

Westminster City Council's Regulation 122 Compliance Statement

Planning Inspectorate ref: APP/X5990/V/19/3240661

1. As part of the process of considering the above application, the Council and the Applicant intend to enter into an agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) in the agreed form provided to the Inspector on 5 November 2020. The planning obligations set out in that agreement are considered to be necessary to address impacts associated with the proposed development which cannot be addressed by way of planning condition.

2. Consideration has been given to the provisions of regulation 122 (Limitation on use of planning obligations) of the Community Infrastructure Levy Regulations 2010 which requires inter alia that:

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development

3. The section 106 agreement contains planning obligations relating to the following:

- (a) Highways works to provide for amendment to road markings and additional associated road signage; installation of cycle parking stands; strengthening of the crossovers; and relocation of the TFL Bus Stop and Shelter;
- (b) Security Management Plans; and
- (c) Legible London Contribution of £20,000 (Index Linked)

4. The Council considers that the planning obligations are necessary, directly related to the proposed development and fairly and reasonably related in scale and kind.

5. In respect of the planning obligations which secure the highway works, it is considered that the obligations are necessary in order to secure compliance with the following policies of the development plan, namely:

- Policy STRA 25 (Parking Control) of the City of Westminster Unitary Development Plan (January 2007).
- Policy TRANS 3 (Pedestrians) of the City of Westminster Unitary Development Plan (January 2007).
- Policy S41 (Pedestrian Movement and Sustainable Transport) of the Westminster City Plan (November 2016).

6. The obligations concerning the Security Management Plan are necessary to ensure that the public, including visitors to the Memorial and Learning Centre and users of Victoria Tower Garden are safe, in order to secure compliance with the following policy of the development plan, namely:

- Policy S29 (Health, safety, and well-being) of the Westminster City Plan (November 2016).

7. The planning obligation to secure the Legible London Contribution is necessary for compliance with the following policies:

- Policy 4.5 (London's Visitor Infrastructure) of The London Plan (March 2016)
- Policy 6.10 (Walking) of The London Plan (March 2016)

- Policy T2 (Healthy Streets) of the Intend to Publish London Plan (December 2019)
- Policy T4 (Assessing and Mitigating Transport Impacts) of the Intend to Publish London Plan (December 2019)

8. In all the above cases, the obligations are directly related to the development, and its impact, and fairly and reasonably related in scale and kind to that development.

9. In conclusion, the Council and the Applicant confirm that they are satisfied that the section 106 agreement complies with the requirements of regulations 122 of the Community Infrastructure Levy Regulations 2010.

Signed _____ - for the Applicant

Date _____

Signed  - for the Council

Date 9 November 2020