

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, Allington Street and Nova, SW1 (Nova East)			
Proposal		Variation of condition 37 of permission dated 08/03/2016 (ref 15/08006/FULL) for Construction of a 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 includes new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping / public realm works. NAMELY, further realignment of Allington Street and rotation of the permitted building, removal of basement floor space, increased office floorspace, amendments to the design of the facade, and associated works including decreased storey heights to enable the inclusion of two additional storeys without increasing the permitted height of the building.			
Agent		Gerald Eve			
On behalf of		Victoria Circle Limited Partnership			
Registered Number		19/00012/FULL		Date amended/ completed 24 December 2018	
Date Application Received		24 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 secured under ref 08/08207/FULL (as varied) and subject to the views of the Mayor, to secure the following:</p> <ul style="list-style-type: none"> i. A payment of £12,449,773 (index linked) to the Council's affordable housing fund payable on commencement of development. ii. A payment of up to £3,441,200 towards Crossrail. iii. The necessary Stopping Up Orders and Traffic Management Orders to allow for the realignment of Allington Street. iv. Monitoring costs.

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

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

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

2. SUMMARY

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 3 (land bounded by Allington Street, Bressenden Place and the Nova development) and is known as Nova East. 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.

A revised scheme has been submitted for Nova East in the form of a S73 minor material amendment. The proposal is again for the construction of an office (Class B1) building fronting Allington Street and Bressenden Place with part flexible office and retail uses (B1/A1/A2) at ground and first floor. The key amendments sought are:

- the rotation of the approved building and realignment of Allington Street (Allington Street to remain as public highway)
- removal of basement floor space,
- amendments to the design of the façade
- decreased storey heights to enable the inclusion of two additional storeys (without increasing the permitted height of the building).

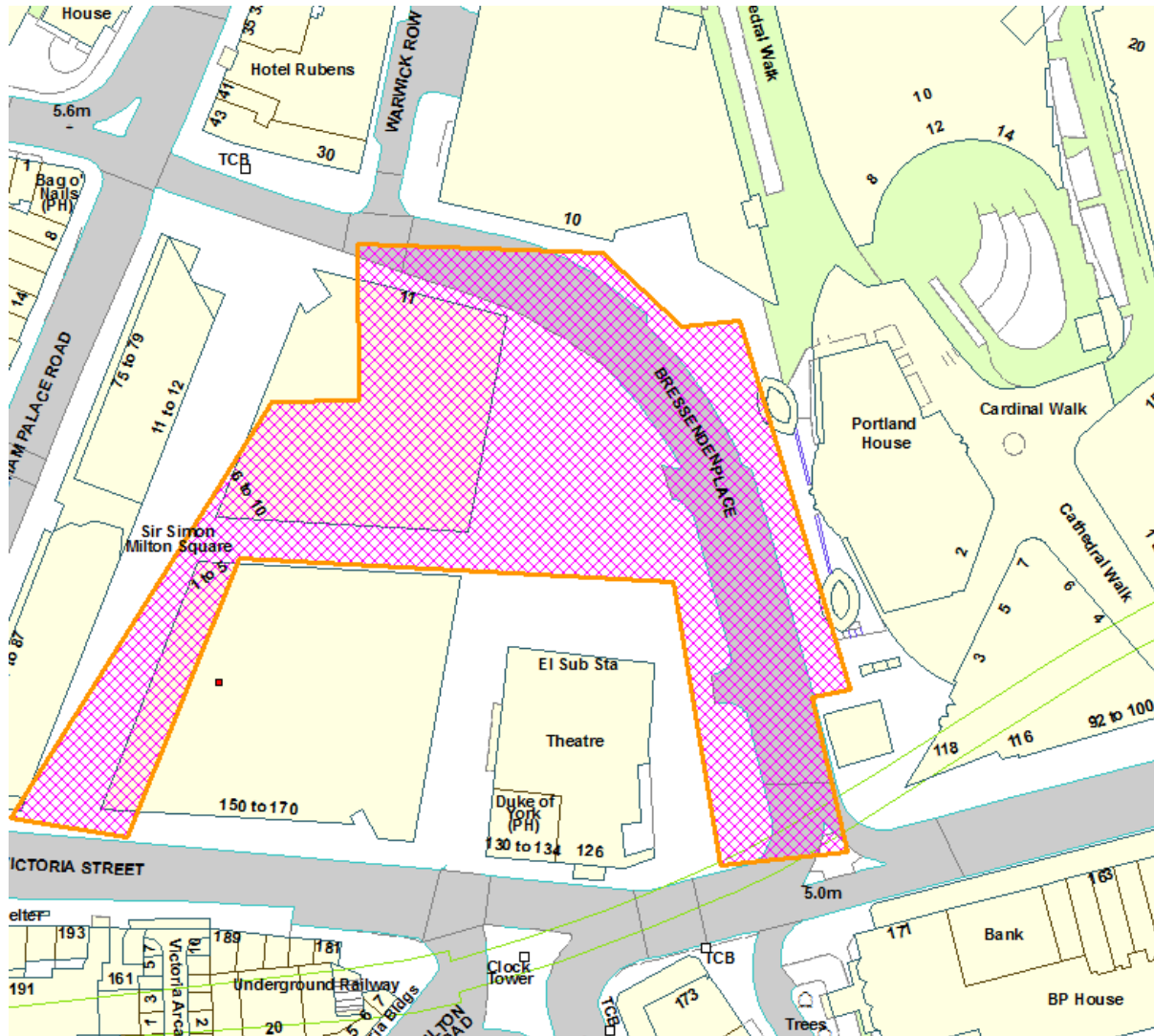
A separate application for revisions to the approved scheme for Permission 2 (known as Nova Place) is Item 5 on this agenda.

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

The key issues with this application are design of the new building and its impact on the townscape and strategic views and the increase in office floorspace and compliance with the Council's mixed use policies.

The current proposal for Nova East is substantially similar to the scheme permitted in 2016 and is again considered acceptable in terms of design, land use, highways, amenity impact and environmental considerations. The provision of a payment in lieu for the increase in office floorspace is again considered acceptable for the reasons set out in the report. 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) to secure the necessary planning obligations.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Nova East site from Bressenden Place

5. CONSULTATIONS

Westminster Society

Any response to be reported verbally.

Victoria Neighbourhood Forum

Any response to be reported verbally.

Waste Project Officer

No objection subject to a condition.

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.

Cathedral Area Residents Group

Any response to be reported verbally.

Highways Planning - Development Planning

No objections to servicing, 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.

Environmental Health

No objection on environmental or noise nuisance grounds.

Thames Water

No objection subject to recommended

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.

Historic England (Listed Builds/Con Areas)

Do not wish to offer any comments.

Historic England (Archaeology)

No objection subject to a condition.

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.

Greater London Authority

Any response to be reported verbally

Natural England

No comment

Environment Agency (Thames Region)

No objection subject to conditions

The Royal Parks

Any response to be reported verbally.

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.

Theatres Trust

No objections to the principle of development but object to the public realm proposals as currently presented. This is because it would result in the Victoria Palace Theatre unable to facilitate get-ins and get-outs (the delivery and removal of sets and stage equipment) along with any other activities requiring the handlings of large vehicles e.g. outside broadcasts

Designing Out Crime

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.

Network Rail

Any response to be reported verbally.

City of London

Any response to be reported verbally.

Hammersmith & Fulham Council

No objection

Royal Borough of Kensington & Chelsea

No objections.

London Borough of Lambeth
Any response to be reported verbally.

London Borough of Southwark
No comment.

London Borough of Wandsworth
Any response to be reported verbally.

London Borough of Tower Hamlets
Any response to be reported verbally.

Cross London Rail 2
No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 447
Total No. of replies: 4
No. of objections: 2
No. in support: 2

Victoria Palace Theatre (VPT) – objects to the proposal based on 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.

Letter of support from a local resident in The View that the modifications made to the previous permission are logical and coherent and provide both aesthetic and logistical improvements which are in the interest of the local community

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site forms part of the original Victoria Transport Interchange 2 (VTI2) Masterplan development site and relates to the site of Permission 3. (now known as Nova East).

The site comprises land bound by Bressenden Place to the east and Allington Street to the south. 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 close 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 subsequently been revised through 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 application for Nova East comprises a minor material amendment to the permission granted on 8 March 2016. The proposal is again for the construction of an office (Class B1) building fronting Allington Street and Bressenden Place with part flexible office and retail uses (B1/A1/A2) at ground and first floor (the previously approved uses within A3, A4 and A5 no longer form part of the scheme). The key changes to the design of Nova East are the realignment of the south elevation of the building to now be parallel with the Victoria Palace Theatre (the alignment of Allington Street and Nova Place has also changed) and the introduction of trusses to support the building along Allington Street rather than the previously approved cantilevered structure. The design approach is the same as previously approved. Although the scheme proposes two additional floors these are contained within the permitted building height. The proposed maximum height of the building of 73.380 is the same as that previously permitted, being 73.380m. The elevations are to be fabricated in natural anodised aluminium as previously permitted.

In addition to the proposed 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.

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

Use	Gross Internal Floorspace			
	Approved 2009	Approved 2016	Proposals	Net Change since 2016
Office (B1)	13,290	19,946	24,420	+4,474
Flexible Retail / Office (Classes A1-A2 or B1)	278	325	160	-118
Total	13,568	20,271	24,580	+4,309

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

8. DETAILED CONSIDERATIONS

8.1 Land Use

Nova East proposes an increase in office floorspace of up to 4,309 sqm from the scheme permitted in 2016. The proposed office increase is welcome in terms of Policies S4, S18 and S20 of the City Plan. The scheme proposes flexible retail uses within Classes A1-A2 (either shops or financial and professional services) or Class B1 offices of 160sqm at ground and first floor level. The reason for this reduction in potential retail floorspace compared to the previous scheme is due to the smaller footprint of the ground floor and the need to maintain full access to the mains sewer than runs underneath the site. The reduction in flexible retail floorspace is not considered significant given the other retail uses in Nova.

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 i.e. the floorspace uplift from the 2009 Permission 3. This is consistent with the way the 2016 permission was assessed. This is because the

uplift from the buildings that previously existed on the site had already been captured as part of the Masterplan scheme. The increase in office floorspace from the 2009 permission is up to 4,309sqm.

It is not considered appropriate to provide residential floorspace within Nova East as it will undermine the strategic objectives of increasing the amount of office floorspace within the Victoria Opportunity Area. In addition, there are above ground constraints that prevent an increase in the size of the building in the form of strategic and other views; for example, views of the building from the Queen Victoria Memorial. The applicant, which is Victoria Circle Limited Partnership, only owns sites comprising the Nova development and no other sites within the VOA. Although residential uses have previously been permitted at the adjacent site Nova Place, the applicant considers that it is not appropriate to put residential floorspace within the current scheme for Nova Place due to the constraints imposed by the VSU ventilation towers.

The principle of a fully commercial building on this site has been accepted twice previously in 2009 and 2016. It is not considered that there has been a significant material change in circumstances to take an alternative position with the current scheme. Whilst there is a new policy in place in the form of S1 of the City Plan, it has adopted a substantially similar cascade approach to previous iterations of the mixed use policy. The argument put forward by the applicant for not providing the required residential floorspace at Nova Place is accepted.

It is therefore proposed to address the mixed use policy through a payment in lieu taking into account the increase in floorspace proposed. A payment of £12,449,773 will therefore be required towards the council's affordable housing fund which is equivalent to the net additional B1 office floorspace less 30% of the existing building. Should the flexible A1/A2 space at ground and first floors be used for B1 purposes then this sum will reduce to £12,244,107. This could be secured through the deed of variation to the S106 legal agreement.

8.2 Townscape and Design

The revisions to Nova East are considered acceptable in design terms. The overall height of the building is the same as previously approved and the design and massing is substantially similar to the permitted scheme. There will be no material difference in key views of the building from the Queen Victoria Memorial and the gardens of Buckingham Palace. The changes to the south elevation of the building (arising from the realignment of the building footprint) and the changes to the design of the shoulder element of the building will be visible from the south. However, this will not have any significant impact on the setting of the Grade II* listed Victoria Palace Theatre when viewed from the south. The building remains a conventional curtain wall construction in natural anodised aluminium. The south facade again has solar shading by projecting vertical fins which add visual depth to the facade, while other facades have a combination of narrow fins and clear and translucent glass panels. The design approach to the ground floor where the cantilevered roof is replaced by structural trusses is considered acceptable and an improvement over the approved scheme.

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 for the scheme approved 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 once again considered acceptable.

8.4 Transportation and Public Realm

Cycle parking, car parking and servicing

There are no objections to the realignment of Allington Street. The realigned Allington Street will make an improved and logical connection between Nova and Bressenden Place. The necessary Stopping Up Orders and Traffic Management Orders for this realignment could be secured as part of the deed of variation to the S106 legal agreement.

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.

Nova East forms part of the Masterplan scheme and access is provided to the basement under Permission 1 (the Nova development) for cycle parking, disabled car parking and servicing.

A total of 329 long stay cycle parking spaces are proposed in the Nova basement with accompanying shower and locker facilities. A further 23 short stay spaces are provided for visitors. The cycle parking proposed meets the London Plan standards and is considered acceptable. It is recommended that details of the on-street cycle parking are secured by condition.

The Nova basement will provide 5 disabled car parking spaces for the commercial use in Nova East. No other car parking is provided. This is considered acceptable.

Off street servicing to Nova East will be provided via the basement which is to be connected through to the main Nova basement to the west. These servicing arrangements are similar to those previously approved and are considered acceptable in highways terms. Commercial waste for Nova East will be stored within the shared basement level for Nova.

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 additional high quality office floorspace are welcomed.

8.6 Access

The scheme provides key features for compliant and convenient inclusive access to meet the needs of the public and tenants.

8.7 Other UDP/Westminster Policy Considerations

Mechanical Plant

Mechanical plant is proposed at first, second and basement level. The previously proposed plant within the top floor of the building has been removed from the scheme. 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 sedum roof is proposed at main roof level. 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 sought modifications to the wording of some pre-commencement conditions that have been agreed with officers.

8.12 Planning Obligations

A deed of variation is proposed to cover the following issues:

- A payment of £12,449,773 (index linked) to the Council's affordable housing fund payable on commencement of development.
- A payment of up to £3,441,200 towards Crossrail.
- The necessary Stopping Up Orders and Traffic Management Orders to allow for the realignment of Allington Street.
- Monitoring payment of £500.

The estimated Mayoral CIL(1) payment is : £1,807,677.13

8.13 Environmental Impact Assessment including Sustainability

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 (CLP) 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. The CMP and CLP conditions are usually pre-commencement conditions. However, given that the applicant is seeking to implement the 2016 permission by carrying out preliminary works of installing the piling guide wall and piling works which are also common to the current scheme, it is considered appropriate to allow these limited preparatory works to take place prior to the submission of the CMP and CLP documents. The standard condition pre-commencement condition has been amended to this affect.

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.

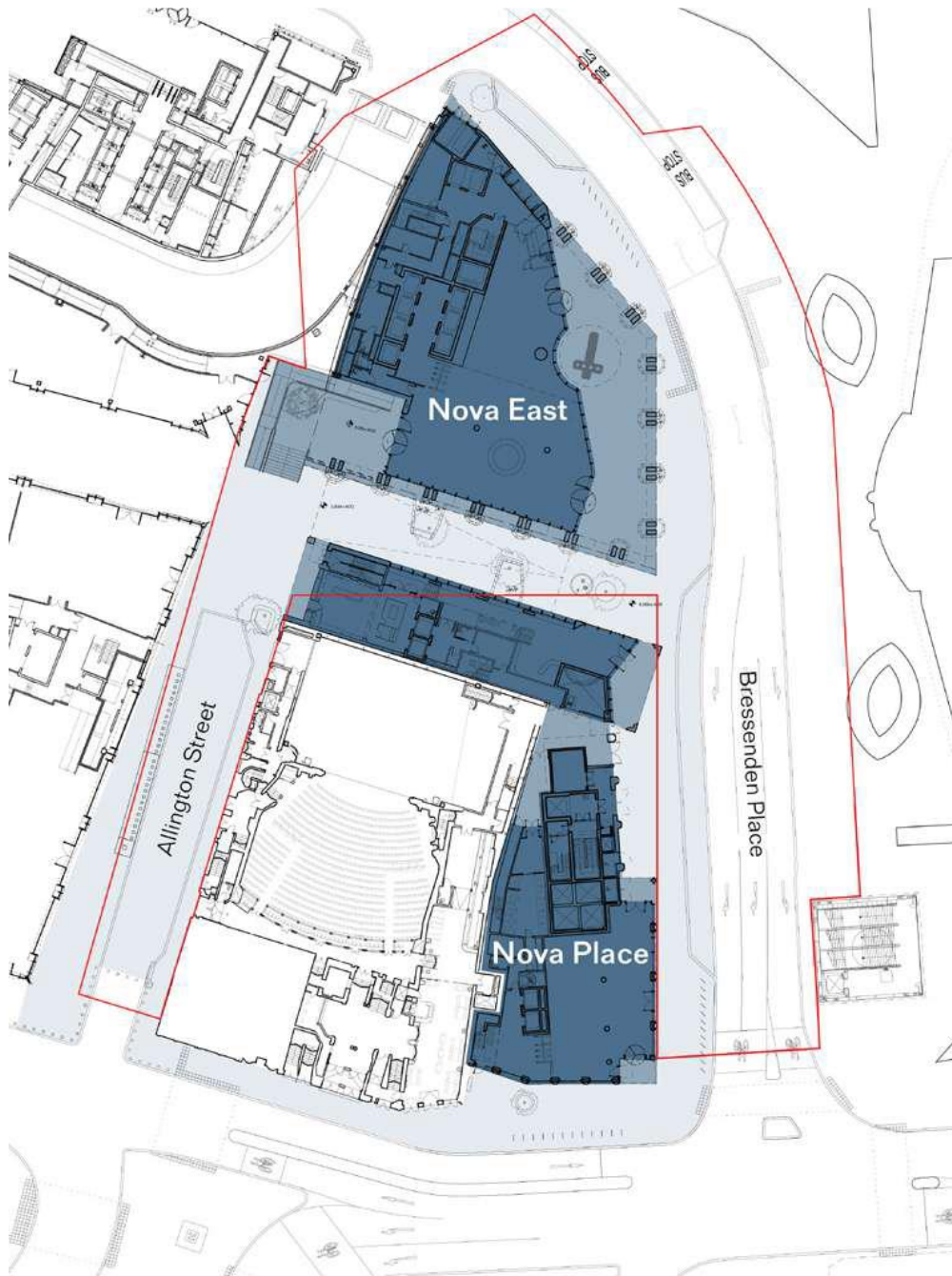
Crime and security

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



Model of Nova East (tall building in the background) shown in context with the smaller Nova Place



Nova East



View of proposed Nova East from Vauxhall Bridge Road

DRAFT DECISION LETTER

- Address:** Development Site (Nova) At Bressenden Place Victoria Street Allington Street And, Buckingham Palace Road, London, SW1E 5EF,
- Proposal:** Variation of condition 37 of permission dated 08/03/2016 (ref 15/08006/FULL) for Construction of a 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 to A5) at ground and first floor. The proposal includes new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping / public realm works. NAMELY, further realignment of Allington street and rotation of the permitted building, removal of basement floor space, increased office floorspace, amendments to the design of the facade, use of ground and first floor for flexible B1/A1 or A2 only and associated works including decreased storey heights to enable the inclusion of two additional storeys without increasing the permitted height of the building. (Site also known as Nova East).
- Reference:** 19/00012/FULL
- Plan Nos:** Plans Approved under RN15/08006/FULL, Site location plan - LA-070-NOV-TP-010, Proposed drawings - LA-070-NOV-TP-107, LA-070-NOV-TP-108, LA-070-NOV-TP-109, LA-070-NOV-TP-110, LA-070-NOV-TP-111, LA-070-NOV-TP-112, LA-070-NOV-TP-113, LA-070-NOV-TP-114, LA-070-NOV-TP-115, LA-070-NOV-TP-116, LA-070-NOV-TP-117, LA-070-NOV-TP-118, LA-070-NOV-TP-119, LA-070-NOV-TP-130, LA-070-NOV-TP-131, LA-070-NOV-TP-132, LA-070-NOV-TP-140, LA-070-NOV-TP-141, LA-070-NOV-TP-142, LA-070-NOV-TP-143, LA-070-NOV-TP-150, LA-070-NOV-TP-151, LA-070-NOV-TP-152, LA-070-NOV-TP-153, LA-070-NOV-TP-154, LA-070-NOV-TP-155., Documents - Environmental Statement Volume 1: Main Text; Environmental Statement Volume 2: Figures; Environmental Statement Volume 4: Appendices (Parts 1, 2, 3, 4, 5); Landscape Design and Public Realm Strategy.
As Revised by:, Location and Site Plans - LA-070-NOV-TP-010 01, LA-070-NOV-TP-011 01, LA-070-NOV-TP-100 01, LA-070-NOV-TP-101 00., , Proposed Plans, LA-070-NOV-TP-107 01, LA-070-NOV-TP-108 01, LA-070-NOV-TP-109 01, LA-070-NOV-TP-110 01, LA-070-NOV-TP-111 01, LA-070-NOV-TP-112 01, LA-070-NOV-TP-113 01, LA-070-NOV-TP-114 01, LA-070-NOV-TP-115 00, LA-070-NOV-TP-116 01, LA-070-NOV-TP-117 01, LA-070-NOV-TP-118 01, LA-070-NOV-TP-119 01, LA-070-NOV-TP-130 01, LA-070-NOV-TP-131 01, LA-070-NOV-TP-132 01, LA-070-NOV-TP-140 01, LA-070-NOV-TP-141 01, LA-070-NOV-TP-142 01, LA-070-NOV-TP-143 01, LA-070-NOV-TP-1050 01, LA-070-NOV-TP-151 01, LA-070-NOV-TP-152 01, LA-070-NOV-TP-153 01, LA-070-NOV-TP-154 00, LA-070-NOV-TP-155 01, LA-070-NOV-TP-156 00., Preliminary works of installing the piling guide: 3651-RBG-NE-XX-DR-S-10004 P02., Piling works: 3651-RBG-NE-XX-DR-S-10022 P03 and 3651-RBG-NE-XX-DR-S-10023 P03.
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.

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 The development hereby permitted must be commenced no later than 30 September 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 08/03/2016 (RN 15/08006/FULL) which must be commenced no later than the above date. (R03HA)

- 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.

Unless otherwise agreed in writing, you must apply to us for approval for phases 2 and 3 before any demolition or excavation work starts, except for the preliminary works of installing the piling guide wall, 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.

- (a) No development shall take place until you have secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- (b) No development shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
- (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A)., and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BB)

5 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and,
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless 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.

Reason:

To protect the environment of neighbouring residents. This is as set out in STRA 16, STRA 17 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AB)

6 You must apply to us for approval of a schedule and samples of the facing materials you will use, including glazing. 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 using the approved materials. (C26BB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in STRA 37, ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AB)

7 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 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

Westminster's City Plan: Strategic Policies adopted November 2013.

- 8 You must apply to us for approval of details of the following parts of the development:-

- bird and bat boxes.
- sedum roof.
- sedum roof maintenance plan.

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 and thereafter retain and maintain.

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)

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

Reason:

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

- 10 You must hang all doors or gates so that they do not open over or across the road or pavement unless otherwise agreed in writing by us.

Reason:

In the interests of public safety as set out in STRA 21, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BB)

- 11 Notwithstanding the submitted document, you must apply to us for approval of an updated Transport Statement for the approved building. You must not occupy the building for office purposes until we have approved what you have sent us. Thereafter you must carry out and manage the development in accordance with the approved document.

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 Notwithstanding the approved drawings you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the surfacing and levels 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).

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)

- 13 You must apply to us for approval of detailed drawings of the 23 on-street cycle parking spaces in consultation with TfL. 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 the occupation of the offices and thereafter the cycle spaces shall be retained for the life of the development.

Reason:

To ensure on-site cycle parking spaces are provided for people visiting the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must provide 329 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 for people using the development 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 will comply with the Council's noise criteria as set out in Conditions 17 and 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 17 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.

- 18 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (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), 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), 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)

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 20 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase either, i) the minimum assessed historical pre-development background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006) expressed as the lowest 24 hour LA90, 15 mins, by more than 10 dB one metre outside any premises, or, ii) the lowest measured post development 24 hour LA90, 15 min, by more than 10 dB, when assessed for each building separately,, whichever is the lower of (i) or (ii).

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. (R50AB)

- 21 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

or otherwise agreed in writing with us. (C26KA)

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 DES 1 and DES 2 or DES 3 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

- 22 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace, 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 DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

- 23 You must apply to us for approval of detailed drawings showing proposed machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof., , You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof until we have approved what you have sent us. You must then only carry out the work according to these 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 DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

- 24 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 unless otherwise agreed in writing with us. (C34AA)

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 DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

- 25 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

- 26 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.

- 27 Save for the preliminary works of installing the piling guide wall as shown on drawing 3651-RBG-NE-XX-DR-S-10004 P02 and the piling works as shown on drawings 3651-RBG-NE-XX-DR-S-10022 P03 and 3651-RBG-NE-XX-DR-S-10023 P03 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)

- 28 Save for the preliminary works of installing the piling guide wall as shown on drawing 3651-RBG-NE-XX-DR-S-10004 P02 and the piling works as shown on drawings 3651-RBG-NE-XX-DR-S-10022 P03 and 3651-RBG-NE-XX-DR-S-10023 P03 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)

- 29 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. The agreement relates to (i) A payment of £12,449,773 (index linked) to the Council's affordable housing fund payable on commencement of development (ii) A payment of up to £3,441,200 towards Crossrail (iii) The necessary Stopping Up Orders and Traffic Management Orders to allow for the realignment of Allington Street and (iv) Monitoring costs.
- 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.**

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.