

Victoria Circle

in the City of Westminster

planning application no. 12/0279/FULL

Strategic planning application stage II referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Section 73 application to vary condition 66 of planning permission dated 9 October 2009 and alterations to the approved scheme (PDU ref 2276) for:

Minor massing amendments, facade amendments and internal reconfiguration of the office buildings 6b and 7a; amendments to the elevations of residential building 5 with internal amendments to residential layouts and incorporation of an extra core; reduction in the size of the basement loading bay; increase in car parking spaces of up to 180; changes to the canopy over the pedestrian route; and redistribution of rooftop plant.

The applicant

The applicant is **Land Securities** and the agent is **Gerald Eve LLP**.

Strategic issues

At consultation stage, the principle of the redevelopment of the site to provide a mixed-use development was accepted; however, strategic concerns relating to **climate change** and **transport** required addressing before the scheme could be considered fully compliant with the London Plan. There has subsequently been further information provided and some revisions made to the scheme in an attempt to resolve those issues, as detailed in this report.

The Council's decision

In this instance Westminster Council has resolved to grant permission.

Recommendation

That Westminster Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 10 April 2012 the Mayor of London received documents from Westminster Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A, 1B and 1C of the Schedule to the Order 2008:

- 1A: *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.*
- 1B: *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building...in Central London and with a total floorspace of more than 20,000 sq.m.”.*
- 1C: *“Development which comprises or includes the erection of a building...more than 30 metres high and outside the City of London”.*

2 On 15 May 2012 the Mayor considered planning report PDU/2276b/01, and subsequently advised Westminster Council that the application did not comply with the London Plan, for the reasons set out in paragraph 77 of the above-mentioned report; but that the possible remedies set out in paragraph 79 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4 On 10 July 2012, Westminster Council decided that it was minded to grant planning permission and on 3 August 2012 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Westminster Council under Article 6 to refuse the application or issue a direction to Westminster Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 16 August to notify the Council of his decision and to issue any direction.

5 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

6 At the consultation stage Westminster City Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 76 of the above-mentioned report; but that the possible remedies set out in paragraph 78 of that report could address these deficiencies:

- **Climate change mitigation and adaptation:** The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole, however; further revisions and information is required before the proposals can be considered fully acceptable in line with the London Plan.
- **Transport:** The scheme is generally acceptable in transport terms, although further information is sought to fully comply with the London Plan.

[Climate change](#)

7 At stage one further detail was required regarding the location and footprint of the energy centre, and updated information regarding the provision of CHP was also requested. In addition, the applicant was asked to consider the scope for additional measures aimed at achieving further carbon reductions.

8 The applicant has since submitted further justification and material with regards to climate change; the applicant has confirmed that a the regulated emissions equate to 2200 tonnes carbon dioxide per annum for the compliant scheme. To meet Part L 2010, the energy efficiency measures have been taken account of and hence, the emissions including Energy Efficiency are the baseline case, in this situation.

9 At stage one, it was estimated that the development will achieve a 15% reduction in regulated carbon dioxide per annum compared to a 2010 Building Regulations compliant development.

10 Based on the above the carbon dioxide savings falls short of the targets within Policy 5.2 of the London Plan and the applicant was asked to consider the scope for additional measures aimed at achieving further carbon reductions. It was noted that, in the event the applicant is unable to secure further savings to meet the shortfall in meeting Policy 5.2 of the London Plan, the applicant, in liaison with the Borough, will need to arrange for a cash in lieu contribution to be paid towards off-site carbon dioxide reduction projects in the borough.

11 This is a minor amendment application to a scheme approved in 2009 and as such the applicant is maintaining the 15% carbon reduction. With regards to the need for the applicant to pay a cash in lieu contribution, on the basis that this application is a minor amendment it is not considered appropriate to provide additional section 106 contribution in this regard.

12 The applicant has submitted drawings from the original submission, identifying the pipework network connections to the buildings on the site and has also submitted a copy of drawing to identify the location and size of the Energy Centre. The applicant has also confirmed that negotiations are on going regarding the connection of the development to PDHU. In terms of climate change, the scheme is acceptable.

Transport for London's comments

13 At Stage 1, TfL raised concerns in relation to the proposed increase in car parking provision, and advised that cycle parking should be increased in accordance with London Plan standards. Due to the proposed increase in flexible retail floorspace, TfL requested an additional financial contribution be secured towards Crossrail in accordance with the Crossrail SPG. In addition, TfL requested that a delivery and servicing plan (DSP), construction logistics plan (CLP) and travel plan, all be secured either by condition or through the s106 agreement.

14 Car parking levels remain the same as proposed at Stage 1 at 0.72 spaces per unit. This is disappointing, and while TfL would maintain that in recognition of the site's excellent accessibility and proximity to Victoria Station, provision should have been reduced in line with the existing consent, it is however accepted that the proposed level could be considered to be within the maximum London Plan standards despite not being considered as 'significantly less than 1 space per unit', and therefore ultimately acceptable. An additional 39 residential cycle parking spaces are now being proposed as requested in order to meet London Plan standards, and this is supported.

15 TfL welcomes the proposed deed of variation to the existing s106 agreement. This secures an additional £79,047 from the £1.2m initially committed towards Crossrail, should the first floor of Building 5 be used for retail purposes rather than residential. The contribution towards a Barclay's Cycle Hire docking station has been retained, in accordance with the outline consent, as have proposals to accommodate infrastructure provision for bus alighting, layover and boarding stop/

stand facilities on Buckingham Palace Road, bus stands on Bressenden Place together with additional coach spaces on Bressenden Place.

16 TfL also supports the transport related conditions contained in Westminster City Council's (WCC) planning committee report, which require i) approval of the details of the on-street cycle parking spaces, ii) the provision of basement car and cycle parking as per the approved plans, iii) a delivery and servicing plan and iv) measures to be put in place to ensure that no additional on-street parking demand is imposed by new residents on spaces outside the site, all prior to commencement/ first occupation on site.

17 The requirement for a Site Environmental Management Plan (SEMP) related to demolition and construction to be submitted, to help minimise the impact during the construction period is also supported. Whilst a travel plan had not initially been secured this has now been added as an additional planning condition post committee which is supported.

18 In summary, TfL is now satisfied that the proposed development could be broadly considered to be general accordance with the transport policies of the London Plan.

Response to consultation

19 The Council advertised the proposals in the press and sent out 266 notifications. The Council received a total of 6 responses to the application; no representations were received from the general public and there were no objections to the application.

Statutory consultees responded as follows:

- Environment Agency: No objection subject to planning conditions
- English Heritage: No comment.
- Crossrail: No objection

20 Other responses were as follows:

- CABA: Comments made regarding public realm
- Westminster Society: Supports the application

Article 7: Direction that the Mayor is to be the local planning authority

21 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

22 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority

must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

23 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*Costs Awards in Appeals and Other Planning Proceedings*) emphasises that parties usually pay their own expenses arising from an appeal.

24 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

25 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

26 The Mayor is recommended to allow Westminster City Council to determine the application itself, subject to any action the Secretary of State may take and does not wish to direct refusal or direct that he is to be the local planning authority.

27 Following a period of constructive dialogue with the applicant and the Council the issues raised at stage one have been satisfactorily addressed.

for further information, contact Planning Decisions Unit:

Colin Wilson, Senior Manager – Planning Decisions

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Lucy Bird Case Officer

020 7983 4310 email Lucy.bird@london.gov.uk

planning report PDU/2276b/01

15 May 2012

Victoria Circle

in the City of Westminster

planning application no. 12/0279/FULL

Strategic planning application stage 1 referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Variation of Condition 66 of planning permission dated 9 October 2009 and alterations to the approved scheme (PDU ref 2276) for:

Minor massing amendments, facade amendments and internal reconfiguration of the office buildings 6b and 7a; amendments to the elevations of residential building 5 with internal amendments to residential layouts and incorporation of an extra core; reduction in the size of the basement loading bay; increase in car parking spaces of up to 180; changes to the canopy over the pedestrian route; and redistribution of rooftop plant.

The applicant

The applicant is **Land Securities** and the agent is **Gerald Eve LLP**.

Strategic issues

The principle of the redevelopment of the site to provide a mixed-use development is accepted. However, further information is required with regards to **climate change** and **transport**.

Recommendation

That Westminster City Council be advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 77 of this report; but that the possible remedies set out in paragraph 79 of this report could address these deficiencies.

Context

1 On 10 April 2012 the Mayor of London received documents from Westminster City Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of

London) Order 2008 the Mayor has until 22 May 2012 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under the following Categories of the Schedule of the Order 2008:

- 1A: *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.*
- 1B: *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building...in Central London and with a total floorspace of more than 20,000 sq.m.”.*
- 1C: *“Development which comprises or includes the erection of a building...more than 30 metres high and outside the City of London”.*

3 Once Westminster Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 In broad terms the masterplan site (consisting of three planning applications) is bounded to the north and east by Bressenden Place, to the south by Victoria Street and to the west by Buckingham Palace Road. The site currently comprises a mix of retail, office, hotel and residential uses in a range of built forms.

6 The application site occupies an area of approximately 2.5 hectares and lies to the north of Victoria Street. The site is bounded by Allington Street which forms part of the local borough road network to the north and west, Victoria Street to the south and Bressenden Place to the east, both of which form part of the Transport for London Road Network (TLRN). The site is immediately adjacent to, and wraps around, but does not include, the Grade II listed Victoria Palace Theatre, and the Duke of York public house.

7 In accessibility terms, the application site is very well served by public transport, being located directly opposite Victoria Station, which offers rail services on the National Rail and London Underground networks, alongside access to a taxi rank and numerous bus services. As such it has been demonstrated that the site records an excellent public transport accessibility level (PTAL) of six on a scale of one to six, where six is the highest.

8 With regard to strategic policy designation, Victoria is designated an Opportunity Area in the London Plan, is located within the Central Activities Zone (CAZ), and is designated a Central Area Frontage. In addition, the Linear View from King Henry's Mound to St. Paul's Cathedral, a strategic view, crosses the north of the masterplan site.

Details of the proposal

9 Planning permission was granted in October 2009 for the development proposals known as Victoria Transport Interchange 2 (VTI2). The proposals comprised three planning permissions, with a number of development scenarios secured by section 106 legal agreement. Permission 1 (Westminster Planning Reference 008/08205/FULL and PDU Reference PDU/2276/03) was permitted for:

“Demolition of existing buildings on-site and comprehensive redevelopment to provide three new buildings comprising 170 private residential units with retail (Classes A1- A5) at ground and first floor levels in a 13 storey block fronting Buckingham Palace Road (Building 5), a 19 storey office building with retail (Classes A1- A5) at ground and first floor levels fronting Victoria Street (Building 7a) and a 14 storey office building with retail (Classes A1- A5) at ground and first floor levels fronting Bressenden Place (Building 6b); creation of new two storey basement accessed from Bressenden Place for vehicle and cycle parking, servicing and loading with a gymnasium, a sub-station and plant, including an energy centre; and alterations to the public realm to provide new pedestrian routes and facilities for buses.”

10 The applicant is now proposing a minor material amendment to the above permission which is related to three buildings (known as Buildings 5, 6b and 7a) within the wider masterplan. Buildings 6b and 7a are predominantly office buildings with retail at ground level and Building 5 is a predominantly residential building with retail at ground and potentially first floor level. The extant permission also includes works to the public realm and associated highways, utilities and other ancillary works.

11 The proposed minor amendments consist of the following:

- Refinements to the massing of Buildings 6b and 7a;
- Amendments to the core configuration of Building 5 and associated alterations to the facades;
- Amendments to the facades and shopfronts on Buildings 6b and 7a;
- Reconfiguration of the plant across the buildings;
- Alterations to the basement and loading arrangements;
- increase in car parking spaces of up to 180;
- changes to the canopy over the pedestrian route; and
- Alterations to the public realm including the geometry of the landscape paving patterns, introduction of new water features in the East-West and North South routes and an increase in area of public seating.
- Introduction of flexible retail / residential floorspace at 1st floor of Building 5;
- re-distribution of rooftop plant.

Case history

12 In addition to the strategic planning history referred to previously in paragraphs 9 and 10, pre application planning meetings with GLA officers were held at City Hall on 22 December 2011 and 20 January 2012 respectively and pre Application Advice Reports were issued on 09 January

2012 and 20 February 2012. The applicant was advised that the scheme contributed and responded positively to the regeneration of the local area although minor concerns were raised regarding the parking levels of the scheme.

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

- Economic development *London Plan; the Mayor's Economic Development Strategy; Employment Action Plan*
- Housing *London Plan; Housing SPG; Interim Housing SPG; draft Housing SPG; Housing Strategy; draft Revised Housing Strategy; Providing for Children and Young People's Play and Informal Recreation SPG; draft Providing for Children and Young People's Play and Informal Recreation SPG;*
- Urban design *London Plan;*
- Parking *London Plan; draft Early Minor Alteration to the London Plan; the Mayor's Transport Strategy*
- Tall buildings/views *London Plan, Revised View Management Framework SPG*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2011 Westminster City Council Core Strategy and the Replacement Unitary Development Plan ('Saved' Policies January (2007)), and the London Plan 2011.

15 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework
- The Council's [City Management Plan Consultation Draft \(2011\)](#), the Victoria Planning Brief (2006), and the revised draft Victoria Planning Brief (2010) are also relevant material considerations.
- The Early Minor Alteration to the London Plan.

16 This application is a minor amendment application, therefore, this report will relate only to those topics associated with the minor alterations proposed; it will not re-visit the following topics areas of affordable housing, housing mix, density or child play space for which the planning parameters were established and approved as part of the previous application to which these minor amendments relate.

Principle of development

17 Victoria is identified as an Opportunity Area by the London Plan, with an indicative estimate of growth of 4,000 jobs and 1,000 homes to 2031. London Plan Policy 2.13 states that "*Development proposals within opportunity areas and intensification areas should seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses*". The area is recognised as having "...significant potential for mixed-use intensification..." (Table A1.1).

18 The London Plan identifies Victoria as within the Central Activities Zone (CAZ). London Plan Policy 2.10 recognises the international, national and London wide roles of the CAZ, and within CAZ seeks to “...sustain and enhance the CAZ’s varied strategic functions...”.

19 In addition, London Plan Policy 2.11 promotes mixed-use development within the CAZ, and states that the Mayor will, and boroughs should “...ensure that development proposals to increase office floorspace within CAZ... include a mix of uses including housing”.

20 The provision of residential accommodation on this site is supported by London Plan policy 3.3, which seeks to increase London’s supply of housing and in doing so sets a London-wide housing delivery target of 32,210 additional homes per year up to 2021. Table 3.1 sets borough housing targets, of which Westminster’s is 770 additional homes per year between 2011 and 2021. Policy 3.2 of the London Plan seeks to ensure that development proposals achieve the maximum intensity of use taking into account local context, the design principals of the London Plan and public transport capacity.

21 The principle of the development has not altered from the previous permission, and as before, the principle of development is supported.

Urban design

22 Good design is central to all objectives of the London Plan (2011) and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other design polices in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage and World Heritage Sites, views, the public realm and the Blue Ribbon Network. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbourhood as set out in London Plan policy 7.4.

23 The principles of the design have not altered from the previous permission, and as before, the general style and principles of the design are supported. The comments set out below assess the altered design features proposed by the applicant.

24 The minor changes to the massing of the office buildings create a more coherent relationship across the separate buildings, which provide an appropriate ground floor layout. Likewise, the ground floor alterations to building 5 (which includes the addition of residential cores), create a more effective anchor and enhances accessibility compared to the previous scheme. The double-height retail window displays, with integrated opportunities for signage within facades, create an impression of activity which is appropriate in this location. All of these changes better address pedestrian activity, which, again is welcomed and supported in strategic design policy terms.

25 The removal of the canopy over the main internal street is supported; it will increase visibility and create a more welcoming environment for pedestrians. A new flexible covering strategy has been developed by the applicant, which is welcomed, as is the opportunity for a more open area – an uncovered ‘breathing space’ located at the intersection of the two internal routes. The proposed roof strategy of providing a light, airy structure with partial covering of seating and kiosk areas is suitable. Associated changes to ground floor uses are accepted and the level of retail within the development, at ground floor level and contributing to active frontages, is also welcomed.

26 Materials are generally as approved, although the material treatments of the landscape proposals have been updated to reflect the new street layout; The landscaping proposals are of high quality, which is welcomed. Along, the east-west route, the applicant proposes rill and bamboo planting, creating a playful edge to an area that could have otherwise been interpreted as wholly hard landscaped.

Residential standards

27 Policy 3.5 of the London Plan introduces a new policy on the quality and design of housing developments. Part A of the policy states that housing developments should be of the highest quality internally, externally and in relation to the wider environment. Part C of the policy states that new dwellings should generally conform with the dwelling space standards set out in Table 3.3, have adequately sized rooms and convenient and efficient room layouts. Part E of the policy states that the Mayor will provide guidance on implementation of this policy including on housing design for all tenures. The reasoned justification provides further guidance and explanation. In particular, paragraph 3.32 makes clear that *“Securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities”*. The Mayor’s draft Housing Design Guide (July 2009) and the draft replacement Housing SPG (December 2011), provides further guidance on the implementation of these policies.

28 The new residential core entrances would be legible, visually set apart from the retail facades. The creation of a flexible first-floor level within building 5 is supported to ensure maximum building occupancy however, this floor should not be adaptable in the future for habitable room provision within residential floorspace as it would lack limited natural light access. The Council will need to secure an appropriate planning condition or agreement seeking to limit the residential occupation of this floor in terms of habitable room provision and should resist any self-contained residential accommodation in this specific location.

29 Flat sizes remain in accordance with the London Plan standards, which is welcomed. Residential layouts are generally compliant with the guidance set out in the draft replacement Housing SPG.

World Heritage Sites

30 The proposed development site is located approximately 900 metres from the Westminster World Heritage Site. In July 2009 the Government published a Circular on the Protection of World Heritage Sites (07/2009). The Circular establishes the Government’s objective to protect each World Heritage Site through conservation and preservation of its outstanding universal value. It sets out that World Heritage Sites and their settings, including any buffer zone, should be protected from inappropriate development. The Circular identifies the setting of a World Heritage Site as the area around it (including any buffer zone) in which change or development is capable of having an adverse impact on the World Heritage Site, including an impact on views to or from the site.

31 The National Planning Policy Framework (NPPF) includes World Heritage Sites in the definition of Designated Heritage Assets. The NPPF states that applications for development affecting the setting of a designated heritage asset should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

32 The London Plan (2011) also has a number of new and enhanced policies in relation to World Heritage Sites. Particularly 7.10 'World Heritage Sites' which states that *"Development should not cause adverse impacts on World Heritage Sites or their settings (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. In considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plans"*. Policy 7.11 'London View Management Framework' also stresses the need to identify and protect aspects of views that contribute to a viewer's ability to recognise and to appreciate a World Heritage Site's authenticity, integrity, significance and Outstanding Universal Value.

33 The development is not visible within any important views of the World Heritage Site, notably the townscape and river prospect views of the Palace of Westminster, and Westminster Abbey, as identified in the London View Management Framework (LVMF) and it would be unlikely to be significantly visible from within the World Heritage Site, owing to the presence of existing tall buildings and other townscape features between the World Heritage Site and the proposal site. As such, the development would not be considered to have a negative effect on the setting or character of the World Heritage Site.

Tall buildings / views

34 London Plan (2011) policy 7.7, which relates to the specific design issues associated with tall and large-scale buildings, are of particular relevance to the proposed scheme. This policy sets out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor. Policies 7.10 and 7.11, which set out the Mayor's approach to protecting the character of strategic landmarks as well as London's wider character, are also important considerations

35 The mass and scale of the development is broadly similar to that of the previous proposal. The London View Management Framework (LVMF), which has been updated since the previous proposal was considered, revises the strategic protected views, although in terms of townscape views, the revised proposal raises no strategic issues that would offer cause for concern.

36 The main affected linear view is the view from King Henry's Mound in Richmond Park, towards St Paul's Cathedral, which is identified in the LVMF of being as strategic importance. The development would incur into the landmark viewing corridor by approximately 3 metres, and also be visible within the right landmark lateral assessment area. Although the development would not draw the main focus of the view away from the features of silhouette of the Cathedral, the London Plan does note that development above the threshold height within the landmark viewing corridor should not be supported by the Mayor. Sufficient information has been provided to demonstrate that although the development does marginally breach the corridor, the level of impact is negligible and therefore acceptable. In particular, the scale, massing and appearance of the proposal are not detrimental to the viewer's ability to immediately identify the main features of St Paul's Cathedral; the development would not contribute to a channelling effect of the Cathedral; and the development would not obscure any parts of the Cathedral when viewed from King Henry's Mound. Additionally, there is an imperceptible difference between the extant and revised proposals, when viewed from King Henry's Mound.

37 The development is also likely to be visible within some London Panorama views identified within the LVMF. Reproduction of these views for this application are not required, given the likelihood of the massing alterations being imperceptible at distance.

Inclusive Access

38 London Plan Policy 7.2 seeks to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum) to ensure that developments can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances. Policy 3.8 requires that all new housing is built to Lifetime Homes standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

Residential

39 The applicant has committed to achieving Lifetime Homes standards for all units proposed which is supported and is in accordance with London Plan Policy 3.8. The Council should secure compliance with Lifetime Homes Standards through planning condition.

40 The applicant states that the proposals meet the 10% wheelchair accessible unit requirement, which is welcomed. The applicant has confirmed that the 10% provision will be provided across the housing mix and therefore the proposal meets policy 7.2.

Commercial uses and public realm

41 Extending the Lifetime Homes concept to the public realm can help to ensure that the parking areas, the routes to the site and links to adjacent public transport and local services and facilities are also designed to be accessible, safe and convenient for everyone, particularly disabled and older people.

42 As part of the planning application submission, the applicant has submitted an access statement which has demonstrated that the commercial uses and public realm have been designed to be fully inclusive to all. In terms of the primary routes, all are direct and are designed to be accessible to all; in addition, the applicant has stated that the centre management will provide a comprehensive arrangement of facilities to ensure that the public realm will be maintained and properly managed with suitable access for all. The proposal, therefore, meets strategic policy.

Climate change mitigation

43 The London Plan climate change policies as set out in chapter 5 collectively require developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply, and incorporating renewable energy. The policies set out ways in which developers must address mitigation of, and adaptation to, the effects of climate change.

44 Policy 5.1 and 5.2 of the London Plan seek to achieve an overall reduction in London's carbon dioxide emissions through a range of measures including using less energy, supplying energy efficiently and using renewable energy, improving on Building Regulations targets by 25% in the period 2010-2013.

BE LEAN

Energy efficiency standards

45 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include energy efficient lighting and mechanical ventilation with heat recovery.

46 Based on the information provided, the development will meet 2010 Building Regulations compliance through energy efficiency alone. To verify this, the applicant should confirm the regulated carbon dioxide emissions in tonnes per annum before (baseline) and after energy efficiency measures have been taken into account. This should be based on a Part L 2010 compliant scheme. The applicant should refer to Table 1 of the GLA Guidance on preparing energy assessments (September 2011).

BE CLEAN

District heating

47 The applicant has identified that the development is within the vicinity of the Pimlico District heating network (PDHN) and is currently investigating connection. The applicant should continue to prioritise connection to PDHN and should provide recent evidence of correspondence with the network operator outlining the potential to connect to the network including timescales and available capacity.

48 Should connection to PDHU prove unviable, the applicant should maintain a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

49 The applicant is proposing to install a site heat network linking all buildings fed from a single energy centre. A drawing showing the route of the heat network linking all buildings on the site should be provided. The applicant should confirm the location and footprint of the energy centre in sq.m.

Combined Heat and Power (CHP)

50 In the original energy strategy which accompanied the previous application, either two, 1,415 kWe CHP units or one 526 kWe CHP unit is proposed to provide the domestic hot water load, as well as a proportion of the space heating. The applicant should confirm the size of the CHP unit which will be adopted in the revised scheme, which also, should be supported by load profiles. Based on the energy information submitted, a reduction in regulated carbon dioxide emissions of 15% per annum will be achieved through this second part of the energy hierarchy. The applicant should also confirm the size CHP this level of savings refers to.

BE GREEN

Renewable energy technologies

51 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 140 sq.m. of roof mounted Photovoltaic (PV) on Buildings 7B/C as set

out in the previous energy strategy. A reduction in regulated carbon emissions of just under 1% per annum (5%) will be achieved through this third element of the energy hierarchy.

52 It is estimated that the development will achieve a 15% reduction in regulated carbon dioxide per annum compared to a 2010 Building Regulations compliant development.

53 Based on the above the carbon dioxide savings falls short of the targets within Policy 5.2 of the London Plan and the applicant should consider the scope for additional measures aimed at achieving further carbon reductions. In the event the applicant is unable to secure further savings to meet the shortfall in meeting Policy 5.2 of the London Plan, the applicant, in liaison with the Borough, will need to arrange for a cash in lieu contribution to be paid towards off-site carbon dioxide reduction projects in the borough. This would typically be based on the working assumption of £46/tonnes carbon dioxide over 30 years applied to the shortfall expressed in tonnes of carbon dioxide per annum.

Summary (Insert heading cut and pasted from bullets)

54 The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further revisions and information is required before the proposals can be considered acceptable and the carbon dioxide savings verified.

Transport

Car parking

55 Following clarification from the applicant, it appears that car parking provision is proposed to be increased from the 0.65 space per unit, which are permitted as part of the existing consent, to 0.72 spaces per unit. While this increase is less than originally thought as part of TfL's initial comments to the Council, given the site's excellent accessibility, and its location within the Central Activities Zone, TfL would strongly recommend that parking levels are reduced to a level more commensurate with the existing consent. The London Plan also states that 'all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit'; given that this site is in one of the most accessible locations in London, TfL would advise that a more restraint based approach should be followed.

56 In order to support lower on site parking provision and to minimise overspill parking on street, TfL suggests that the applicant could consider restricting all future occupants from being eligible for resident parking permits, and for this to be secured by the section 106 agreement.

57 Electric vehicle charging points (EVCP) are being proposed in accordance with London Plan standards, which currently equates to 36 spaces (20%) being fitted with charging points from the outset and a further 36 spaces (20%) having passive provision so that they can be easily connected in the future. This is supported and the Council will need to secure this requirement by planning condition.

58 TfL also welcomes the proportion of disabled parking being proposed at the development. It is noted that the two car club spaces which were secured as part of the previous consent, are now to be provided on-street rather than within the development. While the reasons for this are accepted, on site provision is likely to be more attractive to potential users as being easily accessible and therefore it is requested that additional measures be included within the travel plan to promote use of the car club, with the aim of limiting private car use in this already congested location.

Public transport

59 As per the consented scheme, TfL remains supportive of the proposals to accommodate infrastructure provision for bus alighting, layover and boarding stop/ stand facilities on Buckingham Palace Road, bus stands on Bressenden Place together with additional coach spaces on Bressenden Place (allowing for new longer 15 metre coaches). TfL also welcomes the continued use by buses of Allington Street as a link to Bressenden Place from the bus station.

Cycle provision

60 A total of 837 off-street cycle parking spaces are being proposed, with a further 48 spaces being re-provided on-street for visitors to the site. While it is acknowledged that the level of provision is in accordance with the previously consented scheme, the residential cycle parking spaces do not currently meet the minimum London Plan standards of 2 spaces per 3+ bed units. It is therefore understood that the applicant is investigating where a further 44 spaces could be accommodated which is supported to comply with the London Plan standards.

61 It is noted that cycle facilities such as lockers and showers will be provided for the commercial aspect development, and while this is welcomed, it should nevertheless be ensured that these are located in convenient locations. Similarly, TfL would also recommend that the on-street parking is located in secure and covered locations where possible, in order to make it attractive for visitors to the development.

62 A 28-point Barclays Cycle Hire docking station is being proposed as part of this application, for which a section 106 contribution of £195,000 is required. This is in accordance with the already consented scheme and as such is supported and in line with London Plan policy 6.9. In addition, TfL would encourage robust measures to be included within the travel plan to encourage uptake of the scheme.

63 For the commercial land uses, this should include provision of information about the scheme in the form of employee information packs, references in marketing material, and the funding of memberships for employees. For the residential element, this should similarly include provision of information about the scheme in residents' packs, funding of a year's membership for each resident, and references in marketing material. Information about Cycle Hire facilities should also be included in retailers' marketing and communications materials to customers.

Servicing

64 TfL supports the use of the basement to enable the off-street servicing of buildings 5, 6a and 7b. TfL notes that servicing for the remainder of the development will take place from a loading bay on the new Allington Street link, and TfL would request that this servicing bay also be made available for use by Barclays Cycle Hire, for the purpose of adequately servicing the proposed docking station by facilitating the drop off and pick up of bicycles, etc.

65 As part of this application, the number of servicing bays has been reduced from ten to seven in an attempt to make more efficient use of the basement space. This has been accompanied by the submission of a draft delivery and servicing plan (DSP) in order to better manage deliveries to the site. While this is supported, TfL would however recommend that the requirement to implement a final version of the DSP is secured by condition, in accordance with London Plan policy 6.3.

66 A construction logistics plan (CLP) will also be required, and should include details of construction trips generated, site access arrangements, construction routes and cumulative impacts of construction traffic, and key phasing for construction works; any security issues should also be identified. While a draft plan has been submitted as part of the Transport Assessment, which is supported, TfL would however request that the requirement to implement a final version is secured by condition. Given the volume of construction activity currently underway in the Victoria area, alongside the proximity of the site to the TLRN and London Underground infrastructure, TfL will need to be consulted on the CLP, prior to any discharge of the condition by the Local Planning Authority (LPA).

Travel plan

67 TfL welcomes the submission of framework strategic travel plan for the site as a whole, alongside the submission of a residential travel plan. These are considered to be of a high standard, and should be secured, monitored, reviewed, and enforced through the section 106 agreement.

Crossrail and Community Infrastructure Levy (CIL)

68 Para 4.27 of the Mayor's *'Use of Planning Obligations in the Funding of Crossrail'* Supplementary Planning Guidance (SPG) states that *'minor material alteration applications should not be treated as new applications'*. Accordingly, contributions will only be sought in respect of any net additional uplift in floorspace for B1 office, hotel and retail uses above that originally permitted or, if no such floorspace was consented, proposed floorspace above 500 sq m. from the previously permitted scheme. It appears that an additional 1,251 sq.m. (GEA) of flexible retail/ residential floorspace is currently being proposed on site. As the site falls within the central London Crossrail contribution area, a contribution of £88 per sq.m. for new retail floorspace will therefore be required. As a flexible permission is being sought, TfL request as an initial guide that a maximum contribution of £79,047 be secured through the section 106 agreement to allow for the event that all of the proposed floorspace is used for a retail use. The agreement will however need to be flexibly worded, to ensure that the appropriate contribution is paid, should the commercial floorspace be brought forward for some other use.

69 In accordance with London Plan *policy 8.3*, the Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that will be paid by most new development in Greater London. Any development that receives planning permission after the 1 April 2012 will have to pay, including:

- Cases where a planning application was submitted before 1 April 2012, but not approved by then.
- Cases where a borough makes a resolution to grant planning permission before 1 April 2012 but does not formally issue the decision notice until after that date (to allow a section 106 agreement to be signed or referral to the Secretary of State or the Mayor, for example).

70 The Mayor has arranged boroughs into three charging bands with rates of £50 / £35 / £20 per square metre of net increase in floor space respectively (see table, below). The proposed development is within the City of Westminster where the proposed Mayoral charge is £50 per square metre. More details are available via the GLA website <http://london.gov.uk/>.

71 Within London both the Mayor and boroughs are able to introduce CIL charges and therefore two distinct CIL charges may be applied to development in future. At the present time,

borough CIL charges for Redbridge and Wandsworth are the most advanced. The Mayor's CIL will contribute towards the funding of Crossrail.

72 Crossrail payments required via the July 2010 Supplementary Planning Guidance (SPG) will continue to run in tandem with the Mayoral CIL. However, the Mayor will treat CIL payments as a credit towards any payment sought under the section 106 policy (SPG) should the former be less than the latter, and not to seek a contribution at all should the obverse be the case. Based on the current regulations, CIL will be applied to Section 73 applications, including those seeking approval for minor material amendments. While this may change with emerging proposals to amend the regulations, the application will need to accord with the relevant policy requirements at the time of determination. As such should CIL regulations remain the same the Crossrail SPG tariff will not be sought on top of the CIL payment but if the CIL regulations change and CIL is not payable the tariff will be payable.

73 In summary, whilst TfL would expect all of the previously secured transport mitigation measures to be retained as part of these revised proposals, further discussions are required in relation to the proposed level of car parking and the Crossrail contribution, before it can be considered acceptable.

Local planning authority's position

74 At present Westminster City Council's position is unknown.

Legal considerations

75 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

76 There are no financial considerations at this stage.

Conclusion

77 London Plan policies on the principle of development, urban design, residential quality, inclusive access, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principle of development:** The principle of a mixed use development is acceptable and in accordance with the London Plan.
- **Urban design:** The design amendments are welcome and supported in strategic planning policy terms.

- **Inclusive design and access:** The applicant has committed to meeting Lifetime Homes standards and provides a commitment to deliver the 10% wheelchair accessible unit requirement. The applicant has also demonstrated how the scheme will ensure inclusive access for all within the commercial use and within the public realm; the scheme fully accords with the London Plan Policy 7.2.
- **Climate change mitigation and adaptation:** The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole, however; further revisions and information is required before the proposals can be considered fully acceptable in line with the London Plan.
- **Transport:** The scheme is generally acceptable in transport terms, although further information is sought to fully comply with the London Plan.

78 On balance, the application does not comply with the London Plan.

79 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Climate change mitigation and adaptation:** The applicant will need to confirm the location and footprint of the energy centre, and provide updated information regarding the provision of CHP. In addition, the applicant should consider the scope for additional measures aimed at achieving further carbon reductions.
- **Transport:** further discussions are required in relation to the proposed level of car and cycle parking provision and the Crossrail contribution, before it can be considered acceptable.

for further information, contact Planning Decisions Unit:

Colin Wilson, Senior Manager - Planning Decisions

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Lucy Bird, Case Officer

020 7983 5826 email lucy.bird@london.gov.uk
