response to be reported verbally.

Victoria Neighbourhood Forum

Any response to be reported verbally.

Cathedral Area Residents Group

Any response to be reported verbally

Belgravia Residents Association

Any response to be reported verbally

Belgravia Neighbourhood Forum

Any response to be reported verbally

The Belgravia Society

Any response to be reported verbally

Theatres Trust

Object to the to the public realm proposals on Allington Street as this will impact on access, servicing and deliveries to the theatre. No objection to the principle of development or to the proposed uses.

Highways Planning - Development Planning

No objections to servicing from Bressenden Place, car parking or cycle parking arrangements. Concerns raised about the Allington Street closure and its implications for highway and pedestrian movements along Victoria Street (due to the proposed contra-flow on Victoria Street) and the access, servicing and delivery arrangements for the Victoria Palace Theatre and Duke of York pub.

Waste Project Officer

No objection.

Thames Water Utilities

No objection subject to condition.

Transport for London

Do not object to the application however this is subject to the applicant satisfactorily addressing the points raised in our letter dated 5 June 2019 relating to bus service delivery and public transport planning, detailed design of contraflow, road safety, highways and traffic engineering impact. The level of cycle parking is Draft London Plan compliant. TfL do not support the use of the loading bay on Bressenden Place for the servicing of Nova Place. A Delivery and Servicing Management Plan should be secured by condition.

Environmental Health
No objection

Historic England (Listed Builds/Con Areas)
Do not wish to offer any comments.

Historic England (Archaeology)
No objection subject to condition.

Greater London Authority
Any response to be reported verbally.

Environment Agency (Thames Region)
No objection

National Planning Casework Unit
Any response to be reported verbally.

London Underground Limited
No comment except that the developer should continue to work with LU engineers as per lease agreement.

Natural England
No objection.

Designing Out Crime
Met with representatives of developer last year and made recommendations in terms of reducing the opportunity for crime and the fear of crime.

Cross London Rail 2
No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 141
Total No. of replies: 3
No. of objections: 2
No. in support: 1

Victoria Palace Theatre (VPT) – objects to the proposal on the basis of the potential effects of the both the Nova Place and Nova East developments on access to the VPT. The proposed draft Access and Delivery Service Plan (ADSP) goes some way to mitigating the principal concerns related to access to the theatre. The applicant and the theatre have yet to reach an agreed position on these matters.

Duke of York Public House – there are two matters that raise concern relating to how construction is to be managed over the three year implementation period and how the public house is to be accessed and serviced both during construction and completion of the works.

Comment from the National Cyber Security Centre (NCSC) who broadly support the proposal to pedestrianise Allington Street because doing so provides security benefits, namely it provides a reasonable stand off from vehicle-borne attacks, it creates a safe space for those queuing for the theatre (1500 people eight times a week), it creates a safe refuge for anyone adjacent to the estate, it contributes to a safe walking route for pedestrians looking to access Buckingham Palace/Trafalgar Square and Victoria Street/Parliament Square from Victoria Stations (train, tube and bus) and it is a position consistent with advice from CPNI and CTSA's will offer if asked how best to protect pedestrians in that space. The NCSC Security) are against the prospect of re-opening Allington Street and maintaining it as a road as doing so creates unnecessary vulnerabilities and risks to the pedestrians using Nova retail , tenants in the buildings, and theatre goers – namely vehicles used to run people over, vehicles used to ram into buildings and vehicles used as bombs

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application sites form part of the original Victoria Transport Interchange 2 (VTI2) Masterplan development site and relates to the site of Permission 2. The site is now known as Nova Place .

The site comprises land bound by Victoria Street to the south, Bressenden Place to the east and Allington Street to the north. The site is vacant and was until recently a construction site for London Underground's VSU and for works to upgrade the Victoria Palace Theatre including the construction of its fly tower extension which was facilitated by the Nova Masterplan.

The site is located outside a conservation area. The Westminster Cathedral Conservation Area is located to the south east and the site is adjacent to the Grade II* listed Victoria Palace Theatre. The site is located within the Core Central Activities Zone (CAZ), the Victoria Opportunity Area and the Victoria Area Planning Brief (VAPB). The site is located outside the congestion charge zone and the main highways surrounding the sites form part of the inner ring road/congestion charge boundary and part of the Transport for London Road Network.

6.2 Recent Relevant History

Permission was granted for the VTI2 Masterplan on 9 October 2009. The Masterplan was split into three separate planning applications due to constraints imposed by works associated with the VSU which occupied land that comprised Permissions 2 and 3. The three applications were considered as one proposal and they were linked via a S106 legal agreement into a series of development scenarios to secure the overall delivery of the Masterplan. The description of each permission and subsequent revisions together with the development scenarios are set out below.

Permission 1 – Buildings 5, 7a and 6b (now known as Nova)

Permission was granted on 9 October 2009 for three new buildings with 170 private residential units, retail and office accommodation. The development includes a two storey basement accessed from Bressenden Place for vehicle and cycle parking, servicing and loading and alterations to the public realm to provide new pedestrian routes and facilities for buses. (08/08205/FULL). The permission has been revised through a number of minor material amendment applications to allow for revisions to the massing and external appearance, the basement, parking and loading arrangements, to the retail mix and to the use of the first floor terrace. The Nova development was completed in 2016.

Permission 2 – Building 7b/7c

In the Masterplan scheme Permission 2 provides the affordable housing units triggered by the market housing in Permission 1 and the community space (library). Under the terms of the Masterplan S106 legal agreement, there is no requirement for Permission 2 to be built as Permission 1's planning obligations, which are the provision of affordable housing and the library, can be fully satisfied by commuted sum payments. The provision for commuted sums for these planning obligations was necessary due to uncertainties associated with the return of land that was occupied by the VSU works.

The original Permission 2 dated 9 October 2009 comprised a part six and part 12 storey building fronting Bressenden Place and Allington Street for use as offices (Class B1), retail (Classes A1-A5), flexible library/retail (Class D1/A1-A5) and 35 affordable housing units with servicing from Bressenden Place. (08/08206/FULL)

A revised Permission 2 was approved in January 2012 for a similar description of development set out above, but the scheme included the reinstatement of the facade, part basement and ground floors of Sutton House on Allington Street and the relocation of the library onto Victoria Street frontage. (11/05097/FULL) The key changes were:

- the potential library / office space relocated to Victoria Street. This followed concerns by amenity groups that the library was not in a prominent enough location;
- revisions to the library space definition to allow for the facility to be provided on multi levels and to provide for a one-off capital sum of £1,000,000 (index linked) to be used as a sinking fund to off-set any increased management costs for a multi-level library.
- the revised scheme to incorporate the Grade II listed Sutton House façade.

In 2015 Land Securities advised that Permission 2 was not commercially viable and was unlikely to be implemented.

The Masterplan S106 legal agreement sets out that if Permission 2 is not implemented, or if the affordable housing units are not transferred to a registered provider, or if the council decides not to take up the community space, the applicant is required to pay an affordable housing commuted sum of £8,287,628 (index linked) and a community space contribution of £6,920,000 (index linked).

Permission was granted in March 2016 for a revised Permission 2 (rebranded as Nova Place) for use as offices (Class B1), flexible retail (Classes A1-A5), flexible library/retail (Class D1/A1-5), flexible library/office (Class D1/B1), 42 residential units and the reinstatement of elements of the retained facade and interiors of Sutton House on Allington Street. The key changes were:

- i) The provision of the library space at a peppercorn rent for a period of 25 years.
- ii) The provision of nine affordable housing units on site for social rent purposes (triggered by the 5,619m² of residential floorspace in the scheme).

The revised scheme for Permission 2 did not seek to provide Permission 1's obligation with regard to affordable housing on the basis that the affordable housing obligation could be satisfied by the commuted sum. The revised scheme does however continue to provide the community space. The permission expires on 30 September 2019.

Land Securities satisfied its affordable housing obligation for Permission 2 in September 2016 with a payment to the council's affordable housing fund of £10,520,367.

Permission 3 – Building 6a

The original permission dated 9 October 2009 comprises the construction of a new 14 storey office (Class B1) building with retail uses at ground and first floor level with servicing from the basement in Nova (08/08207/FULL).

A revised scheme was approved on 8 March 2016 for construction of new 16 storey office (Class B1) building (Building 6a) fronting a realigned Allington Street and Bressenden Place with part flexible retail use (Class B1/A1-A5) at ground and first floor. The proposal included new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping/public realm works. The permission expires on 30 September 2019.

7. THE PROPOSAL

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

Use	Gross Internal Floorspace (sqm)			
	Approved 2012	Approved 2016	Proposals	Net Change since 2016
Office (B1)	2,768	1,251	3,695	+2,444
Flexible Retail/Office (Classes A1, A2, B1)	0	0	250	+250
Retail (Classes A1-A5)	562	73	0	-73
Flexible Retail/Library (A1/D1)	321	226	0	-226
Flexible Office/Library (B1/D1)	2,062	2,090	1,950	-140
Residential (C3)	3,595	5,338	0	-5,338
Flexible Retail/Office/Library (A1/A2/B1/D1)	0	0	203	+203
Total	9,308	8,978	6,098	-2,880

Table 1 Land Use: Nova Place (Applicant's calculations)

The proposal is for the construction of a ground floor plus part four, part six and part seven storey building with new basement fronting Allington Street, Bressenden Place and Victoria Street. The proposals include realigning Allington Street to facilitate the revised Nova East scheme considered as Item 4 on this agenda.

The key difference between the scheme approved in 2016 and the current scheme is that residential floorspace has been removed and, other than the Class D1 library space, the scheme is now entirely commercial with flexible retail uses at ground floor and offices above. The library is to be provided on multiple floor levels in Nova Place North with the entrance from Bressenden Place. In the event that the library space is not taken by the council (as allowed in the S106 legal agreement) then the library space can be used for Class B1 offices. The scheme also includes the incorporation of the Sutton House façade on the western elevation of Nova Place, the realignment of the proposed building line to suit the realignment of Allington Street.

As originally submitted the scheme sought to permanently close the east-west leg of Allington Street with a pedestrianised public realm scheme to occupy the space. Restricted vehicle access was also proposed at Allington Street south, allowing delivery and servicing access for Victoria Palace Theatre and Duke of York pub only during

restricted times. Following negotiations with the Highways and the proposed public realm works to Allington Street scheme have been removed from the scheme. Allington Street will therefore remain as public highway.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Nova Place proposes at least 3,695 sqm of Class B1 office floorspace. This is welcome in terms of Policies S4, S18 and S20 of the City Plan. The scheme also proposes flexible Class A1/A2/B1 uses and flexible Class A1/A2/B1/D1 uses (either shops, financial and professional services, offices and library) for the ground floor units. The provision of uses which attract visiting members of the public at ground floor level is supported in policy terms.

The provision of flexible Class B1/D1 (office/library) floorspace within the development accords with the principles established as part of the VT12 Masterplan proposals approved in 2009. The provision of library floorspace is welcome and is once again considered to be a public benefit of the scheme. The library has been relocated to the north of the site with an entrance from Bressenden Place. In the 2012 and 2016 schemes the library and its entrance was located on Victoria Street. This followed a Committee decision in 2009 to approve the VT12 Masterplan scheme subject to a condition to relocate the library entrance from Allington Street to Victoria Street. In addition, a number consultation responses for the 2009 Masterplan scheme raised the issue that the library entrance should be on Victoria Street.

The applicant considers that the library will benefit from the new location on Bressenden Place, namely the library will be located at the heart of the Masterplan, it will be located adjacent to the new area of public realm (if secured separately through highways legislation) and it will no longer be south facing which will make the library cheaper to run (less comfort cooling required). The entrance to the library is prominent and will have a 5m high portico. The library is to be provided at ground and four upper storeys. The Director of Libraries is satisfied with the new library location and the internal layout.

The library floorspace is split over ground plus 5 upper storeys and will be provided to shell and core with the fit out being the responsibility of the Council. The existing planning obligations provide a mechanism for negotiation to take place between the developer and the Council to conclude an agreement for a lease for the library space. The library floorspace is subject to a deed of variation to the 2009 S106 legal agreement and will once again be offered to the Council at a peppercorn rent for 25 years together with a one-off capital sum of £1,000,000 (index linked) to be used as a sinking fund to off-set the management costs associated with a multi-level library. In the event that those negotiations cannot be concluded, i.e. if the City Council does not wish to take the library space, then a commuted sum payment of £6,920,000 (index linked) is provided for through the S106 legal agreement. In this scenario the applicant could use the library space for B1 office use. The provision of a commuted sum and alternative B1 office use for the library accords with the principles established in the previous three permissions.

Mixed use policy

Policy S1 of the City Plan states that within the Core CAZ a mix of uses consistent with supporting its vitality, function and character will be promoted. Where the net additional floorspace (of all uses) is more than 50% of the existing building floorspace residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace. The residential floorspace will be provided in accordance with the following cascade; (i) on-site or in the immediate vicinity of the site, (ii) off-site on a site in the vicinity of the development site or in the case of the Victoria Opportunity Area, within that Opportunity Area, (iii) payment of an appropriate payment in lieu to the Affordable Housing Fund. In considering that a particular step is not practicable, site specific considerations will need to be taken into account. In demonstrating a particular step is not appropriate, considerations may include where a significantly better outcome can be achieved, in keeping with the council's mixed use objectives, by not providing the residential floorspace on site.

In terms of applying Policy S1 it has been agreed by officers that in calculating any financial contribution under mixed use policy, the uplift should be considered to be that from the original permitted scheme. In the case of Permission 2 it is the floorspace uplift from the 2012 scheme which included the relocated library and the Sutton House facade. This is because the uplift from the buildings that previously existed on the site has already been captured as part of the Masterplan scheme. Assuming that all the flexible space that could be delivered as office was implemented as office (both for the 2012 and 2018 schemes) the net additional office space from the 2012 scheme would be 1,268 sqm. This would comprise an uplift of 13% from the baseline building floorspace (of all uses) thereby no residential floorspace would be required under Policy S1.

8.2 Townscape and Design

The revised scheme for Nova Place follows the design principles agreed in 2016 and is considered acceptable in design terms. The amended design retains the previously approved building at the corner of Victoria Street and Bressenden Place. This façade will be constructed from pre-cast concrete and Jura limestone. Facing onto Bressenden Place the east façade of the building will have a reduced massing compared to the approved scheme and the building will be set back to create new public realm and a setting for the new library entrance. Part of the east elevation will include a shroud for the London Underground ventilation shaft. The façade of the library will be more extensively glazed than the other elevations as it will benefit from more favourable environmental conditions with minimal solar gain, noise and pollution. The reinstated Sutton House will form part of the north west corner of the site. The interior of the ground floor of Sutton House would be reconstructed at ground floor forming an entrance to the upper office levels of the building. The realigned Allington Street will enhance the setting of this part of the development and allow the Sutton House façade to be better appreciated. The building is respectful to the setting of the Grade II* Victoria Palace Theatre in terms of size, siting and design.

The proposed permanent closure of the east-west part of Allington Street will allow for the creation of a new area of public realm. This is welcome in urban design terms and

will enhance the permeability of the Nova development. There will be hostile vehicle mitigation measures designed into the public realm.

8.3 Residential Amenity

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 S29 of the City Plan states that ‘the council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment.’

The applicant provided a daylight and sunlight assessment with the application permitted in 2016. This assessment demonstrated that all of the 930 windows assessed surrounding the proposal would meet the BRE criteria for the vertical sky component (VSC). The ‘no sky line’ (NSL) assessment demonstrated that 17 windows within the View (that serve living rooms) would not meet the BRE guidelines with nine experiencing a NSL reduction between 20-30% and 8 experiencing a reduction of between 30-40%. However, this impact was considered acceptable on the basis that all windows pass the VSC daylight test, and given the central London context, the impact to properties within the View would not be so severe as to justify a refusal.

The applicant has concluded that full reassessment of the amended scheme is unnecessary on the basis that there are relatively small changes to the massing of the proposed development. A Statement of Conformality has been provided by the applicant confirming this. This approach is considered acceptable and it is considered that for the reasons set out above the material loss of residential amenity to residential properties within the View is considered acceptable.

8.4 Transportation and Public Realm

Cycle parking, car parking and servicing

Policy S41 of the City Plan requires all development to prioritise pedestrian movement and a pedestrian safe environment, encouraging sustainable transport options. S42 requires adequate off-street servicing provision in new developments.

A total of 103 cycle parking spaces would be provided for Nova Place with 54 long-stay spaces in the basement of Nova accessed by a lift and 49 short stay spaces at ground floor level for visitors on Bressenden Place.

The Nova basement will provide disabled car parking spaces for the commercial uses in Nova Place. No other car parking is provided. This is considered acceptable.

Off street servicing to Nova Place will be from the on-street layby on Bressenden Place. Commercial waste for Nova Place will be stored inside the building and collected from the Bressenden Place on-street loading bay on a daily basis. Although TfL has raised a concern, these servicing arrangements are similar to those previously approved and are considered acceptable in highways terms. It is recommended that a Delivery and Servicing Plan is secured by condition.

Public Realm

The scheme as originally submitted proposed to enhance the public realm of the Nova Masterplan area through the pedestrianisation of the east-west part of Allington Street and the part pedestrianisation of the north-south part. Under current proposals Allington Street is due to be reinstated following the completion of the VSU works and will once again be open to buses only.

Officers recognise that the public realm proposals would enhance pedestrian movement and comfort within the Nova Masterplan area, enhance the east-west connections to Nova Phase 1 and Cardinal Place and provide a new area of open space for people to relax and sit. The public realm measures would also enhance the security within the wider Nova development. However, the closure of Allington Street to bus traffic necessitates the provision of a contraflow bus lane on Victoria Street outside the Victoria Palace Theatre and modifications to two junctions on Victoria Street. The detailed traffic modelling carried out by the applicant has been independently assessed by the council's consultants. They advise that further design work and modelling is required to ensure that the creation of the new public realm within Nova is not achieved at the expense of east-west pedestrian movement along Victoria Street. Rather than delay the determination of both the Nova East and Nova Place applications it has been agreed with the applicant that these matters need to be resolved outside the planning process. The applicant has therefore removed the public realm proposals from the scheme and Allington Street will now remain as public highway, albeit realigned. Whilst the loss of the public realm proposal from the scheme is regretted it is important to ensure that any highway issues are fully considered and assessed. The closure of the east west part of Allington Street could always be brought forward by the applicant at a later date under appropriate highways legislation.

As well as the pedestrianisation of the east-west part of Allington Street, the scheme also proposed to part pedestrianise the north south part of the street with reduced access for the Victoria Palace Theatre and Duke of York public house as well as introducing security bollards into the highway. The applicant has consulted with both the theatre and the pub on this issue and has prepared a draft Access, Servicing and Delivery Plan which officers have had sight of. Although proposed as part of the current scheme, the part pedestrianisation and bollards could only be considered through a Traffic Management Order (TMO) and Bollard Management Order rather than through planning legislation. The applicant has therefore also removed these elements from the proposed drawings. The concerns expressed by the Victoria Palace Theatre and the Duke of York public house about access and servicing are noted, however, they will need to be assessed as part of any future TMO process.

8.5 Economic Considerations

The economic benefits of providing high quality office floorspace and a public library are welcomed.

8.6 Access

The scheme provides level access from street level and lift access to all floors of the building.

8.7 Other UDP/Westminster Policy Considerations

Mechanical Plant

Mechanical plant is proposed at mezzanine level and at main roof level. Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected and the attenuation measures are available to confirm compliance with the Council's standard noise condition. The Council's standard condition relating to the testing of emergency generators is also recommended.

Biodiversity

A green roof is proposed at main roof level(s). This is welcome, and it is recommended that this is secured by condition. There is also a commitment by the applicant to provide bird boxes and it is recommended that these are secured by condition.

Wind

The application is accompanied by a wind assessment prepared by the Building Research Establishment. Wind tunnel testing has been carried out combined with statistical data relating to meteorological conditions in London, adjusted for site specific conditions. If both the Nova Place and Nova East schemes are completed the results show that wind conditions will be suitable for their intended pedestrian activities. The results are similar for the development scenario 7 where only Nova East is implemented.

Air Quality

Environmental Health has confirmed that the transport emissions will be air quality neutral and therefore no further mitigation is required.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There are currently no neighbourhood plans in place that affect this area.

8.10 London Plan

The GLA has indicated that the scheme is not of strategic importance. The proposal was referred to the GLA given its history as part of the VT12 Masterplan site.

8.11 National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions. The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

A Deed of Variation to the original S106 legal agreement dated 9 October 2009 will be required to secure

- i) The Class D1 (library) space at a peppercorn rent for a period of 25 years
- ii) A one-off capital sum of £1,000,000 (index linked to 2012) to be used as a sinking fund to off-set the management costs associated with a multi-level library.
- iii) Monitoring payment of £500 for each obligation.

The estimated Westminster CIL payment is: £1,453,619.19

The estimated maximum Mayoral CIL2 payment based on the flexible uses being B1 office is £1,128,130,00.

8.13 Environmental Impact Assessment

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In putting forward this recommendation, officers have taken into account the Environmental Statement submitted with the application. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations (2017) and that sufficient information has been provided to enable assessment of the environmental impact of the application.

Energy Strategy

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 application is accompanied by an Energy Strategy which sets out the sustainability credentials of the building. The 'Be Lean' measures include natural ventilation, solar shading and low energy lighting. The 'Be Clean' measures include a connection to the Nova Permission 1 Energy Centre (which include a Combined Heat and Power Unit). There are no 'Be Green' measures proposed. Taken together these measures will lead to a reduction in cumulative CO2 levels of 37.3% beyond Building Regulation Part L1A 2013 which demonstrates a slight improvement on the permitted 2016 scheme.

The Council has recently commissioned a feasibility study with regard to connecting Nova to the PDHU. The study concludes that there are significant obstacles to connecting the Nova energy centre to the PDHU. Notwithstanding this the Nova scheme is future proofed to enable a connection to district heating infrastructure should circumstances change in the future.

8.14 Other Issues

Public consultation

The applicant has submitted a Statement of Community Involvement (SCI) with the application. This sets out the consultation carried out by the applicant prior to the submission of the application.

The SCI advises that the consultation included a two-day, fully-staffed and promoted public exhibition at Nova South as well as an ongoing contact programme with ward councillors and local residents to offer meetings in order to discuss the proposals. Ward councillors and representatives of the Victoria Palace Theatre were also invited to private briefings to view the plans and give their feedback to members of the team. Local resident and amenity groups were also invited to the exhibitions, including the Westminster Society, Historic England, the Twentieth Century Society and the Victoria Business Improvement District. The public consultation was promoted through flyers, which were distributed to 1,732 local households and businesses. A total of 120 people attended the consultation events at Nova South; 43 people attended on Tuesday 20 November and 77 people attended on Wednesday 21 November.

Construction impact

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. Officers from these teams were involved in monitoring the Nova (Permission 1) site to ensure compliance with the Council's Code of Construction Practice and site specific Site Environmental Management Plan, the latter of which controls noise, dust and vibration emanating from the site. As part of the S106 legal agreement for the Nova Masterplan a financial contribution of £100,000 was secured for Permissions 2 and 3 towards monitoring by the council's Environment Inspectorate. It is therefore recommended that these measures are retained for the current Nova East and Nova Place applications. Notwithstanding this it is recommended that a Construction Management Plan (CMP) and a Construction

Logistics Plan are secured by condition. These can deal with matters raised by the Duke of York public house, access to the site by construction vehicles and the necessary mitigation measures for the Victoria Palace Theatre which may include an agreement limiting noisy and percussive works during performances.

A condition is also 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.

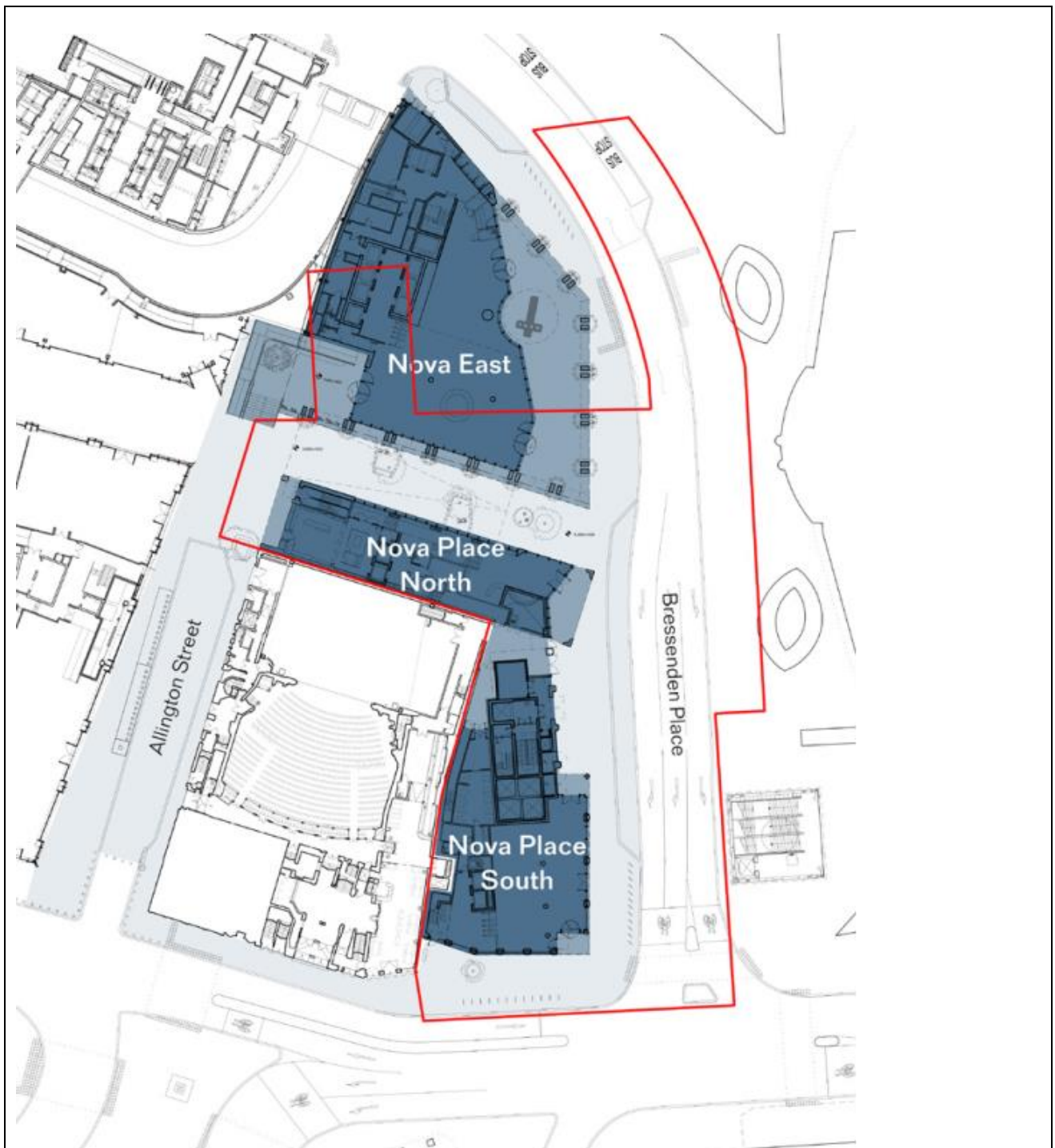
Crime and security

The Designing Out Crime Officer has met with the applicant's representatives resulting in recommendations being made in terms of reducing the opportunity for crime and the fear of crime within this scheme. The Counter Terrorism Advisor was notified of this application. Following the removal of the Allington Street public realm proposal it is recommended that a revised crime and security statement is secured by condition. In the event that Allington Street reopens as public highway then hostile vehicle mitigation measures may be required to protect the pedestrian areas of Nova.

(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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

9. KEY DRAWINGS



Ground floor plan of Nova East and Nova Place. The public realm measures shown on this drawing have been removed from the scheme and Allington Street will remain as public highway.



Nova Place at the corner of Victoria Street and Bressenden Place



DRAFT DECISION LETTER

Address: Development Site (Nova) At Bressenden Place Victoria Street Allington Street And, Buckingham Palace Road, London, SW1E 5EF,

Proposal: Construction of a ground floor plus part four, six and seven storey building (Building 7b/7c) with new basement fronting Allington Street, Bressenden Place and Victoria Street for use as offices (Class B1), flexible retail (Class A1/A2/B1), flexible office/library (Class B1/D1) and flexible retail/library/office (Class A1/A2/B1/D1) and associated works, hard landscaping, highway, utilities and ancillary works with servicing from Bressenden Place. Reinstating elements of the retained facade and interiors of Sutton House (previously at 156-158 Victoria Street).

Reference: 18/10917/FULL

Plan Nos: Energy Strategy Ref : 60579447/E_ES01, Sustainability Statement WIE14783-100-R-3-2-3-SUS, Flood Risk Assessment WIE14783-100-R-4-1-2-FRA, Environmental Statement Volume 1 WIE14783-100-R-2-1-1 ES, Volume 2 WIE14783-100-R-2-1-1 Figures, Volume 3, Volume 4 WIE14783-100-R-2-1-1 Appendices. Environmental Statement - Non Technical Summary WIE14783-100-R-2-1-1 NTS. Planning Statement., Transport Assessment. M000402 - 3 - 1 - RE - 001 v3.0, , For information purposes only:, Design and Access Statement., BREEAM Pre-Assessment. Location and Site Plans -LA-070-NOV-TP-320-00, LA-070-NOV-TP-321-00, LA-070-NOV-TP-400-00, LA-070-NOV-TP-401-00., , Existing Drawings, LA-070-NOV-TP-330-00, LA-070-NOV-TP-331-00, LA-070-NOV-TP-332-00, LA-070-NOV-TP-333-00, LA-070-NOV-TP-340-00, LA-070-NOV-TP-341-00, LA-070-NOV-TP-342-00, LA-070-NOV-TP-343-00, LA-070-NOV-TP-334, LA-070-NOV-TP-335-00, LA-070-NOV-TP-344-00, LA-070-NOV-TP-336-00., , Proposed Drawings, LA-070-NOV-TP-409-00, LA-070-NOV-TP-410-00, LA-070-NOV-TP-411-00, LA-070-NOV-TP-412-00, LA-070-NOV-TP-413-00, LA-070-NOV-TP-414-00, LA-070-NOV-TP-415-00, LA-070-NOV-TP-416-00, , LA-070-NOV-TP-417-00, LA-070-NOV-TP-418-00, LA-070-NOV-TP-419-00, LA-070-NOV-TP-430-00, LA-070-NOV-TP-431-00, LA-070-NOV-TP-440-00, LA-070-NOV-TP-441-00, LA-070-NOV-TP-442-00, LA-070-NOV-TP-450-00, LA-070-NOV-TP-451-00, LA-070-NOV-TP-422-00, LA-070-NOV-TP-444-00, LA-070-NOV-TP-443-00., LA-070-NE18-SK-3034 Rev P8.

Case Officer: Matthew Mason

Direct Tel. No. 020 7641 2926

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: ,
- o between 08.00 and 18.00 Monday to Friday; ,
 - o between 08.00 and 13.00 on Saturday; and ,
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only: ,

- o between 08.00 and 18.00 Monday to Friday; and ,
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 You must carry out a detailed site investigation for all parts of the site, except those which have already been investigated in relation to the Victoria Station Upgrade works, to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed:., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18BA)

- 4 **Pre-Commencement Condition:** No demolition or development shall take place until a 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, which shall include the statement of significance and research objectives, and , , A. 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 and dissemination

and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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)

- 5 **Pre-Commencement Condition:** No development shall take place until a Construction Logistics Plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority in consultation with Transport for London (see informative 2). Thereafter the construction logistics must be managed in accordance with the details approved.

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)

- 6 **Pre Commencement Condition.**, None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which: , (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,, , The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraph (i) of this condition shall be completed, in their entirety, before any part of the building is occupied

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

- 7 **Pre Commencement Condition.**, You must apply to us for approval of detailed drawings showing how you will support and protect the relevant parts of the Victoria Palace Theatre. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 8 **Pre Commencement Condition.**, You must apply to us for approval of details of a detailed condition survey of the Victoria Palace Theatre together with details of construction vibration limits that comply with Part 2 of BS 7385. You must not start any work until we have approved what you have sent us. You must then carry out the work according to these agreed vibration limits.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 9 You must provide two disabled parking spaces for use by occupiers of the building hereby approved within the basement of Nova (Permission 1 approved under reference 13/00090/FULL or as subsequently varied). The parking spaces must be provided prior to occupation of the retail, office or library floorspace and thereafter made permanently available for use.

Reason:

To make sure provision is made for off-street residential car parking in accordance with policy TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

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

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)

- 11 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:, , - the removal of any door that open outward onto the public highway on Bressenden Place and Allington Street at ground floor level. , , 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)

- 12 You must provide the waste stores shown on the approved drawing before anyone moves into the relevant part of the development. You must clearly mark them and make them available at all times to everyone using the relevant part of the development. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 13 You must apply to us for approval of details of the short-stay cycle parking in consultation with TfL. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and thereafter retain it.

Reason:

To ensure the cycle parking spaces and cycle access facilities are provided for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must provide 55 long stay cycle parking spaces as set out on drawing LA-070-NE18-SK-3034 Rev P8 within the basement of Nova Permission 1 approved under reference 13/00090/FULL (or as subsequently varied). The parking spaces must be provided prior to occupation of the retail, office or library floorspace and thereafter made permanently available for use.

Reason:

To ensure the cycle parking spaces and cycle access facilities are provided as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 15 You must apply to us for approval of detailed drawings to show the access route for the long stay cycle parking spaces for the occupiers of the approved building. You must not start any 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 these details prior to the occupation of the offices and thereafter the cycle space route shall be retained for the life of the development.

Reason:

To ensure the cycle parking spaces and cycle access facilities are easily accessible set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant installed will comply with the Council's noise criteria as set out in Conditions 17 and 18 of this decision. 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. (R51AB)

- 17 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (excluding emergency plant) hereby permitted shall not at any time exceed either, i) a value of 10 dB, below the minimum historical pre-development external background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006 approved under ref 13/00090/FULL), or, ii) a value of 5dB below the minimum post-development external background noise level, whichever is the lower of (i) or (ii), at a point 1 metre outside any window of any residential 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 design., (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 tonal or intermittent plant and machinery (excluding emergency plant) hereby permitted, when operating at its noisiest, shall not at any time exceed either, i) a value of 15 dB, below the minimum historical pre-development external background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006 approved under ref 13/00090/FULL), or, ii) a value of 10 dB below the minimum post-development external background noise level, whichever is the lower of (i) or (ii), at a point 1 metre outside any window of any residential 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 design., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;, (c) Manufacturer specifications of sound emissions in octave or third octave detail;, (d) The location of most affected noise sensitive receptor location and the most affected window of it;, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

- 19 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the surfacing of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the soft landscaping according to these approved drawings within one planting season of completing the development (or within any other time limit we agree to in writing). (C30AB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 20 You must not attach satellite antennae, flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 21 You must apply to us for approval of detailed drawings of a typical (full height) bay detail of each facade in plan, section and elevation annotated to show materials. You must not start any work on these parts of the development until we have approved what you have sent us., You must then carry out the work according to these detailed drawings unless otherwise agreed in writing with us.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 22 You must apply to us for approval of a schedule and samples of the facing materials you will use. You must then carry out the work using the approved materials, unless otherwise agreed in writing with us.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 23 You must not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 24 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 25 You must apply to us for approval of details of the following parts of the development - , , - bird and bat boxes., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to occupation. Thereafter the bird and bat boxes must be retained as approved.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 26 Surface water source control measures shall be taken in accordance with details which are submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

Reason:

To prevent the increased risk of flooding and improve water quality

- 27 The construction of the site drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency before the development commences. A plan must be submitted for analysis to prevent pollution of the water environment.

Reason:

To prevent pollution of the water environment.

- 28 You must not occupy any part of the office or retail uses hereby approved until the building is fully connected to the energy centre located in the basement of Nova (Permission 1 as approved under reference 13/00090/FULL or as subsequently varied).

Reason:

To make sure that the development provides environmental sustainability features as set out in S39 of of Westminster's City Plan: Strategic Policies adopted November 2013.

- 29 **Pre-Commencement Condition:** No development shall take place until a Construction Management Plan for the proposed development has been submitted to and approved in writing by the City Council. Thereafter the construction must be managed in accordance with the details approved.

Reason:

To protect the environment of neighbouring occupiers and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 30 You must apply to us for approval of details of a Delivery and Servicing Management Plan for the approved office and retail uses. You must not occupy any part of the building until we have approved what you have sent us. You must then manage the development in accordance with the details approved.

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)

- 31 In the event that Allington Street remains open to traffic as public highway you must submit a revised Crime and Security statement that sets out details of measures to protect Allington Street and the adjoining east-west public realm route in Nova (Permission 1)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that the construction logistics plan must include details of the cycle safety measures that will be implemented during demolition and construction such construction vehicles being fitted with side-bars, blind spot mirrors and cycle detection equipment. Please consult with TfL over the preparation of the construction logistics plan as they are the highways authority for Bressenden Place.
- 3 This permission is governed by a legal agreement (deed of variation) between the applicant and us under Section 106 of the Town and Country Planning Act 1990. Among other things the agreement relates to the provision of the library space at a peppercorn rent for a period of 25 years and a one-off capital sum of £1,000,000 (index linked) to be used as a sinking fund to off-set the management costs associated with a multi-level library. , , .
- 4 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.**
- 5 Listed building consent is required for the installation into Nova Place of certain retained

elements dismantled pursuant to listed building consent dated 7 January 2011 Ref: 09/10493/LBC. There is a listed building consent application pending under ref 19/02135/LBC.

- 6 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. 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 wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality, ,