



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 7th August, 2018

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Gotz Mohindra (Chairman)
David Boothroyd
Ruth Bush
Peter Freeman

Murad Gassanly
Jim Glen
Elizabeth Hitchcock



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend: Senior Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. MARYLEBONE INSTITUTE SCHOOL HOUSE, 29 COSWAY STREET, LONDON, NW1 6TH | (Pages 9 - 84) |
| 2. REPEATER STATION, 2 ASHBRIDGE STREET, LONDON, NW8 8DS | (Pages 85 - 144) |
| 3. ASHMILL STREET CAR PARK, ASHMILL STREET, LONDON | (Pages 145 - 168) |
| 4. NORTH WESTMINSTER COMMUNITY SCHOOL, NORTH WHARF ROAD, LONDON, W2 1LF | (Pages 169 - 226) |
| 5. 33 GROSVENOR PLACE, LONDON, SW1X 7HY | (Pages 227 - 232) |

Stuart Love
Chief Executive
30 July 2018

Agenda Annex

CITY OF WESTMINSTER
 PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE – 7th August 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/11404/COFUL Church Street	Marylebone Institute School House 29 Cosway Street London NW1 6TH	Demolition of existing buildings and structures and erection of new building of up to five storeys plus basement floor to provide 49 residential units (Class C3); with car and cycle parking, storage and plant rooms at basement level and landscaping to central garden and site frontages and associated works (linked to redevelopment of 2 Ashbridge Street and Ashmill Street Car Park sites that are also on this agenda – Items 2 and 3).	
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Subject to no new issues being raised by London Underground prior to 20 August 2018, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following planning obligations: <ol style="list-style-type: none"> i. Notice of commencement of development (three months prior to commencement). ii. Provision of off-site affordable housing on the Repeater Station site, 2 Ashbridge Street and the Ashmill Street Car Park site (see Items 2 and 3 on this agenda) in accordance with the proposed tenure and unit size mix and to the affordability criteria agreed by the Head of Affordable Housing and Strategy, prior to occupation of the market housing on the application site. iii. Provision of highway works outside the site in Cosway Street, Bell Street, Stalbridge Street and Shroton Street, including alterations to crossovers, provision of street trees, amendments to on-street parking bays iv. Dedication of public highway along the eastern side of Stalbridge Street and where necessary around the remain of the site. v. Provision of 'life time' (25 year) car club membership for each flat. vi. Subject to further study, provision of a carbon off-set payment of £82,683 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit). vii. Provision of link to future District Heat Network (DHN) and undertaking to make best endeavours to connect to a future DHN. viii. Offer local employment opportunities during construction. ix. Provision of costs for monitoring of agreement (£500 per head of term). 2. If the unilateral undertaking to secure the planning obligations has not been completed by 1 October 2018 then: 3. The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not; 4. The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if 				

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	so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/10968/COFUL Church Street	Repeater Station 2 Ashbridge Street London NW8 8DS	Demolition of existing BT Repeater Station building, with retention of BT service area and associated access. Redevelopment of the site to erect a five storey building to provide 26 residential units, with existing basement floor used to provide parking, plant and services spaces accessed via a new ramp from Ashbridge Street. Removal of existing vehicular ramp to rear of site and provision of new landscaping to amenity space (linked to redevelopment of 29 Cosway Street and Ashmill Street Car Park sites that are also on this agenda – Items 1 and 3).	
<p>Recommendation</p> <p>1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following planning obligations:</p> <p>i) Notice of commencement of development (three months prior to commencement).</p> <p>ii) Provision of highway works outside the site in Ashbridge Street, including alterations to crossovers and relocation of street tree and on-street parking bays.</p> <p>iii) Provision of 'life time' (25 year) car club membership for each flat.</p> <p>iv) Provision of costs for monitoring of agreement (£500 per head of term).</p> <p>2. If the unilateral undertaking to secure the planning obligations has not been completed by 1 October 2018 then:</p> <p>(a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p> <p>(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/11405/COFUL Church Street	Ashmill Street Car Park Ashmill Street London	Erection of 2 three storey dwellinghouses (Class C3) for use as affordable housing on southern half of existing surface level car park, provision of a new on-street car parking bay in Shroton Street, and associated works (linked to redevelopment of 29 Cosway Street and 2 Ashbridge Street sites that are also on this agenda – Items 1 and 2).	
Recommendation				

CITY OF WESTMINSTER
 PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE – 7th August 2018
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1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following planning obligations:

- i) Notice of commencement of development (three months prior to commencement).
- ii) Provision of highway works in Shroton Street, including removal of crossover in footpath and provision of additional on-street residents' parking bay.
- iii) Provision of 'life time' (25 year) car club membership for each dwellinghouse.
- iv) Provision of costs for monitoring of agreement (£500 per head of term).

2. If the unilateral undertaking to secure the planning obligations has not been completed by 1 October 2018 then:

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

(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/03869/FULL Hyde Park	North Westminster Community School North Wharf Road London W2 1LF	Variation of Conditions 1, 3, 4, 6, 8, 9, 12, 17 and 30 of planning permission dated 22 February 2018 (RN: 16/12289/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings: NAMELY, external alterations to	

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			<p>approved hotel, serviced apartments and school building, internal layout changes to hotel and serviced apartments with the number of hotel rooms increased from 224 to 373 rooms and serviced apartments increased from 55 to 247, internal alterations to school, and amendment of conditions to allow phased delivery of amended scheme and to amend condition triggers.</p>	
<p>Recommendation</p> <p>1. Grant conditional permission, subject completion of a deed of variation to continue to secure the originally secured planning obligations; namely:</p> <p>i) Notice of commencement of development (three months prior to commencement).</p> <p>ii) Provision of 64 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to occupation of more than 50% of the market housing units and a financial contribution of £873,000 to the affordable housing fund prior to commencement of development.</p> <p>iii) Provision at a peppercorn rent of the social and community floorspace (the new primary school premises).</p> <p>iv) A financial contribution of £599,423 (index linked) prior to commencement towards the Social and Community Fund.</p> <p>v) A financial contribution of £836,448 (index linked) prior to commencement towards the Education Fund.</p> <p>vi) A financial contribution of £131,541 (index linked) prior to commencement to PATS.</p> <p>vii) A financial contribution of £457,329 (index linked) prior to commencement towards PATEMS.</p> <p>viii) A financial contribution of £22k pa for period of construction works to the Environmental Inspectorate to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).</p> <p>ix) A financial contribution of £6k pa for period of construction works to the Environmental Sciences Team to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).</p> <p>x) Provision of garden space facing North Wharf Road as Public Open Space.</p> <p>xi) Provision of public realm works in accordance with a public realm masterplan.</p> <p>xii) Provision, maintenance and use of and access to the on-site public realm including the landscaped open space.</p> <p>xiii) Provision of car club memberships (25 years) for 64 residential units (the affordable housing units).</p> <p>xiv) Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis and provision of affordable housing parking at nil cost.</p> <p>xv) Provision, maintenance and access to on-site bus drivers toilet facility.</p> <p>xvi) Provision of and adherence to an advertisement and shop front design strategy.</p> <p>xvii) Provision and management of on-site car club spaces.</p> <p>xviii) Provision and periodic review of a site wide travel plan.</p> <p>xix) Provision of public highway enhancement works, required for the development to occur, in North Wharf Road and Harrow Road.</p> <p>xx) Provision of Harrow Road Traffic Island prior to occupation.</p> <p>xxi) Provision of and adherence to a Servicing Management Strategy.</p> <p>xxii) Provision of on-site space for Mayor's cycle docking station.</p> <p>xxiii) Provision and management of on-site CCTV.</p> <p>xxiv) Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.</p> <p>xxv) Demonstration of compliance with the Code of Construction Practice and signing up to the Considerate Constructors Scheme.</p> <p>xxvi) Mitigation measures for television interference.</p> <p>xxvii) Provision of and compliance with a Balcony Management Strategy.</p> <p>xxviii) Provision of development in full accordance with submitted Code for Sustainable Homes and BREEAM assessments.</p> <p>xxix) Adherence with the Council's Local Procurement Code.</p> <p>xxx) Temporary relocation of North Wharf Road bus stand during construction works and permanent re-provision of bus stand in North Wharf Road at applicant's cost.</p>				

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	<p>xxxi) Provision of costs for monitoring of agreement (£500 per head of term).</p> <p>2. If the deed of variation has not been completed by 3 September 2018 then:</p> <p style="margin-left: 40px;">a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p> <p style="margin-left: 40px;">b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. That Committee authorizes the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place. That the Executive Director Growth, Planning and Housing, or other such proper officer of the City Council responsible for planning highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p>			
Item No	References	Site Address	Proposal	Resolution
5.	<p>RN(s) : 18/01537/MOD10 6</p> <p>Knightsbridge And Belgravia</p>	<p>33 Grosvenor Place London SW1X 7HY</p>	<p>Modification of S106 legal agreement dated 3 April 2017 (RN 16/08369/FULL) to amend the employment and training strategy.</p>	
<p>Recommendation Agree the modification of the Section 106 legal agreement dated 3 April 2017.</p>				

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	Marylebone Institute School House, 29 Cosway Street, London, NW1 6TH,		
Proposal	Demolition of existing buildings and structures and erection of new building of up to five storeys plus basement floor to provide 49 residential units (Class C3); with car and cycle parking, storage and plant rooms at basement level and landscaping to central garden and site frontages and associated works (linked to redevelopment of 2 Ashbridge Street and Ashmill Street Car Park sites that are also on this agenda – Items 2 and 3).		
Agent	Peter Brett Associates LLP		
On behalf of	Westminster City Council		
Registered Number	17/11404/COFUL	Date amended/ completed	5 June 2018
Date Application Received	22 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Lisson Grove		

1. RECOMMENDATION

<p>1. Subject to no new issues being raised by London Underground prior to 20 August 2018, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following planning obligations:</p> <ul style="list-style-type: none"> i. Notice of commencement of development (three months prior to commencement). ii. Provision of off-site affordable housing on the Repeater Station site, 2 Ashbridge Street and the Ashmill Street Car Park site (see Items 2 and 3 on this agenda) in accordance with the proposed tenure and unit size mix and to the affordability criteria agreed by the Head of Affordable Housing and Strategy, prior to occupation of the market housing on the application site. iii. Provision of highway works outside the site in Cosway Street, Bell Street, Stalbridge Street and Shroton Street, including alterations to crossovers, provision of street trees, amendments to on-street parking bays
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- iv. Dedication of public highway along the eastern side of Stalbridge Street and where necessary around the remain of the site.
 - v. Provision of 'life time' (25 year) car club membership for each flat.
 - vi. Subject to further study, provision of a carbon off-set payment of £82,683 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
 - vii. Provision of link to future District Heat Network (DHN) and undertaking to make best endeavours to connect to a future DHN.
 - viii. Offer local employment opportunities during construction.
 - ix. Provision of costs for monitoring of agreement (£500 per head of term).
2. If the unilateral undertaking to secure the planning obligations has not been completed by 1 October 2018 then:
3. The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
4. The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site comprises a whole street block bounded by Cosway Street, Bell Street, Shroton Street and Stalbridge Street. The site does not contain any listed buildings, but does lie immediately to the north of Christ Church, a grade II* listed building and the site is located within the Lisson Grove Conservation Area.

The current application seeks permission to demolish all existing buildings on the site and redevelop the whole site to provide a 'U' shaped street block with frontages on to Cosway Street, Bell Street and Shroton Street, with a communal garden facing Stalbridge Street, to provide 49 market residential flats. The 'U' shaped block would be broken down into three distinct elements through the use of differing materials and detailed design such that the scheme would appear as three mansion blocks. The proposed development would range in height between 5 storeys at its southern end to four storeys at its northern end. A single storey basement is proposed under much of the site to provide parking, storage and ancillary plant area. The scheme would require the removal of five trees within the site and one street tree in Cosway Street.

The proposed development generates a policy requirement to provide affordable housing and this is proposed to be delivered off-site in the vicinity on the sites known as Repeater Station, 2 Ashbridge

Street and Ashmill Street Car Park, which are also on this Sub-Committee agenda (see Items 2 and 3).

The key issues in this case are:

- The acceptability of the proposed residential accommodation (mix, size of units and quality of accommodation).
- The acceptability of providing off-site affordable housing in the immediate vicinity of the site.
- The impact of the development on the appearance of the site and the character and appearance of the Lisson Grove Conservation Area, including the demolition of the 'school house' at the south eastern corner of the site.
- The impact on the setting of the neighbouring grade II* listed Christ Church.
- The impact on the amenity of neighbouring residents.
- The impact of the proposed development on the availability of on-street car parking for neighbouring residents.
- The acceptability of the removal of five trees on the site and one street tree.

For the detailed reasons set out in this report and given the public benefits that the development would deliver, the proposed development is considered to be acceptable in land use, design and conservation, amenity, transportation and environmental terms and would accord with the relevant policies in the Unitary Development Plan we adopted in January 2007 ('the UDP') and Westminster's City Plan that we adopted in November 2016 ('the City Plan').

Whilst significant objection has been raised to the demolition of the existing school house, it is considered that the demolition of the school house would cause less than substantial harm to the significance of the relevant heritage assets (the Lisson Grove Conservation Area and the setting of the grade II* listed Christ Church). Site wide redevelopment would allow the delivery of additional residential floorspace and units on the site and repair the street scape to this entire street block within the conservation area, which is currently poorly defined and not consistent with the built form of the wider conservation area, and these are considered to represent a substantial public benefits which outweigh the less than substantial harm that would be caused by the demolition of the school house.

With regard to affordable housing provision, it is considered that in the particular circumstances of this case the wider benefits of the scheme, including maximisation of the total number of residential units and the affordable floorspace quantum that can be provided across the three sites outweighs the normal policy presumption for affordable housing to be provided on site, particularly given the close proximity of this site to both 'donor' sites and as the scheme would provide 35% affordable housing in compliance with the City Plan and UDP policies, which set the strategic affordable housing delivery targets for Westminster.

As such, the application is recommended for approval, subject to the conditions set out in the draft decision letter and completion of a unilateral undertaking to secure the planning obligations set out the recommendation in Section 1 of this report, which includes the provision of off-site affordable housing on the two 'donor' sites.

4. PHOTOGRAPHS



View of the school house at the corner of Bell Street and Cosway Street (top) and view north along Cosway Street (bottom).



View of Shroton Street elevation (top) and view north along Stalbridge Street (bottom).

5. CONSULTATIONS

5.1 Responses to Consultation on Initially Submitted Scheme (January 2018)

WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

Objection on the following grounds:

- Do not consider scheme to be of the highest design and amenity standard, appropriate to the setting of the grade II* former church adjacent and the Lisson Grove Conservation Area. Proposal is contrary to the development plan and the NPPF.
- Old school house should be retained as is an unlisted heritage asset of merit that contributes to the conservation area's character.
- Note that the applicant's heritage consultant identifies the scheme to be harmful (a moderately adverse impact). Question if the heritage consultant is qualified to conclude this harm is outweighed by a scheme of 'exemplary design' and do not agree that the scheme is of exemplary design.
- No planning brief has been formally adopted and therefore all previous briefs should carry equal weight. Planning consultations between 2011 and 2013 resulted in agreement to keep the school house.
- Conservation Area Audit notes the school house to be of local importance in strategic views and these views should be considered.
- Do not consider the applicant's arguments for demolition of the building (expense of façade retention, floor heights and 3 storey scale) justify its demolition.
- Application has not been accompanied by a survey of the quality and detail of the existing building.
- Would support conversion rather than façade retention of the school house.
- Retention of the school house should be the starting point for the design rather than something to be cleared away because it doesn't fit the design.
- Detailed design and massing of the southern part of the scheme does not provide an appropriate setting for Christ Church.
- No architectural hierarchy across the site and development is too uniform.
- Roof scape is particularly poor with large flat roofs and expanses of PV panels (not convinced that the PVs will lie flat on the roof). This lacks grain and scale of surroundings which are all pitched roofs.
- Top two floors and plant room are well above the eaves of the church and this would dominate the setting of the church.
- Question need for a plant room on the roof.
- Question whether a similar proposal in another conservation area by a private developer would be supported by the City Council.
- Use of red brick supported.
- Concern that there is not passive or active solar design.
- Note the scheme has deep rooms and single aspect flats increasing need for artificial lighting.
- Controls needed to ensure items such as curtains, blinds, balconies etc. are consistent across the development when inhabited.

- Full height French doors and patios directly on to the street in Bell Street are inappropriate.
- Concern that balconies appear small and may overlook one another.
- Question whether sufficient storage is proposed.
- Welcome the retention of street trees in Cosway Street.
- Noise and security concerns arising from the proposed car lifts.
- Access to cycle store must be secure to ensure residents will use the storage.
- Question if the amount of parking proposed is required.
- Consider that a second chute should be provided for recycling and not taken out by concierge.

CHURCH STREET WARD NEIGHBOURHOOD FORUM

Objection to the demolition of the school house which should be retained. It is a heritage asset of merit and an integral part of the Lisson Grove Conservation Area. New building does not meet the highest design standards required for a building next to the grade II* listed Christ Church, especially the top floor treatment. Similar detailed design concerns as identified by the St. Marylebone Society. Note that they support the provision of this site as market housing to maximise community benefits, but that this should not be at the expense of significant historical assets. Urge the applicant to reconsider the design proposed.

CHURCH STREET WARD PLANNING AND LICENSING GROUP

Please that this long under developed site will be brought back into use as part of the Church Street Ward Masterplan. Any building in this prominent location in the conservation area needs to enhance the unusual and rare assembly of architectural styles in Cosway Street and adjacent streets. Deplore the demolition of the school house as consider it to be a landmark part of any good design for the main apartment block. School house forms historic link with Christ Church. Proposed block is a bland standard block with very unattractive shapes on the top storey. Building would be jarring next to the classical lines of Christ Church. No reason why the school house cannot be retained. Concerns with whole concept of proposed building and suggest that it is reconsidered.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

BUILDING CONTROL

Note that existence of ground water has been investigated, but that further consideration of the likelihood of local flooding or adverse impacts on the water table should be investigated. Proposal will provide support to the highway and therefore technical approval will be required from the City Council's highways engineers before construction.

CITYWEST HOMES

Any response to be reported verbally.

CLEANSING MANAGER

Objection. Waste chute should not be used for recycling waste as this affects the quality of recycling. Recycling waste should be collected by facilities management. Bins within individual stores should be marked 'W' and 'R'. Bins should be located within 10m of

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their intended collection point. In this case it would be 14.5m away. Under counter waste and recycling bins should be provided in each flat.

DESIGNING OUT CRIME OFFICER
Any response to be reported verbally.

ENVIRONMENTAL HEALTH
Condition recommended to ensure there would not be noise transfer from the adjacent Bakerloo Line tunnel. Condition recommended to ensure the fabric of the proposed building protects occupiers from external noise sources. Conditions recommended to prevent noise and vibration from mechanical plant including submission of a supplementary acoustic report. Condition recommended to ensure that a filtration system is provided for the mechanical ventilation system to improve air quality within the residential accommodation. Informative recommended regarding the potential for contaminated land on the site.

HEAD OF AFFORDABLE HOUSING AND STRATEGY
Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER
Any response to be reported verbally.

HISTORIC ENGLAND
Application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

HISTORIC ENGLAND (ARCHAEOLOGY)
No objection, subject to the recommended conditions to secure a 2 stage scheme of site investigation to establish the archaeological interest of the site and to secure a scheme of historic building recording in respect of the former school house.

CHURCH STREET LARP
Any response to be reported verbally.

THAMES WATER
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 257.
Total No. of replies: 15.
No. of objections: 12.
No. in support: 0.

15 emails received raising objection all or some of the following grounds:

Land Use

- Excessive number of units on the site.
- Welcome the bringing back in to use of this long dormant site.

Design

- Old school house should be retained and turned in to flats or offices.
- Redevelopment of the site could reflect the detailing of a retained school house and not jar with surroundings as scheme does.
- Plaque setting out history of the school house should be placed on its wall and building retained in scheme.
- Proposed building is bland and less sympathetic to the overall feel and architecture of the immediate area.
- Balconies and roof terraces are out of character with the surrounding area.
- Building should be a maximum of four storeys.
- Question the form of the top floor and note that the window treatment for the whole scheme is dull and lifeless.
- Building would have a brutalist appearance and a jarring relationship with the listed former church.
- Imaginative scheme retaining the former school house could be aware winning and put the neighbourhood on the map.

Amenity

- Front elevation of scheme in Cosway Street will be much closer to neighbours than existing building.
- Proposed building will be a full floor higher than building opposite on north, east and west sides.
- Loss of light and a result of bulk and height of proposed development.
- Material loss of daylight and sunlight to neighbouring flats exceeding BRE Guidelines.
- Large number of neighbouring properties would suffer a material loss of light, in Cosway Street, Shroton Street and Stalbridge Street and this is unacceptable.
- Some daylight losses are significant and in excess of 40%.
- Daylight and sunlight assessment should be more detailed to allow spot assessments to be identified in terms of which windows they relate to.
- Daylight and sunlight assessment makes assertions that daylight losses will not be harmful but it is not clear on what basis these are made.
- Concerned that light loss to basement flats is dismissed on basis that they should have a lower expectation of daylight.
- Note that balconies and terraces would be provided but would be in an area where there are Significant Observed Effect Levels in terms of noise and air quality is poor.
- Balconies and terraces would cause noise disturbance to neighbours.
- Increased overlooking to neighbouring properties, particularly from proposed balconies.
- Distance to neighbouring buildings should be increased to lessen overlooking or alternatively the blocks should be re-orientated.

Transportation/ Parking

- Scheme will materially worsen availability of parking in the area.
- Increased pressure on on-street parking as is already difficult to find a space.
- Underground car park entrance would be better placed in Cosway Street where the road is wider.

Other Matters

- Request for additional time to comment due to delay in receiving consultation letter.
- Adverse impact on value of neighbouring properties and question if compensation will be provided.
- Question how confidence can be had in the decision making process when the City Council is the applicant and the decision maker.
- Should not be reliant on concierge to collect recycling.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Responses to Consultation on Revised Scheme (Amended Detailed Design and Form to All Facades) (June 2018)

WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

Note the architects have made some modifications, including moving the entrance away from the corner of the building, but original comments still stand. Proposal is not of high enough quality to justify the loss of the school house and the history it represents. If school house is demolished the replacement design must be exemplary, and enhance the conservation area. The Council must remember responsibility to guard and enhance the extraordinarily rich heritage of this area and should take the advice of their own planning department and heritage advisors. The views of the conservation officer on this issue should be made public. To Cosway Street, the bulk of the over scaled brick scallops of the proposed facade disguise window and door openings that have a bland, social-housing aspect. This is obvious when looking at the unadorned rear elevations. The south facade is directly opposite the finely detailed, Christ Church (grade II* listed) and rises higher than the box of the church. This church is the jewel at the heart of the Lisson Grove Conservation Area, and adjacent new structures should not overwhelm it.

CHURCH STREET WARD NEIGHBOURHOOD FORUM

Objection to the demolition of the school house which should be retained. It is a heritage asset of merit and an integral part of the Lisson Grove Conservation Area. New building does not meet the highest design standards required for a building next to the grade II* listed Christ Church, especially the top floor treatment on south side and its hard inelegant chamfered corners. Similar detailed design concerns as identified by the St. Marylebone Society. Note that they support the provision of this site as market housing to maximise community benefits, but that this should not be at the expense of significant historical assets. Urge the applicant to reconsider the design proposed.

CHURCH STREET WARD PLANNING AND LICENSING GROUP

Consider revised scheme to be unacceptable, but an improvement on the initially submitted scheme. Main entrances and roof levels have been improved, but curves to façade are pointless and don't improve bland appearance. Intention to demolish the school house appears to lack any appreciation of the architectural heritage of the site. Three flats could be accommodated in a retained school house. The site is of prime importance to the extensive regeneration plans for the area and must be an example of the finest 21st Century design.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

BUILDING CONTROL

Structural method statement does not show how existing structures are to be supported during construction. Content that investigation of existing structures and geology has been undertaken and the existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The proposals submitted are considered to be acceptable. Proposal will provide support to the highway and therefore technical approval will be required from the City Council's highways engineers before construction.

CHURCH STREET LARP

Any response to be reported verbally.

CITYWEST HOMES

Any response to be reported verbally.

CLEANSING MANAGER

Objection. Waste chute should not be used for recycling waste as this affects the quality of recycling. Recycling waste should be collected by facilities management. Bins within individual stores should be marked 'W' and 'R'. Bins should be located within 10m of their intended collection point. In this case it would be 14.5m away. Under counter waste and recycling bins should be provided in each flat.

DESIGNING OUT CRIME OFFICER

Request meeting with the applicant to discuss measures to design out crime and fear of crime.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HEAD OF AFFORDABLE HOUSING AND STRATEGY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objection to level of car parking proposed on-site (38 spaces for 49 flats) as will increase pressure on on-street residents parking. Survey data indicates existing on-street parking occupancy to be at 77% overnight and at 8% during daytime hours. Lifetime car club membership is recommended to mitigate the impact in terms of parking stress and should be secured via a legal agreement if permission is granted. Electric vehicle charging and cycle parking should be secured by condition. Whilst the cycle parking entrance is not ideal the arrangement is not objectionable. Concern that vehicle access to the basement is located in Stalbridge Street It has been demonstrated via tracking that vehicles will be able to access the car lifts, but no evidence provided in respect of whether Stalbridge Street can accommodate additional traffic. Would prefer to see on-site servicing bay to prevent servicing occurring on street. Door should be added to the side of the holding enclosure to prevent need to wheel bins onto the highway to get them into the holding enclosure. A Servicing Management Plan should be secured by

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condition to manage the on-street servicing if permission is to be granted. This should clearly outline how servicing would occur on a daily basis and provide robust procedures for a future operator of the site to follow. Conditions and informatives recommended.

HISTORIC ENGLAND

Application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

LONDON UNDERGROUND

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 257.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

One email received raising objection on the following grounds:

- School house should not be demolished. It is a undesignated heritage asset and should be retained as per the NPPF.
- Design of the proposed building is unacceptably poor.
- Fully support the comments of the St. Marylebone Society.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a whole street block bounded by Cosway Street, Bell Street, Shroton Street and Stalbridge Street. The site does not contain any listed buildings, but does lie immediately to the north of Christ Church, a grade II* listed building and the site is located within the Lisson Grove Conservation Area.

The site is located within the North Westminster Economic Development Area (NWEDA), which encourages development that improves the quality and mix of housing. It is also within the Edgware Road Housing Zone designated by the Mayor, which seeks the delivery of 1,113 new homes in the area.

The City Council's Church Street Masterplan (December 2017) sets a target to deliver 1,010 new homes in the masterplan area over the next 15-20 year period. Whilst this is a material planning consideration, this is not an adopted development plan document and

has not been published or adopted by the City Council in its role as Local Planning Authority.

There is also a draft planning brief for this site; however, it was prepared in 2004 prior to the adoption of the current development plan documents and the NPPF. Furthermore, the planning brief was never adopted and consequently has very little weight.

The application site comprises a former site of Westminster College (before which it was used as a school). Westminster College vacated the site a number of years ago, since when the site has been used for 'mean-while' uses pending its future redevelopment (see Section 6.2). To the north of the site is a three storey square 1970's block comprising the main former college building, which is identified in the Lisson Grove Conservation Area Audit (2003) as a negative feature within the conservation area. To the southern half of the site are playground areas, with the former 'school house' at the south eastern corner at the junction of Bell Street and Cosway Street. The school house is a late Victorian building, post-dating the now demolished original school buildings on the northern end of the site (demolished to make way for the 1970's block). The school house is three storey in height, with a pitched roof and no formal front or rear elevations, owing to its isolated location within the former playground. Whilst the building is not identified as an unlisted building of merit in the Lisson Grove Conservation Area Audit, it is apparent that it is of value to the Lisson Grove Conservation Area and should therefore nevertheless be considered as an unlisted building of merit (see Section 6.2).

There is also a single storey temporary building on the site at present in the former playground area at the southern end of the site, but this only has a temporary permission and is required to be removed from the site on expiry of the temporary permission.

6.2 Recent Relevant History

07/03888/COFUL

Erection of single storey modular office building for use by Westminster Youth Services (measuring 21m width x 15.4m depth x 3.2m height) for a temporary period of three years.

Application Permitted 11 June 2007

10/02059/COFUL

Retention of the single storey modular office building for continued use by Westminster Youth Services (measuring 21m width x 15.4m depth x 3.2m height) for a further temporary period of 12 months.

Application Permitted 4 May 2010

11/07350/COFUL

Retention of the single storey modular office building (measuring 21m width x 15.4m depth x 3.2m height) with ten externally mounted air conditioning units for use by Westminster City Council's Home Library Service for a temporary period three years.

Application Permitted 23 September 2011

13/07211/COFUL

Temporary change of use of former Westminster College building (ground, first and second floors) to be used for offices, storage and post room associated with local

authority support services and National Union of Teachers. (Use permitted for a temporary period until 30 November 2015).

Application Permitted 19 November 2013

13/07212/COFUL

Temporary change of use of ground and first floor levels of the School House comprising of offices in association with local authority support services. (Use permitted for temporary period until 30 November 2015).

Application Permitted 19 November 2013

14/04884/COFUL

Use of the second floor of the School House as self-contained (Class C3) residential accommodation.

Application Permitted 19 August 2014

7. THE PROPOSAL

The scheme was initially submitted in January 2018 and was the subject of consultation with residents and local stakeholders in the first quarter of 2018. The initially submitted scheme received significant objection, particularly on detailed design and amenity grounds and in respect of the proposed demolition of the former school house at the corner of Bell Street and Cosway Street (see Section 6.1). In response to concerns raised by officers, local amenity groups and neighbouring residents, the applicants revised the scheme during the course of the application to reconsider and revise the detailed design and form of the proposed building, including relocation of entrances in Cosway Street. The number units (49) remains unaltered and the floor area proposed has only been increased marginally from 5,105m² to 5,135m². In revising the scheme, the applicants were also asked by officers to consider in more detail whether the school house could reasonably be retained and incorporated in to a coherent and well designed scheme for redevelopment of the whole site. The applicants provided a detailed response to this request and this is considered as part of the assessment in Section 6.2 of this report.

Following revision, the current application seeks permission to demolish all existing buildings on the site and redevelop the whole site to provide a 'U' shaped street block with frontages on to Cosway Street, Bell Street and Shroton Street, with a communal garden facing Stalbridge Street to provide 49 market residential flats. The 'U' shaped block would be broken down into three distinct elements through the use of differing materials and detailed design such that the scheme would appear as three mansion blocks. The proposed development would range in height between 5 storeys at its southern end to four storeys at its northern end. A single storey basement is proposed under much of the site to provide parking, storage and ancillary plant area. The scheme would require the removal of five trees within the site and one street tree in Cosway Street.

The scheme would deliver 5,135m² (GIA) of Class C3 residential floorspace on the site, which would comprise 49 market residential flats. The mix of units proposed is 16x1 bedroom flats, 21x2 bedroom flats and 12x3 bedroom flats.

The proposed development generates a policy requirement to provide affordable housing and this is proposed to be provided off-site in the vicinity of the site on the sites known as Repeater Station, 2 Ashbridge Street and Ashmill Street Car Park, which are also on this Sub-Committee agenda (see Items 2 and 3). The Ashbridge Street site would provide 26 affordable housing units (2,530m² – GIA), whilst 2 affordable housing units would be provided on the Ashmill Street Car Park Site (242m² – GIA). The floorspace of the proposed off-site affordable housing represents 35% of the total floorspace across the three sites. The affordable housing contains 40.4% of the habitable rooms across the three sites.

Table 1 – Existing and Proposed Floorspace on the Application Site

	Existing GIA (m ²)	Proposed GIA (m ²)	+/-
Education (Class D1)	1,656	0	-1,656
Residential (Class C3)	0	5,135	+5,135
Total	1,656	5,135	+3,479

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Existing Education Use

Given the Secretary of State for Education has previously declared the site surplus to educational requirements and as the City of Westminster College has moved to a new campus within the City at Paddington Green, it is considered that the requirements of SOC1 in the UDP and S34 in the City Plan have been met in terms of provision of alternative social and community floorspace/ the provision of a replacement social and community use facility. As such, it is not necessary for the redevelopment of this site to provide a replacement social and community use.

8.1.2 Proposed On-Site Market Housing

In light of the considerations set out in Section 8.1.1, the principle of residential redevelopment of this site is acceptable in land use terms and would accord with Policy H3 in the UDP and Policy S12 in the City Plan. Policy S12 encourages a range of uses within the North Westminster Economic Area (NWEDA), including developments that improve the quality and tenure mix of housing, which this scheme would achieve, particularly when considered in conjunction with its donor sites (see Section 8.1.3), and also contribute to other priorities, which include improvement of the public realm and local environment. The proposed development would deliver improvements to the local environment through significant enhancement to the street scape in Cosway Street, Shroton Street, Stalbridge Street and Bell Street by introducing a street block that is generally consistent in form and scale with adjacent buildings. It would also deliver improvements to the public highway in Stalbridge Street by widening the currently narrow pavement on the east side of the street.

The proposed development would provide 5,135m² (GIA) of residential floorspace to be used as 49 residential flats (Class C3). All of the flats on the site would be compliant with Policy 3.5 in the London Plan and the Government's Housing Technical Standards (2014) in terms of their size and none of the units would be excessive in size. As such, the proposed development would make optimal use of the residential floorspace to be provided on the site.

The development would have 143 habitable rooms and this results in a density of 2.9 habitable rooms per unit, 550 habitable rooms per hectare (hr/ha) and 188 units per hectare. The density of the development is within the range set out for an 'urban area' in Policy 3.4 in the London Plan. The density is marginally above the 250-500hr/ha range for sites in 'Zone 2' in Policy H11 in the UDP. However, part (B) of the policy states that *'Proposals for new housing developments that are above the density ranges... may be granted permission if they are in close proximity to public transport...'* as well as being consistent with design, amenity, parking and conservation policies. In this case, the site only a short distance from Marylebone Station and bus routes along Marylebone Road, which provide excellent public transport options. Furthermore, for the reasons set out in later sections of this report, the development is considered to be consistent with design and conservation, amenity and parking policies, subject to the mitigation measures to be secured and the recommended conditions. As such, the density of development proposed is acceptable and in accordance with Policy H11 in the UDP.

The proposed development would provide a mix of units comprising 16x1 bedroom flats (32.7%), 21x2 bedroom flats (42.9%) and 10x3 bedroom flats (24.5%). Whilst this falls below the normal policy requirement set out in Policy H5 in the UDP to provide 33% of all new units as 3 or more bedroom 'family sized' units, the cumulative mix across the application site and its two 'donor' affordable housing site in the immediate vicinity would include 32.5% family sized units. Given the proximity of the sites in this case, this approach is considered acceptable and the 0.5% shortfall in 'family sized' units is sufficiently negligible so as not to warrant withholding permission. However, it is recommended that the mix of units across the three sites is secured as part of the legal agreement to ensure that cumulatively they remain compliant with Policy H5.

Concerns have been expressed by the St. Marylebone Society about the daylight levels with the proposed flats and objectors have raised concerns regarding the noise and air quality that future occupiers will experience when using the proposed balconies and roof terraces.

In terms of daylight and sunlighting levels within the proposed residential accommodation, all of the habitable rooms would be compliant with the Building Research Establishment Guidelines 'Site Layout for Daylight and Sunlight Planning (2011)', whilst 44% of the rooms would be compliant in terms of the amount of sunlight they would receive. In terms of the sunlight levels to be achieved, this is considered acceptable in this case, as the need to follow the existing 'street block' pattern of development restricts the layout of the proposed development. As a consequence, a number of facades within the development, and the windows within those facades, necessarily face north or are screened from the path of the sun by other street facing parts of the development to the south of the site.

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The provision of external amenity space for all of the flats within the development is welcomed from a residential standards perspective and would be consistent with the standards set out in the Mayor's 'Housing' SPG (2016). The benefit of providing these external amenity spaces, along with the communal garden at ground floor level to the centre of the site, which accords with Policy H10 in the UDP, is considered to outweigh the identified noise and air quality impacts when the amenity spaces are in use, particularly as measures are proposed to ensure that the design of the building would protect future residents from external noise and poor air quality when they are within the envelope of the building in accordance with Policies S31 and S32 in the City Plan (see Section 6.10). As such, the objections raised on these grounds are not reasonable grounds on which to withhold permission.

The scheme does not propose 25 or more 'family sized' units and the site is not in an area of accessible play space deficiency and therefore play space does not need to be provided on site.

8.1.3 Affordable Housing

The relevant policy in the UDP is Policy H4, whilst in the City Plan Policy S16 is relevant, along with the 'Interim Guidance Note on Affordable Housing Policy'. These policies set out a 'cascade' for determining how affordable housing should be provided. The policies require affordable housing to be provided on site, except where the Council as local planning authority considers that this is not practical or viable. In such cases, the policies direct that affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity will only be acceptable where the Council considers that the affordable housing being offered is greater and of a higher quality than would be possible on or off-site. A financial contribution in lieu will only be acceptable where the above options are not possible.

In the adopted London Plan (March 2016), Policies 3.11 and 3.12 are relevant. Policy 3.11 sets out that a tenure mix of 60% social or affordable rent and 40% intermediate rent or sale should be provided and Policy 3.12 references that the affordable housing provided should meet affordable housing need in the location it is proposed.

Policy H5 of the Draft London Plan sets a strategic target of 50% for all new homes delivered across London to be affordable. It aims to achieve this by, inter alia, requiring that 50% of housing on public sector land is affordable and through use of the threshold approach. Policy H5 also states that affordable housing should be provided on-site and should only be provided off-site or a payment in lieu in exceptional circumstances. Policy H6 of the Draft London Plan sets a threshold of 50% by habitable room for affordable housing provision on public sector land. The draft policy identifies that development that does not provide 50% affordable housing must follow the Viability Tested Route (detailed further in the Mayors Affordable Housing and Viability SPG (2017) (the 'Mayors Affordable Housing SPG') and will be subject to Early and Late Stage Viability Reviews.

In this case the Interim Guidance Note identifies that the three sites have a low existing use value and therefore UDP and City Plan policies require that 35% of the proposed residential floorspace should be provided as affordable housing.

The application proposes the provision of affordable housing off-site in the immediate vicinity of the application site on the Repeater Station site in Ashbridge Street and the Ashmill Street Car Park site (the ‘donor’ sites) (see Items 2 and 3 on this agenda). The Repeater Station site is 75m to the north of the application site, whilst the Ashmill Street Car Park site is less than 20m to the north west and immediately adjacent to the application site on the north side of Shroton Street. The proposed off-site affordable housing would comprise 2,520m² of floorspace on the Repeater Station site and 242m² of floorspace on the Ashmill Street Car Park site (2,772m² in combination). This represents 35.1% of the combined residential floorspace and 40.4% of the habitable rooms across the three sites. The applicant proposes that the tenure split of the affordable housing on the donor sites would be 60% social rented units and 40% intermediate units. The mix of affordable units proposed on the two donor sites is set out below:

Table 2 – Affordable Housing Mix Proposed on Donor Sites

Dwelling Type	No. of Units	% of Units
1b2p flat	6	21.4%
2b3p flat	4	14.3%
2b4p flat	5	17.9%
3b5p flat	11	39.3%
4b7p dwellinghouses	2	7.1%
Total	28	100%

With regard to the principle of providing affordable housing off-site, which has attracted a number of objections from neighbouring residents (in relation to this scheme and the linked schemes for the donor sites), officers are content that this is an appropriate approach, consistent with Policies H4 and S16, given the particular circumstances of this case. All three sites are in the immediate vicinity of one another (no more than 80m apart), such that even though they are on separate sites, they cumulatively contribute to a mixed and sustainable community in this part of the City. Furthermore, by utilising the sites in this way, they can be used more efficiently, thereby maximising the quantum of market and affordable housing that can be delivered across the three sites. In conclusion, it is both more practical and viable in this case to deliver the affordable housing derived from the market housing on the application site, off-site in the form proposed.

It is proposed that 60% of the affordable units would be provided as social rented units and 40% would be provided as intermediate units. This tenure split would be consistent with adopted London Plan policy and as set out in paragraph 4.14 of the City Plan. The Head of Affordable Housing and Supply’s observations on the extent to which the scheme would deliver a mix of units that would meet affordable housing need and on the affordability of the units will be reported verbally to the Sub-Committee. The mix of units, the rent level and eligibility criteria are to be secured via the unilateral undertaking.

The quantum of affordable floorspace proposed exceeds the target in Policy H4 in the UDP and S16 in the City Plan and the achieves the maximum required floorspace requirement set out in the Interim Guidance Note. The affordable housing target contained within Policy S16 and the Interim Guidance Note has been adopted in line with Policy 3.11 in the London Plan. Accordingly, it is considered the maximum

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reasonable amount of affordable housing for this site, as required by Policy 3.12 of the London Plan has been achieved under adopted development plan policies and therefore further viability review is not necessary in respect of these policies. To ensure that the full quantum of affordable housing is provided, it is recommended that linked delivery of the three schemes is secured via the unilateral undertaking and that the affordable housing on the donor sites is provided prior to occupation on the application site.

In terms of the Draft London Plan policies, the proposed development would be required to follow the Viability Tested Route identified in the Mayors Affordable Housing SPG and Policy H6 of the Draft London Plan. The Viability Tested Route would also entail Early and Late Stage Review Mechanisms. However, the Draft London Plan was first published in December 2017, with consultation running until March 2018, and the GLA's response to the first round of public consultation will not have been published by the time of the Sub-Committee's determination of the application. The GLA indicate that the Draft London Plan will not progress to Examination in Public stage and final adoption until Autumn 2018 and Autumn 2019 respectively. The affordable housing targets in Policies H5 and H6 of the Draft London Plan are likely to be contentious and are not based on any apparent viability or locally specific evidence that has been subject to examination, unlike Policy S16 in the City Plan. As an SPG, the Mayors Affordable Housing SPG cannot have more weight than adopted and locally specific policy. Accordingly, and having regard to the tests set out in paragraph 48 of the NPPF (as revised in July 2018), the Draft London Plan and Mayors Affordable Housing SPG have considerably less weight than adopted Policies 3.11 and 3.12 of the London Plan and policy S16 of the City Plan.

It is also noted that the Mayor's Affordable Housing SPG caps additional affordable housing provision under the Viability Tested Route and early and late review stages at either 50% or the local plan strategic target level (see footnote 10 on page 19, footnote 30 on page 45, paragraph 6 on page 57, paragraph 15 on page 61 and paragraph 18 on page 64). As per Policy S16 in the City Plan, the strategic target for Westminster is 30% and the current proposal exceeds this. The SPG provides no guidance as to when it may or may not be appropriate to use the local plan strategic target. However, it is clearly more appropriate to use the strategic target within policy S16 at present as it is adopted policy, satisfies the requirements of Policies 3.11 and 3.12 of the adopted London Plan and has been tested against the requirements of paragraph 173 of the 2012 NPPF (now paragraph 34 of the revised July 2018 NPPF), unlike emerging policies in the Draft London Plan or guidance in the Mayors Affordable Housing SPG.

Notwithstanding the above, the applicant has provided a viability appraisal to demonstrate that the affordable housing offer (35.1% of the total .4% of the total habitable rooms) is the maximum reasonable amount that the three combined schemes can provide. The submitted viability assessment has been independently assessed on behalf of the City Council as the local planning authority. The independent assessors advise that the scheme could only viably deliver 26% of the floorspace as affordable housing. Given the development would provide 9% more floorspace than has been demonstrated to be viable, and as this is both in excess of the strategic target for Westminster and meets the locally specific threshold derived from the Interim Guidance Note (i.e. the requirement to provide 35% of the floorspace as affordable housing), it is considered that overall the affordable housing offer meets adopted policies. Therefore, withholding permission on the ground that it fails to meet emerging policy in the Draft

London Plan and Mayors Affordable Housing SPG would not be sustainable given the tests within paragraph 48 of the NPPF (July 2018). In this context, it not considered that it is necessary or appropriate to require post permission review mechanisms given that Westminster’s strategic target would be met and exceeded and the scheme provides an appropriate tenure mix.

8.2 Townscape and Design

8.2.1 Site History

Prior to the late eighteenth century the site in all likelihood was open farmland, but by the 1790’s the street pattern started to be laid out and the earliest development on the site appears to be terraced housing on the south side of the site facing Bell Street shown on a map dated 1813. By the 1870’s First Edition of the Ordnance Survey the whole of the site has been developed with terraced housing fronting all four sides of the site, as well as a small residential court or mews (Stephen Court) in the centre of the site. By the Second Edition Ordnance Survey of 1896 a notable change to the site occurred with the construction of the Stephen Street London Board School, which the map would suggest comprised two main wings occupying the central and northern part of the site. The school featured an L-shaped ‘Boys & Girls’ building facing on to Shroton Street and Cosway Street; and an ‘Infants’ block facing onto Stalbridge Street. The southern part of the site, facing Bell Street and the southern end of Cosway Street, still retained terraced housing. By the Third Edition of the Ordnance Survey (1916) the site appears to be solely in use by the school, with the addition of No.29 Cosway Street shown at the corner of Bell Street and Cosway Street. A date stone on No.29 reveals that It was constructed in 1899. The terraced houses which were shown on the south side of the site have been cleared away by 1916 and the vacant space created is likely to have formed a playground area for the school.

At some point in the 1960’s or early 1970’s the Victorian Board School was demolished and replaced by the modern 3 storey block that today occupies the northern half of the site. This building is shown on the 1974 Ordnance Survey map and is called Marylebone Grammar School.

8.2.2 Existing Buildings

No.29 Cosway Street is the 1899 school building and is arranged over three storeys. It is constructed in a yellow stock brick, with red brick dressings. The tile pitched roof includes brick gables on three sides, with a hip profile to the northern section. As a free-standing building it has four facades, although those to Bell Street and Cosway Street have the more formal arrangement with tall ground and first floor multi-pane timber windows recessed within red brick arches. The north and west facades are more informal in their arrangement of windows and have less embellishment to the brickwork. The architecture could be described as Queen Anne Revival, which was a common style adopted in the construction of London Board Schools. The entrance to the building is within the north façade. The internal layout features a stair bay to the north of the plan, with high-ceilinged rooms to ground and first floor rooms, with a more standard residential scale and layout to the rooms of the top floor. The layout and size of the rooms would suggest that the ground and first floor rooms were used as teaching spaces, while the top floor was in residential use.

The 1970's school block to the north of the site was used as the science department of Marylebone Grammar School and subsequently formed part of Westminster College. It is rather irregularly orientated to the street being set in from the site boundaries. It comprises three storeys and is sunk into the site with the ground floor set lower than the prevailing ground level of surrounding streets. It has a flat roof and a horizontal emphasis to its facades, with large expanses of glazing, facing brickwork and expressed floor structure.

The perimeter of the site has a variety of boundary treatments, but predominantly a low brick wall with railings above, which appears to be associated with the 1960's/70's school. However, a taller brick wall to the southern end of Stalbridge Street and along most of Bell Street is likely to be contemporary with No.29, the boundary to which is a black metal railing.

The former playground area is used for car parking and there is a single storey temporary building within the car park area.

8.2.3 Surrounding Townscape

The site lies within the Lisson Grove Conservation Area, which is predominantly residential in character, with the housing largely in the form of early to mid-nineteenth century terraced housing; and late nineteenth century and early twentieth century mansion blocks. The primary building material is brick with yellow stock and red brick being the main colour tones, sometimes seen in combination. Within the immediate vicinity of the application site are typical examples of the buildings found within the conservation area generally. On the east side of Cosway Street (opposite the application site) are the yellow brick Stafford House and red brick Cosway Mansions, which are 5-storey mansion blocks from the late nineteenth century. On the north side of Shroton Street there are 4-storey terraces of red brick and yellow brick housing, which date from the late nineteenth or early twentieth century.

On the west side of the site facing onto Stalbridge Street are Waterford Court and Glarus Court, which are 5-storey residential blocks, built in the late 1980's, primarily in red brick, with some stucco dressing.

While predominantly residential in character, there are some buildings within the area which have differing and non-residential functions, and within the immediate vicinity of the site, these include two public houses: No.91 Bell Street (formerly The Constitution) and No.11 Shroton Street (The Perseverance), which in both cases are architecturally distinct from their neighbours, with the Bell Street corner pub being ornately embellished including a corner turret and dome. There is also the polychrome brick former mission rooms for Christ Church (dated 1892) at Nos.19-20 Shroton Street.

On the south side of the application site, and a landmark building within the area, is the grade II* listed former Christ Church. This is a Commissioners' church of 1822-4 by Thomas Hardwick and completed by his son Philip. The east end, facing Cosway Street, is the principal façade, faced in stone with an Ionic portico and surmounted by a tower with freestanding columns and polygonal cupola. The longer Bell Street façade is relatively restrained, being faced in a creamy yellow brick with some stone dressings.

8.2.4 The Proposal

The application proposes to demolish all of the buildings on the site and redevelop the site with the erection of a residential block providing 49 units. The new building is arranged in a 'U' shaped plan with facades addressing Shroton Street, Cosway Street and Bell Street. The massing and design breaks the new building into 3 main elements:

- Block A - a sheer 5-storey block facing onto Bell Street, which is faced in a light-coloured grey/cream brick. The façades to this block will feature a scalloped profile to the brickwork, offering a vertical emphasis to the façade. The scallops would measure 4m wide and will, together with its height, ensure that this block has the greatest townscape presence. Reconstituted stone string course and parapet bands define the fourth floor as a top 'attic' storey and further emphasis to the hierarchy is provided by differing mortar colours;
- Block B – 4 sheer storeys with a set back fifth storey, which will face onto Cosway Street. This building will be in a differentiating stock brick and will maintain the scalloped design feature, but with a narrower width (2m) to the scallops, reflecting a slightly more subordinate townscape role, as well as alleviating the bulk. The two main entrances to the building are located within this block, each within a well-defined entrance bay in fluted reconstituted stone and a wider span of scalloped brickwork above;
- Block C – a four storey block facing onto Shroton Street with returns onto both Cosway Street and Stalbridge Street. The scalloped brickwork to this block will have a combination of wide and narrow scallops (3m and 1m) and will be in a redder brick tone.

Common elements to all of the facades include recessed balconies, reconstituted stone sills and lintels to the windows. The recessed balconies will be lined with brick to provide a solidity and robust quality to the architecture. The balcony railings will be in a powder-coated steel and will be curved to match the profile of the brick scallop.

The roofs to all the blocks are flat and will thus be able to include discreetly sited PV arrays and bio-diverse roofs.

The ground floor layout will include the two main entrances within the Cosway Street façade and there will be a visual link through these to a large communal garden (approximately 26m x 18m) around which the U-shaped block is formed. All of the ground floor flats have small courtyard gardens, with those to the street given extra privacy by raised sections of boundary wall. The Stalbridge Street side of the development is more functional featuring the car lift entrances to the basement car park, as well as a plant room and a sub-station. The communal garden level is raised above the height of the footway along Stalbridge Street and is bounded by a raised planter zone into which tree planting is proposed.

All the upper floor flats will have recessed balconies either facing onto the street or overlooking the communal garden and some of the fourth floor flats will have access to roof terraces. Most of the flats in Blocks A and C are dual aspect, with single aspect flats largely confined to Block B.

8.2.5 Impact on Townscape and Designated Heritage Assets

A key consideration is the impact the proposal will have on the townscape and in particular the affected designated heritage assets. In this case these are the Lisson Grove Conservation Area and the grade II* listed Christ Church. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’*

Section 72 of the same Act states that *‘In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.’*

In terms of the demolition of the existing buildings on the site, the loss of No.29 Cosway Street is the main consideration as the other buildings on the site are considered to make a negative contribution to the townscape with their demolition and redevelopment is welcomed in principle. Indeed, the Lisson Grove Conservation Area Audit identifies the 1970’s school block as a negative feature within the area. Somewhat inexplicably No.29 Cosway Street is not identified within the audit as an ‘unlisted building of merit’; however, assessed against the criteria used by Historic England (Conservation Area Designation, Appraisal and Management, Historic England Advice Note 1), it is considered that this building should be regarded as making a positive contribution to the character and appearance of the conservation area and indeed the heritage statement which accompanies the application acknowledges this.

The loss of this building is one of the main grounds raised by consultees for objection to the application.

The NPPF (July 2018) at paragraph 201 indicates that the loss of a building which makes a positive contribution to the significance of a conservation area should be treated either as causing substantial harm or less than substantial harm, taking into account the relative significance of the element affected and its overall contribution to the significance of the conservation area. Similarly, Policy DES 9 in the UDP indicates that buildings identified as having local architectural, historical or topographical interest within adopted audits will enjoy a general presumption against demolition, and any demolition may be permitted if the design quality of the replacement development would result in an enhancement of the area’s overall character or appearance. While No.29 is not identified within the audit as a positive contributor, this is considered to be an omission and further assessment of the site as part of this application process, means that the presumption against demolition ought to apply to this building.

It is thus concluded that the demolition of No.29 would have an adverse impact on the character and appearance of the conservation area, which would result in ‘less than substantial harm’ to the significance of the conservation area.

Design options to explore retention of No.29 have been undertaken by the applicant and these demonstrate that there are ways in which the site could be potentially developed while keeping the building, but these lead to design compromises. A challenge to a

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redevelopment scheme which retains No.29 is that it was designed and built as a building to be seen and function in the round, i.e. it is freestanding and has two street facing facades, its entrance is in the north façade and it has windows which face onto the open yard to the west. If these characteristics are to be respected then any development needs to be set back from the facades and in terms of massing, needs to respectfully address the scale of the retained building, which is relatively small when compared with the prevailing building heights. In theory the facades of lesser importance (to west and north) could be seen as of lesser significance and new development could abut these facades, but again there ought to be some respect shown to the scale and massing of the retained building for the design to not appear entirely contrived. Having explored alternative options the applicants have progressed with the design which forms the current application.

It is considered that the replacement building is a well considered design that enhances the character and appearance of the Lisson Grove Conservation Area. As a residential block it complements the prevailing land use within the area and with several mansion blocks in the immediate vicinity it is of a form that underpins the character of the area. In terms of height, at 4 and 5 storeys, while slightly taller than some of its neighbours, it is not incongruously so. The use of brick as the prevailing facing material is appropriate and the use of differing brick tones in the differing brick blocks, is very much a feature of the conservation area, e.g. the yellow brick of Stafford House, abutting the red brick of Cosway Mansions.

The re-establishment of building lines to the street block is clearly an enhancement, while still providing a degree of defensible space to the ground floor flats.

In terms of the architecture, this has also raised some design objection, with questions notably raised about the merits of the scalloped/ fluted brickwork. While the form is quite bold and certainly novel, it nevertheless references the accented corners to buildings found in the immediate vicinity (e.g. No.91 Bell Street, formerly The Constitution Pub; and Bendall House to the west on Bell Street). It is a modern approach to embellishing a brick façade; and most importantly it provides a vertical emphasis to the facades, which responds to the narrower plot widths of terraced houses within the area.

With respect to the impact of the proposed scheme upon the setting of Christ Church, the loss of No.29 Cosway Street is not considered to harmfully impact upon this setting, as both buildings are considered to have an independence of form, function and date. The demolition of the other buildings and the redevelopment of the street block offers the opportunity to enhance the setting, with the current condition of the site arguably having a negative impact upon the setting of the listed building. In terms of the replacement building, while it rises higher than the main parapet line of the church, a point of concern raised in consultation responses, it is the case that other existing mansion blocks in the vicinity of the church are taller than the parapet level. As a residential block, the new development will complement the wider townscape within which the church sits and the church will continue to remain the landmark building of the area, without the new building competing with it or jarring in townscape views of the former church. The choice of a light-coloured brick tone for Block A which will be opposite the church complements the brick and stone of the church which is considered appropriate.

8.2.6 Design Conclusions

Overall the new development is considered to result in an enhancement to the character and appearance of the conservation area and would have no adverse impact upon the setting of the grade II* listed Christ Church. The loss of No.29 Cosway Street is a harmful component of the scheme and would result in less than substantial harm to the conservation area. Paragraph 196 of the NPPF (July 2018) indicates that where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, the scheme does deliver a number of public benefits which include the delivery of housing, enabling the provision of affordable housing, removing negative elements of the conservation area and enhancing the appearance of the site with a well-designed new building. It is considered that these benefits are meaningful and capable of outweighing the harm caused by the loss of the 1899 school house building.

The proposals are considered acceptable in terms of design, townscape and heritage impacts, and would accord with design policies S25 and S28 in the City Plan and Policies DES1, DES9 and DES10 in the UDP.

8.3 Residential Amenity

The application has received a significant number of objections on amenity grounds, with concerns raised by neighbouring residents on grounds of loss of daylight and sunlight, increased sense of enclosure, increased overlooking and noise disturbance from balconies and terraces.

The relevant policies to consideration of the amenity impacts of the proposed development are Policies ENV6 and ENV13 in the UDP and Policies S32 and S29 in the City Plan. The various amenity impacts of the proposed development are considered in turn in this section of the report, having regard to the objections raised, which are summarised in Section 5.

8.3.1 Daylight

The proposed development has been subject to a significant number of objections on loss of daylight and sunlight grounds from neighbouring residents. The proposed development has been modelled in a 'U' shaped form to try to limit its impact on daylight and sunlight with the greatest set back from the site boundary in Stalbridge Street owing to the narrow width of the existing public highway (approximately 5.5m). The building is proposed to be closer to other site boundaries in Shroton Street and Cosway Street where the public highway is approximately 9.5m and 14m wide respectively. To Bell Street the site faces Christ Church, which is no longer in church use and is used The Greenhouse Sports Centre. The building lines of the proposed building, relative to the back edge of the highway are broadly consistent with the prevailing building lines of buildings adjacent. The heights of proposed building would generally be a storey higher than surrounding buildings, although the four storey element to the northern end of the site would be consistent with the height of the mansion blocks to the east of the site and the southern five storey element would be consistent with the height of Bendall House to the west in Bell Street.

Policy ENV13 in the UDP sets out that in assessing daylight losses, the City Council will have regard to the guidance provided in the Building Research Establishment's Guidelines, 'Layout Planning for Daylight and Sunlight' (2011) ('the BRE Guidelines'). These guidelines set out that where a window would suffer a loss of 20% or more of its current Vertical Sky Component (VSC) value, the occupier of the room served by that window is likely to notice a change in the daylighting level within the room, unless the resultant VSC value remains above 27 VSC. Consequently, losses of daylight of 20% or more are considered to be 'material' and further consideration of the impact on these windows is warranted to establish whether the impact is so significant, having regard to the wider benefits of the development, so as to justify withholding permission. The applicants have submitted a daylight and sunlight assessment which sets out the daylight losses that would be caused by the proposed development. The degree of impact in terms of loss of daylight is considered in turn below in respect of each of the neighbouring buildings surrounding the site.

Buildings Opposite in Cosway Street

The buildings opposite in Cosway Street are south west facing and their front elevations would be separated from the proposed development by approximately 17.7m.

At the northern end of Cosway Street is Cosway Mansions, which is a red brick mansion block with two entrances from street level. It has a lower ground floor that is predominantly below street level, a ground floor and three upper floors. All of the windows in the building are located at the outside face of the façade and there are no over sailing balconies or other design features that would obstruct daylight. As a consequence, and owing to the limited scale and set back form of the existing buildings on the application site, the windows in Cosway Mansions currently receive extremely high levels of daylight for an urban location with the ground floor windows typically receiving between 28% and 32 VSC with windows at first floor level and above currently typically receiving 34 VSC or more. Existing daylight levels at lower ground floor level are lower, at between 17 and 28 VSC, but these daylight levels still represent extremely good daylighting levels for windows at lower ground floor level within an urban environment such as this.

The proposed scheme would result in a material loss of daylight to all 10 windows facing the application site at lower ground floor level. The reductions at lower ground floor level would be between 29% and 45% of existing VSC, but the windows would remain well daylit given their location within front lightwells with VSC values between 13 and 20 VSC. At ground floor level the proposal would again cause material losses to all 10 windows facing the application site. The reductions at ground floor level would be between 25% and 38% of existing VSC. However as at lower ground floor level, the windows would remain well daylit given their location with VSC values remaining between 20 and 22 VSC.

At first floor level 8 of the 10 site facing windows would suffer material losses of daylight, with the two windows to the northern end of the street not materially affected. The remainder of the windows would suffer losses of VSC between 22% and 31%, but would retain very good VSC values of between 24 to 26 VSC. At second floor and above there would be no material losses of daylight to windows in Cosway Mansions.

The next building to the south in Cosway Street is Stafford House, this is a mansion block with a similar arrangement to Cosway Mansions, with a lower ground floor level with only one front window in a shallow lightwell, a ground floor and three upper floors. The lower ground floor window would both suffer a material loss of daylight with 44%, but would retain a VSC of 14.6, which is a good level of light for a window within a lightwell. At ground floor level the four windows serving habitable rooms would all suffer material losses of between 31% and 39%, with resulting VSC values of between 17 and 20 VSC. At first floor level all four windows serving habitable rooms would suffer material losses of between 27% and 32%, with resulting VSC values of between 23 and 24 VSC. These are considered to remain good levels of daylight given their urban location and the losses, although material, are not considered to be grounds on which to withhold permission. The windows at second and third floor levels in Stafford House would not suffer any material losses.

At the junction of Cosway Street and Bell Street is 'The Bell House' public house (No.91 Bell Street) at the corner with Bell Street, which has HMO/ bedsit accommodation on the upper floors. The proposed development would cause relatively minor material losses to five windows at first floor level facing the site, with losses of between 20% to 24% of existing VSC levels. However, all of these windows would continue to have a VSC value of between 22 and 26 VSC and therefore the impact on these windows is not objectionable. The windows at second and third floor level would not suffer any material losses.

The applicant has also assessed the impact on No.19 Cosway Street, which is on the south side of the junction with Bell Street. The VSC data for this property demonstrates that properties to the south of Bell Street in Cosway Street would not suffer any material losses of daylight.

Buildings Opposite in Shroton Street

The buildings opposite in Shroton Street are south east facing and their front elevations would be separated from the proposed development by approximately 11.5m.

The proposed development would not have any material impact on the daylight reaching the Perseverance public house at No.11 or the ancillary residential accommodation on the upper floors.

To the west of the Perseverance public house in Shroton Street, directly opposite the application site, is a row of terrace properties between No's.12 and 18 Shroton Street. They each comprise four storeys with a lower ground (with front windows within lightwells), ground and two upper floors. Each property is split into an upper and lower maisonette.

At No.12 only one window at lower ground floor level would suffer a material loss of daylight, with a 21% loss. However, the window would retain a VSC value of 21 and this represents a very good level of daylight for a window at lower ground floor level.

At No.13 all four windows at lower ground, ground and first floor levels would suffer a material loss of daylight, with losses limited to between 21% to 27%. However, once again the affected windows would retain good VSC values of between 20 and 26.

The greatest impact to properties in Shroton Street would be to Nos.14 to 17, where all windows at all floor levels would suffer material losses (6 windows to each property). The material losses caused would predominantly range between 27% and 44% of existing VSC values, which due to the underdeveloped existing nature of the application site, are high. Given this, the resultant VSC levels of between 13 and 16 VSC at lower ground floor level, 16 to 19 VSC at ground floor level, 20 to 22 VSC at first floor level and 25 to 27 VSC at second floor level, is considered to be acceptable.

The daylight losses at No.18 would be limited to between lower ground and first floor level (4 windows) and the extent of losses and the resultant daylighting levels would be commensurate to those described above in respect of No.13 Shroton Street.

The building at Nos.19-20 has flats at first and second floor levels, but at these floor levels, the daylight losses would be consistent with the losses to the neighbouring property at No.18 and would not be so significant so as to withhold permission. The impact on the office windows would not be so severe as to have any significant effect on the quality or environment of office accommodation on the lower floors.

Buildings Opposite in Stalbridge Street

The buildings opposite in Stalbridge Street are north east facing and their front elevations would be separated from the proposed development by approximately 9m and 10.3m. This is increased from the limited 5.5m width of the public highway in Stalbridge Street due to the applicants proposal to widen the highway width to approximately 6m and to set the development back significantly from the south western boundary of the site to counter balance the un-neighbourly position of Glarus Court and Waterford Court, which are five storey buildings located on the back edge of the pavement on the opposite side of Stalbridge Street.

At the northern end of Stalbridge Street, Waterford Court faces the application site. There are three windows at ground floor level serving habitable rooms and two would suffer a material loss of daylight. However, the losses would be 24% and 27% and the resultant daylight levels of 16 and 17 VSC are considered to be acceptable given the unneighbourly position of these windows.

At first floor level to Waterford Court the losses caused to all 1 windows serving habitable rooms would be material, but would be limited to between 21% and 28% of existing VSC values. The resultant daylight levels would range between 19 and 22 VSC. At second floor level material losses would occur to 12 windows, but again they would be limited to between 22% and 29% of existing VSC values. The resultant daylight levels would range between 23 and 26 VS, which would continue to represent a good level of daylight. At third floor level only one window would suffer a material loss of light but this is due to it being located below the projecting cornice detailing at third floor level on Waterford Court.

To the south of Waterford Court on the west side of Stalbridge Street is Glarus Court, a four storey residential block. At ground floor level the windows serving habitable rooms would suffer large losses of between 31% and 55% existing VSC values. However, the existing daylight levels for these windows is exceptionally high for windows at ground floor level in an urban area and therefore, despite the losses that would be caused, the resultant VSC levels of between 13 and 18 VSC are acceptable.

The upper floors of Glarus Court would suffer consistent losses to all habitable windows, but given the high existing daylight levels to all floors, as at ground level, the resultant daylight levels would remain good for an urban location such as this. The resultant daylight levels at first floor level would be between 15 and 21 VSC and at second floor they would be between 18 and 24 VSC. At third floor level all windows serving habitable rooms would be materially affected but this is largely due the projecting cornice above these windows which has the effect of limiting their access to daylight. It is likely at this level without the cornice, the windows would not be affected by the proposed development to a material degree.

Buildings Opposite in Bell Street

The proposed development would cause a material loss of daylight to four windows in the Stalbridge elevation of Bendall House, with losses to these windows between 36% of the existing VSC value at second floor level rising to 54% at lower ground floor level. Whilst these losses would be significant, they would be caused to a very limited number of windows within Bendall House and the rooms appear to be bedrooms, rather than principal living rooms. Furthermore, the windows are currently very well daylit due to the lack of development on the application site and the windows would therefore continue to have VSC values of between 13 VSC at lower ground floor level, rising to 22 VSC at second floor level.

There would also be losses to one window in the corner bay windows of Bendall House at ground, first and second floor levels, but as these bay windows would have two other unaffected windows, it is not considered this amounts to a material impact.

Opposite the site on the south side of Bell Street is the Greenhouse Sports Centre located within the grade II* former Christ Church. This building has large north facing windows facing the application site. Whilst the windows may suffer some diminution of daylight, given their size and the use of the building as a sport centre (principally for table tennis), with internal sports lighting, it is not considered that the scheme would have an adverse impact in daylighting terms.

Daylight Conclusions

The BRE Guidelines make allowances in Appendix F for situations, such as on this site, where it is currently under developed relative to its neighbours and the neighbouring properties *'take more than their fair share of light'* as a result. In such circumstances, the BRE Guidelines advise that an indicative 'mirror image' development can be used to set an alternative VSC target for the proposed development to adhere to. The applicants have modelled a 'mirror image' development in their daylight and sunlight assessment and this demonstrates that the proposed development would have a greater impact on daylight than a 'mirror image' development, owing to its slightly larger bulk and height. Relative to the indicative 'mirror image' development, the proposed development cause slightly more daylight losses to most neighbouring properties in Cosway Street and Shroton Street. However, the indicative 'mirror image' development would cause substantially more daylight loss to neighbouring properties in Stalbridge Street than the proposed scheme.

Notwithstanding the scheme exceeding the impact that would be caused in Cosway Street and Shroton Street by a 'mirror image' development, for the reasons set out in this

section, it is considered that the daylight impact, whilst material and therefore appreciable to many neighbouring occupiers, would result in daylight levels being maintained which are typical of this scale of townscape within Westminster. Accordingly, despite the daylight losses that would occur, the impact that would be caused is considered to be acceptable and in accordance with Policy ENV13 in the UDP and Policy S29 in the City Plan. This is particularly the case when consideration is also given to the wider public benefits of the proposed development, including the provision of housing, the facilitation of affordable housing, on the donor sites, the overall enhancement of the character and appearance of the conservation area and the highway improvements in Stalbridge Street.

8.3.2 Sunlight

The BRE Guidelines require assessment of sunlight loss to neighbouring windows where they would face within 90 degrees of south. Consequently, predominantly north facing windows, such as windows facing the site in properties in Stalbridge Street and Bell Street, would not suffer any material loss of sunlight.

Cosway Street

Properties on the east side of Cosway Street face south west and therefore the windows in this elevation currently receive direct sunlight at certain times during the day. There are 55 rooms with windows in the front elevations of buildings along Cosway Street facing the application site (Cosway Mansions, Stafford House and The Bell House public House). Using the Annual Probable Sunlight Hours (APSH) method of assessment set out in the BRE Guidelines, 52 of the 55 rooms would not suffer a material loss of sunlight relative to the existing situation. The three rooms which fall marginally below BRE Guidance are the three ground floor windows located immediately to the north of the entrance porticos to Cosway Mansions (which has two entrances) and Stafford House. The windows only currently receive between 3 and 5 hours of winter sunlight due to the presence of these porticos, which obstructs sunlight from reaching the windows (other windows at ground floor level to these building typically currently receive between 11 to 15 hours of winter sun per year. As a result of the porticos, the proposed development opposite would have a disproportionate impact in terms of sunlight loss. Given the reason for these material losses relates to the design of these neighbouring buildings and as the material losses would only be caused to winter sunlight hours (annual probable sunlight hours would remain compliant with the BRE Guidelines), the impact on these windows is not considered to warrant withholding permission.

Shroton Street

Along the north side of Shroton Street the buildings face south east and therefore the windows in this front elevation currently receive direct sunlight at certain times during the day. There are 50 rooms with windows in the front elevations directly adjacent to the application site (between Nos.11 and 18). Of these rooms 46 would not suffer a material loss of sunlight relative to the existing situation. The four rooms which fall marginally below BRE Guidance are located at lower ground and ground floor levels at Nos.15 and 16 Shroton Street. The material losses of sunlight would only be caused to winter sunlight hours, which would be reduced to between 2 and 4 hours from between 7 and 10 hours at present. There would not be a material loss of annual sunlight hours to these windows. Given the losses would be confined to a small number of windows affecting

only two properties during winter months, it is not considered that the impact would be so harmful so as to warrant withholding permission.

In summary, whilst the proposed development would have an impact on sunlight reaching neighbouring windows, the impact would in the significant majority of cases be less than significant and in accordance with the BRE Guidelines. Only 7 windows would suffer losses of winter sunlight in excess of the BRE Guidelines and these limited losses are acceptable for the reasons set out. As such, in sunlight impact terms the scheme is considered to be in accordance with Policy ENV13 in the UDP and S29 in the City Plan.

8.3.3 Sense of Enclosure

The proposed development would be separated from adjacent windows by the width of the public highway around the boundary of the site. In Cosway Street this distance is 17.5m, in Shroton Street it is 11.5m and in Stalbridge Street it is between 8.5m and 10.5m. The proposed development would introduce building facades to Bell Street, Cosway Street and Shroton Street that are generally consistent with the building heights and building lines in this part of the Lisson Grove Conservation Area.

On this basis and as the site is currently underdeveloped in a form that it harmful to the character and appearance of the conservation area, it is not considered that the materially increased enclosure that would be caused in Cosway Street and Shroton Street would be so significant in this case so as to warrant withholding permission, as the resultant level of enclosure felt by neighbouring occupiers would be consistent with similar properties in the immediate vicinity.

The impact in Stalbridge Street would be slightly different owing to the communal garden providing some relief from the end elevations of the 'U' shaped block across the rest of the site. As such, windows to the centre of Stalbridge Street, where they would overlook the communal garden would be enclosed to a less than significant degree. At the north and south ends the degree of enclosure would be greater, but oblique views towards Shroton Street and Bell Street to the north and south and into the communal garden would remain and therefore the impact in these locations would again not be so significant so as to warrant withholding permission on sense of enclosure grounds.

8.3.4 Overlooking/ Loss of Privacy

The building is separated from buildings on the opposite sides of the surrounding streets by the distances referenced in Section 8.3.2 and has been designed with inset balconies and this assists in limiting the outlook they would provide towards the windows of neighbouring properties. Balconies have been omitted from the Stalbridge Street elevation where the development would be closest to neighbouring windows.

The proposed layout of the building and its design with inset balconies would minimise the extent to which the scheme would increase overlooking to neighbouring residential windows. Nevertheless, it is inevitable that residential development that mirrors the general building forms and building lines found within this part of the conservation area would lead to a material increase in overlooking relative to the existing situation on the site. Given the proposed development is in broad accordance with the scale and alignment of neighbouring buildings, relative to the back edge of the public highway (and

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is set back much further in Stalbridge Street), the extent of overlooking that would be caused across the public highway, is not considered to be so significant so as to reasonably warrant withholding permission.

There is though one concern with regard to the size of the roof terrace at fourth floor roof level, which extends to the corner of Cosway Street and Bell Street. This terrace is considered to be excessive in size and likely to give rise to the perception of significant overlooking for neighbours opposite in Cosway Street owing to its size and open roof level location. An amending condition is therefore recommended requiring the terrace to be reduced in size.

8.3.5 Other Amenity Impacts

In terms of noise disturbance from proposed balconies and terraces, they would be located 17.5m from adjacent windows in Cosway Street and 11.5m from adjacent windows in Shroton Street. There are no terraces proposed to the Stalbridge Street elevation of the site. At these distances, the small terraces below roof level, which would be inset within the facades of the building, would not give rise to such significant noise disturbance to neighbouring occupiers so as to warrant withholding permission.

The terraces at fourth floor roof level to the Cosway Street elevation of the site are larger with one measuring 24m² and the other 103m². The smaller terrace would be held against the elevation of the top floor and would not be so large so as to give rise to noise concerns. The larger terrace is proposed to extend to the corner of the building at the junction of Cosway Street and Shroton Street. At this size the terrace has the potential to be used more intensely and given its prominent location it could cause noise disturbance. A condition is recommended, as referenced in Section 8.3.3, requiring the terrace to be significantly set back from the Shroton Street elevation so that it is more proportionate in scale to the residential unit to which it relates.

The communal garden to the rear would be screened from neighbouring properties in Stalbridge Street by the proposed trees at the site boundary and this would serve to contain noise arising from the use of the garden area.

Concern has been expressed regarding the operation of the car lifts; however, as they would be set back approximately 10m from Waterford Court on the opposite side of Stalbridge Street and contained within the envelope of the building, it is not considered that their mechanical operation would give rise to noise disturbance.

Subject to the recommended conditions, the proposals in considered to be acceptable in noise amenity terms and in accordance with Policy ENV6 in the UDP and Policy S32 in the City Plan.

8.4 Transportation/ Parking

8.4.1 Trip Generation, Car Parking and Vehicular Site Access

The majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes. Consequently, trip generation modelling indicates that the proposed development will not have a significantly detrimental impact

on the safety or operation of the highway network as a result of increased vehicle movements.

The Highways Planning Manager notes that he has concerns regarding the location of the vehicle access to the proposed development in Stalbridge Street. This street is the narrowest highway and has the narrowest carriageway. However, whilst no alternative locations have been investigated, it has been demonstrated using vehicular tracking that the entrance to the car lifts is accessible to vehicles. Following revisions to the scheme the Highways Planning Manager is content that the access to the car lifts and visibility splays for vehicles leaving the car lifts in Stalbridge Street are acceptable and would not affect highway safety. The Highways Planning Manager highlights that it has not been demonstrated that Stalbridge Street is able to accommodate the additional vehicle traffic arising from the position of the vehicular access. However, the number and frequency of trips generated is likely to be low and it is noted that a similar access already exists on Stalbridge Street serving the parking for Waterford Court opposite. Given these considerations, and as more prominent location of the vehicular access to the basement one of the other street facades would have a much more harmful impact on the appearance of the building, the location proposed is considered to be acceptable.

The Highways Planning Manager raises objection to the level of on-site parking proposed, which comprises 38 spaces for 49 flats. He highlights the existing level of on-street parking occupancy, which is at 77% overnight (slightly below the level of serious deficiency of 80%) and at 82% during the daytime. Policy TRANS23 requires up to a maximum of 1 parking space per 1 or 2 bedroom unit and 1.5 parking spaces per 3 or more bedroom unit. Whilst the occupancy levels are relatively high on street, the parking ratio proposed would be 0.78 spaces per residential unit, which represents a relatively high ratio for on-site parking. Furthermore, the available space at basement level has been maximised and car ownership levels in the Church Street Ward were recorded as 28% at the 2011 Census. Accordingly, subject to mitigation of the shortfall in on-street parking by provision of lifetime (25 year) car club membership for each flat, it is not considered that permission could reasonably be withheld on parking grounds despite the objection raised.

The reinstatement pavements in place of the redundant vehicle accesses in Cosway and Stalbridge Street is welcomed and will improve the pedestrian environment, consistent with S41 and TRANS3. The additional curb line to be reinstated in Cosway Street (where an existing crossover is to be removed) may also allow for the provision of two additional on street parking bays, which can be secured via the unilateral undertaking as part of the highway works.

8.4.2 Servicing

The Highways Planning Manager notes that Policies S42 and TRANS20 seek the provision of off-street servicing, whereas it is proposed to service the development on-street. Given this is a wholly residential scheme, where servicing will predominantly be limited to waste and recycling collection, the provision of an off-street servicing facility is not considered to be proportionate to the impact that servicing would have on the safety and function of the public highway. However, the support for on-street servicing is only on the basis that a robust and focused Servicing Management Plan (SMP) is secured by condition. The SMP should clearly identify process, storage locations, scheduling of

deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised,

Whilst the principle of on-street servicing is supported in this case, as currently designed the waste presentation store is Stalbridge Street is not as it would only accessible directly from the street. As a result, large refuse and recycling bins would need to be manoeuvred on the footway to access the holding area. It is recommended that an amending condition is imposed to require this store to be redesigned so that a door is inserted in the vehicle access side of the street level bin store, thereby reducing conflict with pedestrians.

In summary, subject to the recommended conditions, it is considered that given the proposed use of the site and the size of the proposed development, on-street servicing can be supported in this case as an exception to the normal policy presumptions of Policies TRANS20 and S42.

8.4.3 Other Transportation Considerations

The proposed development alters the building line/ existing highway boundary in various places, particularly along Stalbridge Street, where the highway boundary is proposed to be set back into the existing site, to allow for the creation of a wider pedestrian footway. Given the existing and increased pedestrian and vehicular activity that this development will create, this highway improvement is welcomed and considered an enhancement of the existing highway environment for pedestrians that would in accordance with Policies S41 and TRANS3.

Conditions are recommended to prevent doors opening over the highway, provide a vehicle signalling system prioritising inbound cars using the car lifts, secure the provision of electric car charging points and the cycling parking in accordance with the relevant London Plan policies.

8.5 Economic Considerations

The proposed development is in compliance with the development plan for the reasons set out elsewhere in this report and the economic benefits of the development, particularly during the construction phase given this is a wholly residential scheme, are therefore welcomed.

8.6 Access

The proposed development would be fully accessible, with step free level access provided to the building from street level and lift access to all floors. The scheme includes 10% of units that meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (5 units at ground floor level) (i.e. they are designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users). Five disabled parking spaces are proposed within the basement, which could be used in conjunction with the wheelchair accessible units. As such, in terms of accessibility, the scheme accords with Policies DES1, H8 and TRANS27 in the UDP, Policy S28 in the City Plan and Policy 3.8 in the London Plan.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development and Construction Impact

The proposed development includes basement development to form the basement floor necessary to provide parking, storage, plant and equipment floorspace. Policy CM28.1 in the City Plan is applicable when assessing basement development.

The applicant has provided a structural methodology statement including ground investigation details, including consideration of the ground conditions, drainage, water environment and flood risk. Following supplementary ground investigation information being submitted Building Control are content with this element of the document. Building Control have asked for details of structural support for retained structures on the site, but the proposal is to clear the site and therefore submission of such details is not considered necessary in this instance. The applicant has agreed to comply with the requirements of the Code of Construction Practice and a condition is recommended to ensure compliance and to secure monitoring of construction works by the Environmental Inspectorate at the applicant's expense. A further condition controlling the hours of work is recommended. On this basis it is considered that Parts A(1), (2), (4) and (5) of the policy have been met.

Part (A)(3) requires assessment of the impact of basement development on railway lines and tunnels. The Bakerloo Line underground tunnel runs below Bell Street to the south of the site and a condition (as is commonly sought by London Underground for development within the safeguarding zones for underground tunnels), is recommended to require full details of the below ground structures so that these can be approved in conjunction with London Underground. The recommendation in Section 1 of this report reflects that London Underground have until 19 August 2018 to comment on the application and if they request further details in addition to the recommended condition then this request will be reported back to a future Sub-Committee meeting.

Part (A)(6) of the policy requires the safeguarding of significant archaeological deposits. Historic England advise that whilst the site is not within an Archaeological Priority Area (APA), it is within 200m of the Tier 2 Watling Street Roman Road APA, it is appropriate to require a two stage archaeological investigation by condition. Subject to the recommended condition it is considered that this part of the basement development policy has been met.

In terms of Parts (B) and (C) of the policy, these only apply to *'Basements development to new build residential incorporating basements adjoining residential properties where there is potential for impact on those adjoining properties'*. Given the site comprises an entire street block separated from neighbouring properties by public highway in surrounding streets, there are no adjoining properties in this case and therefore these parts of the policy are not applicable.

Part (D) of the policy relates to basements extending under the public highway and is not applicable as this is not proposed in this case.

8.7.2 Background Noise and Ground Borne Vibration

The applicant has assessed the existing noise environment around the site and this demonstrates that it is subject to existing 'significant impact', with existing noise levels during daytime hours between 57 and 65dB and between 52 and 59dB at night. Noise insulation measures are proposed in the fabric of the building and glazing to ensure the internal noise levels within the proposed flats. To prevent overheating in summer as a result of the noise and thermal insulation measures proposed, a mechanical ventilation system with air conditioning is proposed so that windows and doors can remain closed if necessary to prevent exposure to the 'Significant Observed Adverse Effect Level' (SOAEL). A condition is recommended to ensure the internal noise environment within the flats complies with Policy ENV6 in the UDP and Policy S32 in the City Plan and to ensure the mechanical ventilation system is provided.

Due to the proximity of the Bakerloo Line London Underground tunnel, the development could suffer from ground borne vibration if appropriate mitigation measures are not incorporated into the structural design of the proposed building. The applicants structural engineer predicts that isolation of the building on structural bearing. Environmental Health do not object to the principle of this method of mitigation, but recommend a condition to ensure the mitigation measures deliver the necessary attenuation. Subject to this condition, the scheme would be acceptable and compliant with Policy ENV6 in terms of vibration.

8.7.3 Mechanical Plant

The applicant has provided an assessment of the existing background noise level and Environmental Health are content that this demonstrates that mechanical plant on the site should be capable of complying with Policy ENV7 in the UDP and Policy S32 in the City Plan. However, this is subject to conditions to control future noise and vibration from mechanical plant and to require a supplementary acoustic report that demonstrates that the mechanical plant, when it has been specified, would accord with the requirements of the aforementioned policies.

8.7.4 Waste and Recycling

The Cleansing Manager objects to the use of a chute system for the collection of recyclable material from the flats in the proposed development, but such a system is not proposed for recycling, only for residual waste. Recyclable materials are to be collected by the building management team and transferred by them to the basement level stores. This is considered to be an appropriate system for recycling collection that would prevent the contamination of recycling with residual waste that can occur when chutes are used for both waste streams. As such, it is not considered that the Cleansing Managers concerns on this issue can reasonably be supported.

The Cleansing Manager's other concerns regarding the transfer distance between the refuse holding area and the collection vehicle, the identification of the waste and recycling bins and the provision of under counter bins can be resolved by condition. In terms of the transfer distance between the holding area and the collection point, this is only marginally in excess of the distance set out in the City Council's informal guidance document and would not be objectionable, provided details of the surface and level changes between the holding area and the collection point are clarified, to ensure a

large wheeled bin can be pushed across them, and the access to the holding area is amended as discussed in Section 8.4.2.

8.7.5 Sustainability and Energy Strategy

The proposed development would have a communal gas fired heating system, combined with a substantial array of photovoltaic panels at roof level. The building would be highly insulated in accordance with Building Regulation requirements and would have low air permeability. As reference in Section 8.7.7 mechanical cooling is proposed to avoid the potential for overheating.

The relevant policies are Policies S39 and S40 in the City Plan and the policies in Chapter 5 of the London Plan (March 2016). The approach set out in the preceding paragraph would deliver a 3% CO2 emissions savings relative to the baseline level (2013 Building Regulations) as part of the 'be Lean' element of the energy hierarchy and no saving as part of the 'be clean' element, set out in Policy 5.2 in the London Plan. This limited saving is disappointing, but it accepted that a scheme of this limited size would mean a Combined Heat and Power (CHP) system would be unlikely to be viable. However, the scheme would provide a more substantial and welcome improvement than is often achieved on developments of similar scale through use of on-site renewable energy technology in the form of a 223m² array of photovoltaic (PV) panels at roof level. These would deliver a 28.4% reduction in regulated CO2 emissions. This CO2 emission saving from the 'be green' element of the energy hierarchy would accord with Policy S40 in the City Plan and Policy 5.7 in the London Plan. Conditions are recommended to secure the provision of the PV panels and ensure compliance with the energy strategy. The overall CO2 emissions reduction would be 30.5% relative to the baseline.

The applicant acknowledges that the energy strategy is not fully compliant with London Plan policies and has confirmed that a carbon off-set payment of £82,683 is offered to mitigate the shortfall in the proposed strategy and to allow the development closer achieve being 'Zero Carbon', as defined by the Mayors 'Energy Planning' guidance document (March 2016). Furthermore, the applicant has agreed to provide a future connection to allow connection of the site to a District Heat Network (DHN), should one be successfully established in the Church Street area as part of future schemes forming part of the Church Street Masterplan. This would accord with Policies S12 and S39 in the City Plan. It is recommended that the financial contribution towards carbon off-setting and the provision of a future connection point, along with an undertaking to make best endeavours to connect to a DHN if one is established, are secured via the unilateral undertaking.

8.7.6 Tree Removal, Landscaping and Biodiversity

Whilst the Arboricultural Manager has yet to comment on the proposed development, it is considered that the wider benefits of the proposed development in terms of the provision of residential accommodation and in design and townscape terms outweigh the loss of 5 trees on the site and one street tree in Cosway Street. Whilst the trees within the site provide a green screen around the unattractive former college building on the northern end of the site, they are incompatible with the redevelopment of the site in a form that is more consistent with the wider townscape within the Lisson Grove Conservation Area. Given this, their loss is considered acceptable and would be

mitigated by the provision of four new trees at the boundary of the site along Stalbridge Street within the proposed communal garden.

The scheme proposes the retention of the existing street trees, which are generally of relatively small form and this is likely to be achievable as the boundary of the site is likely to form a root barrier owing to the boundary walls and immediate change in level on the application site where the ground level is significantly lower. One larger street tree is proposed to be removed in Cosway Street as it would conflict with one of the entrances to the proposed development. However, it is proposed to provide a new street tree, a tree at the junction of Shroton Street and Stalbridge Street and trees along the boundary of the site within the communal garden facing Stalbridge Street, so as to mitigate the loss of existing trees. Subject to these replacement street trees being secured as part of the unilateral undertaking and by condition, and further details of tree protection and tree pruning for the retained street trees being secured by condition, the scheme would accord with Policy ENV16 in the UDP.

The existing site is predominantly hard landscaped and of low ecological value. The predominantly soft landscaped communal space proposed to the centre of the site has the potential to enhance the appearance of the site and significantly improve its contribution to biodiversity in this part of the City. It is recommended that the details of the landscaping for this area, including tree and shrub planting and precise soil depths, along with details of planting to the frontages of the site are secured by condition to ensure the landscaping accords with Policies ENV4, ENV16 and ENV17 in the UDP and Policy S38 in the City Plan.

8.7.7 Air Quality

The applicants have provided an Air Quality Assessment (AQA). This demonstrates the development will be 'air quality neutral'. It does though highlight that the site is in an area of poor air quality with high background concentrations of NO₂. Therefore, mitigation measures are necessary to limit the impact on occupants of the development of poor air quality. Environmental Health concur with the conclusion of the assessment that NO_x filtration should be provided in the air intakes to the mechanical ventilation system for the building and a condition is recommended to ensure this is provided so the scheme accords with Policy S31 in the City Plan.

The AQA also highlights the potential for the construction phase to have an adverse impact on local air quality and measures such as dust suppression techniques are recommended. These will be delivered by the recommended condition requiring compliance with the Code of Construction Practice (see Section 8.7.1).

8.7.8 Flood Risk and Drainage

The applicant has submitted a Flood Risk Assessment, which includes consideration of drainage matters. Whilst the site is not within a designated surface water flooding hot spot, as identified in the Basement Development SPD (2014), the applicant has identified a heightened risk of surface water flooding to the north of the site. Design measures are recommended to ensure surface water flooding is directed away from the proposed development, but it is not clear what these measures will comprise and how

they have been incorporated into the scheme. It is therefore recommended that further details are secured by condition to ensure compliance with Policy S30 in the City Plan.

The assessment submitted makes reference to sustainable urban drainage systems (SUDS) in the context of them being identified at a later design stage. A condition is recommended to require further details of SUDS.

The scheme does propose a 176m² surface water storage tank which will allow water runoff to be attenuated so that it is discharged into the sewer at a lower rate that is closer to the greenfield run off rate. A condition is recommended to ensure this attenuation tank is provided. Subject to the recommended conditions the scheme would comply with Policy S30 in the City Plan and Policies 5.12 and 5.13 in the London Plan (March 2016).

8.7.9 Crime and Security

The Designing Out Crime Officer at the Metropolitan Police has requested the opportunity to discuss crime prevention measures with the applicant in response to reconsultation on the scheme in June 2018. Whilst this does not amount to an objection to the scheme, it is evident that the crime prevention and security measures proposed are not clearly identified in the application submission and a condition is recommended to ensure these are identified and delivered as part of the scheme in accordance with Policy 7.3 in the London Plan (March 2016), Policy S29 in the City Plan and Policy DES1 in the UDP.

8.8 London Plan

The application does not raise strategic issues and is not referable to the Mayor of London. Where relevant policies in the London Plan (March 2016) are referred to elsewhere in this report.

Whilst the Mayor of London published a draft new London Plan for consultation in December 2017, the response to the issues raised during the consultation period has yet to be published and the draft new London Plan has yet to be examined in public by an Inspector. Consequently, it is considered to have very little weight for development control purposes at the present time.

8.9 National Policy/Guidance Considerations

Whilst the City Plan and UDP were adopted prior to the recent publication of the latest version of the NPPF on 24 July 2018, paragraph 213 of the latest version of the NPPF states '*...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'. 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. The proposal has been assessed in light of the recently published NPPF.

8.10 Planning Obligations

As set out in earlier sections of this report, it is recommended that the following planning obligations, which are required to make the proposed development acceptable, are secured via a unilateral undertaking:

- i. Notice of commencement of development (three months prior to commencement).
- ii. Provision of off-site affordable housing on the Repeater Station site, 2 Ashbridge Street and the Ashmill Street Car Park site (see Items 2 and 3 on this agenda) in accordance with the proposed tenure and unit size mix and to the affordability criteria agreed by the Head of Affordable Housing and Strategy, prior to occupation of the market housing on the application site.
- iii. Provision of highway works outside the site in Cosway Street, Bell Street, Stalbridge Street and Shroton Street, including alterations to crossovers, provision of street trees, amendments to on-street parking bays
- iv. Dedication of public highway along the eastern side of Stalbridge Street and where necessary around the remain of the site.
- v. Provision of 'life time' (25 year) car club membership for each flat.
- vi. Subject to further study, provision of a carbon off-set payment of £82,683 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
- vii. Provision of link to future District Heat Network (DHN) and undertaking to make best endeavours to connect to a future DHN.
- viii. Offer local employment opportunities during construction.
- ix. Provision of costs for monitoring of agreement (£500 per head of term).

The estimated CIL payment for the proposed development is £826,744 for Westminster's CIL and £251,174 for the Mayoral CIL.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental considerations have been covered in other sections of this report.

8.12 Other Issues

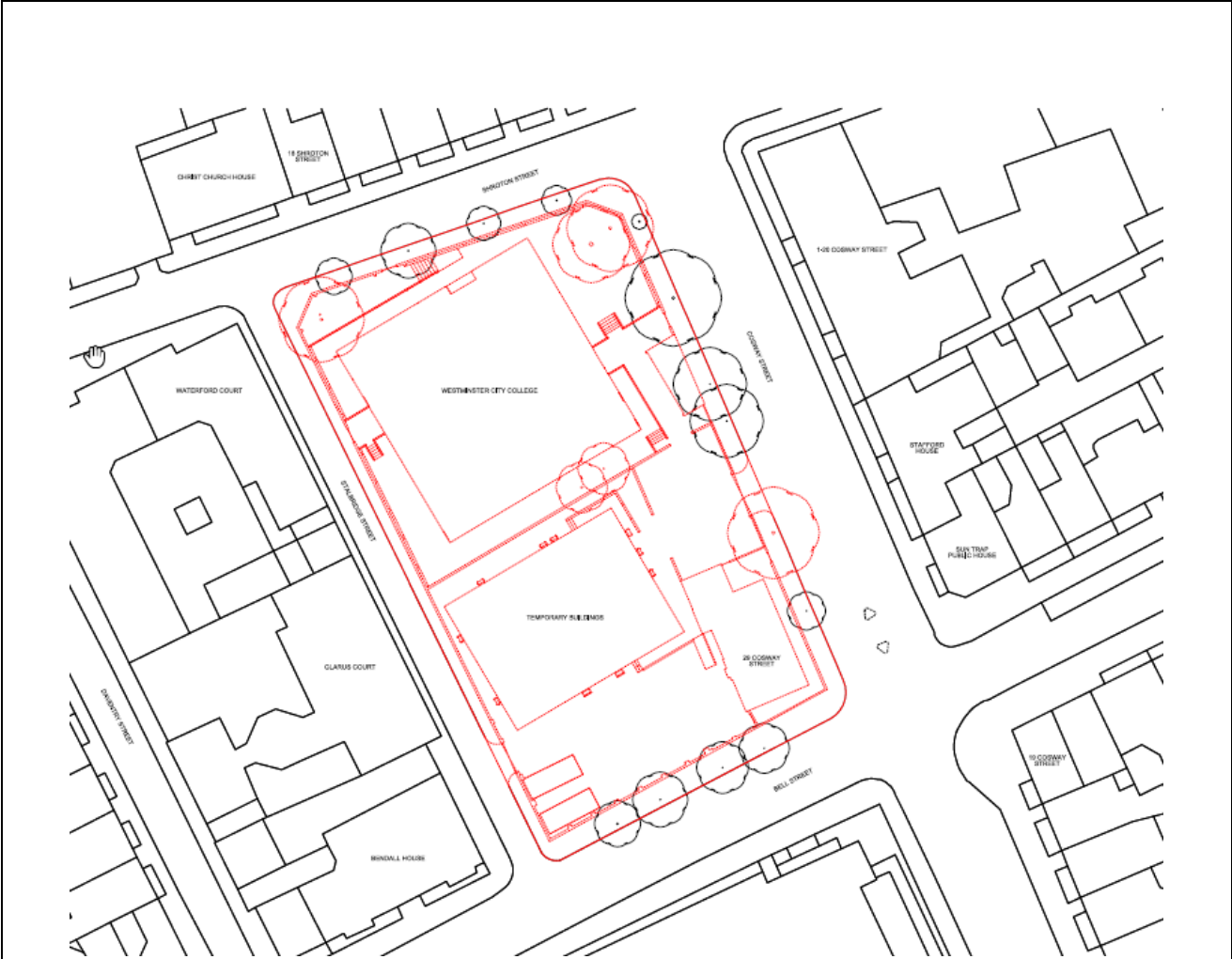
The applicant has submitted a Statement of Community Engagement with the application. This document sets out the local engagement the applicant undertook in advance of submitting the application with local residents and other stakeholders. It is also noted that earlier stakeholder involvement has taken place in respect of these sites as part of the preparation of the housing strategy for the Church Street area; namely the Church Street Masterplan, which was adopted by Full Council in December 2017.

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

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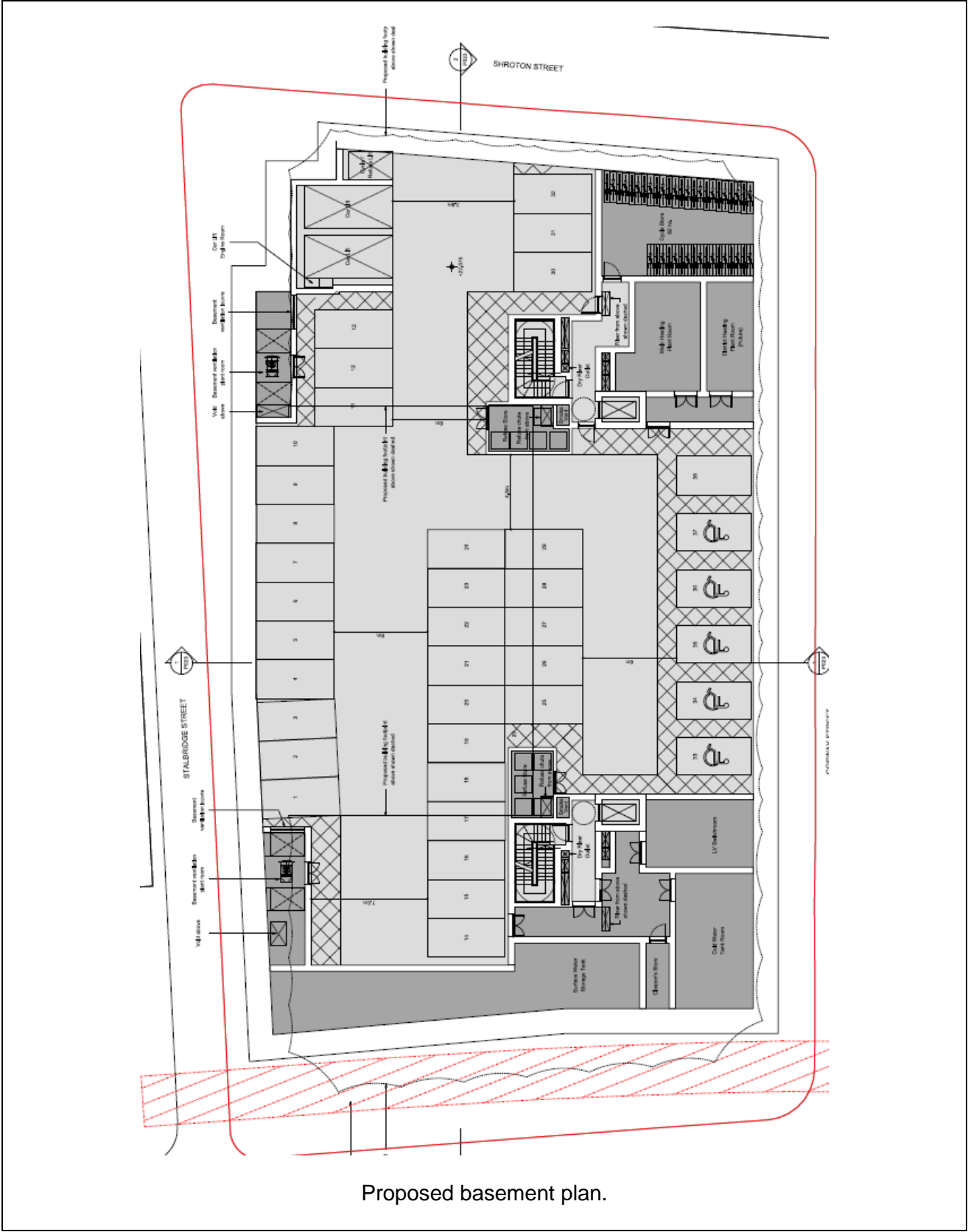
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

9. KEY DRAWINGS

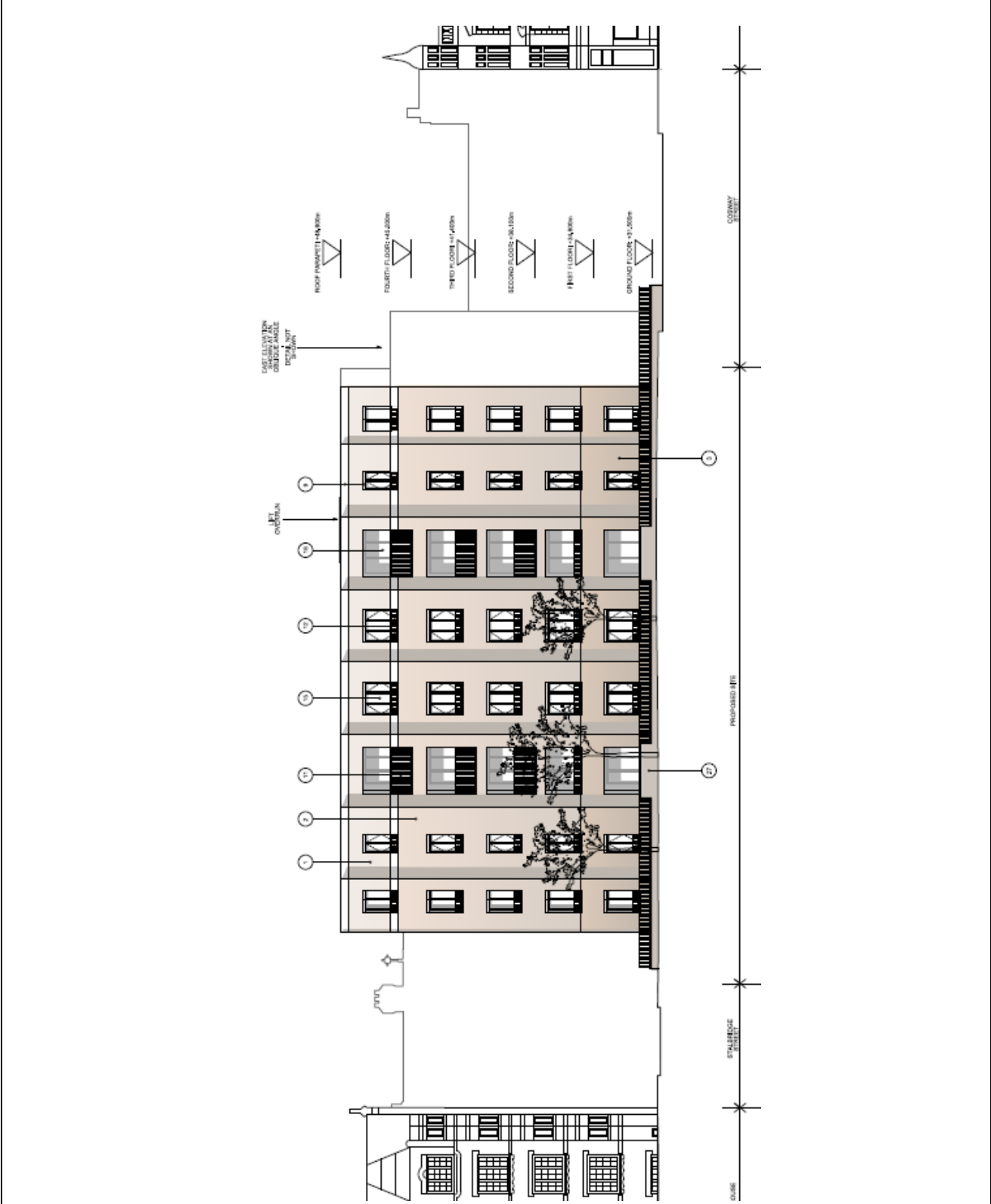


Existing buildings and trees to be demolished/ removed from the application site.

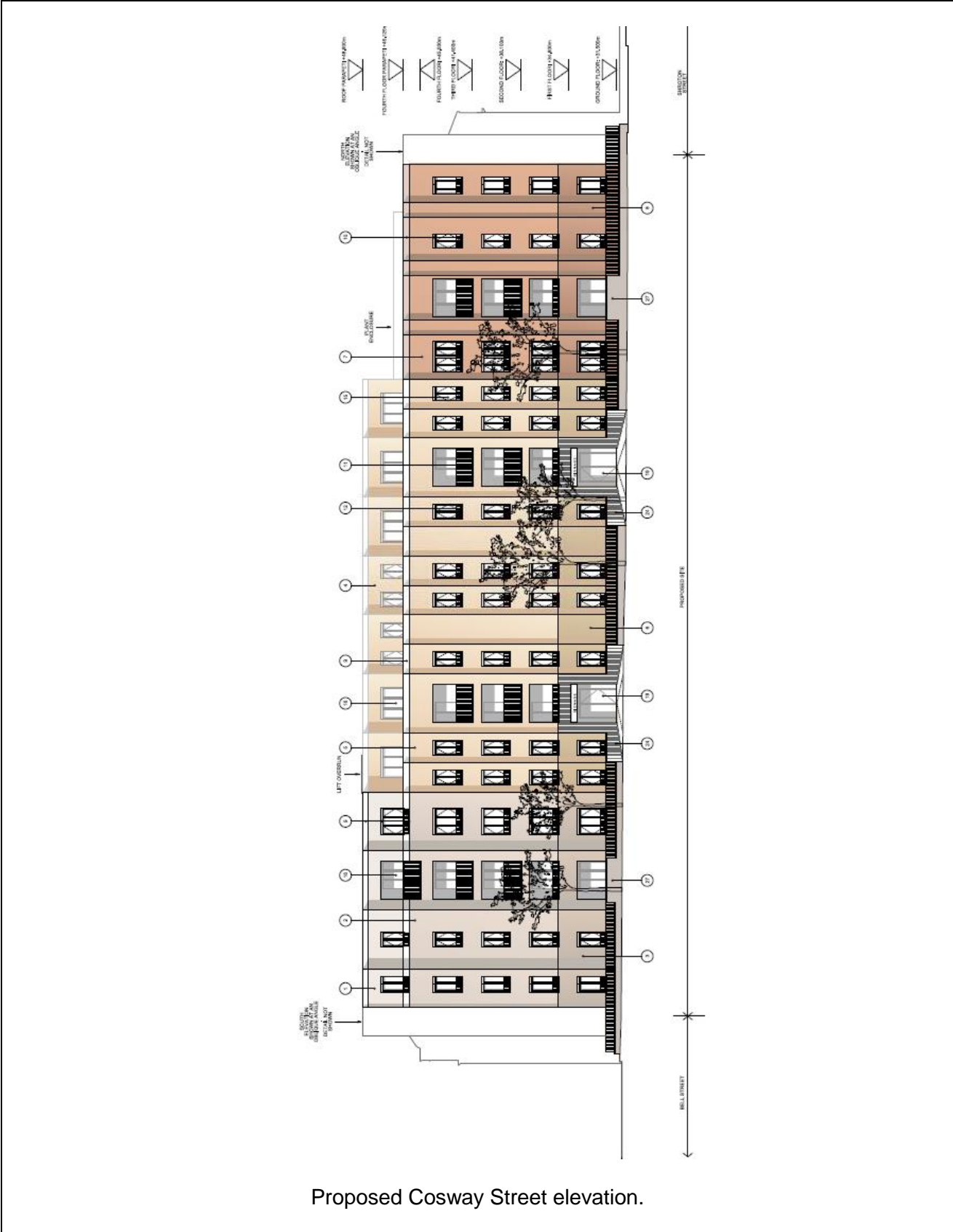




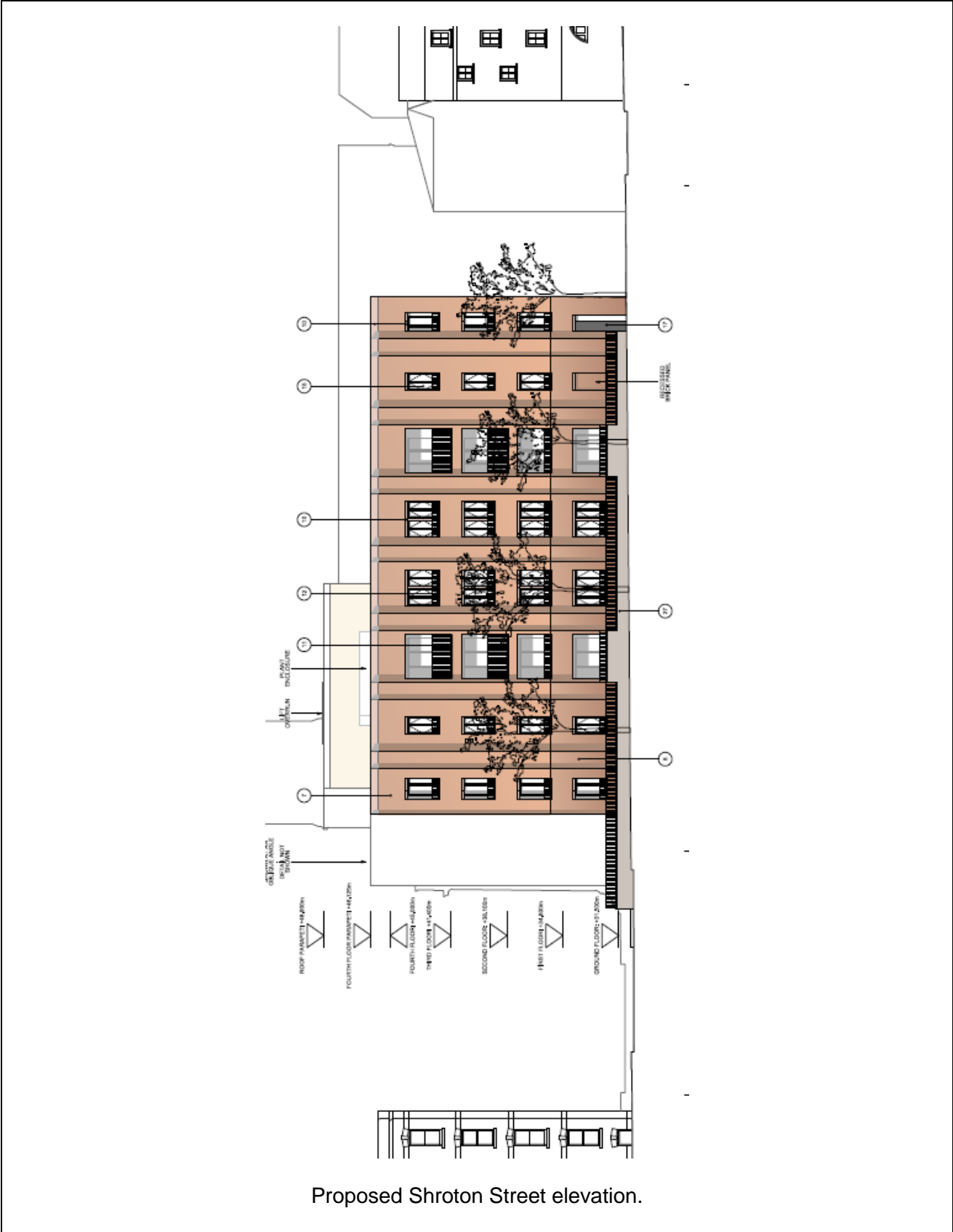
Proposed basement plan.

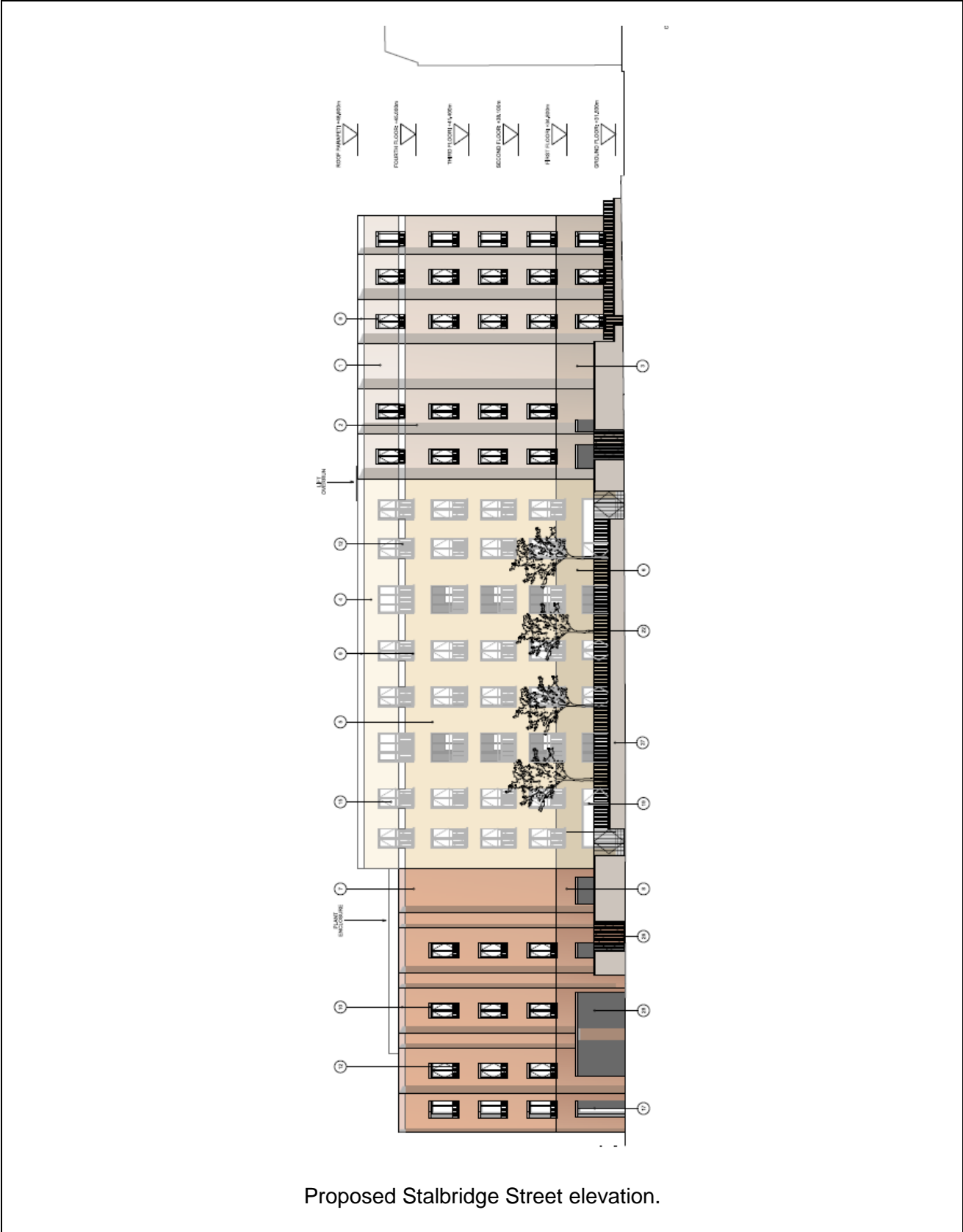


Proposed Bell Street elevation.



Proposed Cosway Street elevation.







CGI looking north along Cosway Street (top) and CGI looking south along Cosway Street (bottom).



CGI looking east along Bell Street (top) and CGI looking west along Bell Street (bottom).



CGI looking north along Stalbridge Street showing communal garden.



CGI showing south façade to Bell Street (top) and east façade facing Cosway Street (bottom).

DRAFT DECISION LETTER

- Address:** Marylebone Institute School House, 29 Cosway Street, London, NW1 6TH
- Proposal:** Demolition of existing buildings and structures and erection of new building of up to five storeys plus basement floor to provide 49 residential units (Class C3); with car and cycle parking, storage and plant rooms at basement level and landscaping to central garden and site frontages and associated works.
- Plan Nos:** P001, P002, P003, P004, P005, P006, P007, P009, P010 A, P011 C, P012 C, P013 B, P014 B, P015 B, P016 A, P017 A, P018 A, P019 A, P020 A, P021 A, P022 A, P023A, P024 A, P025 A, P032, Revised Design and Access Statement dated June 2018, Planning Statement dated December 2017 (Rev.AA) (as amended by Planning Statement Addendum dated June 2018 (Rev.AA), Energy Statement dated December 2017 (Rev.P2) (as amended by Energy Statement Technical Note dated 31/05/18), Transport Statement dated December 2017 (Rev.1.1) (as amended by Technical Note dated 31.05.18), Heritage Statement dated 05/06/19 (Issue 1), Historic Environment Assessment dated November 2017, Arboricultural Impact Assessment dated December 2017 (9688_AIA.001), Ecological Assessment Report dated December 2017 (Rev.AA), Noise and Vibration Impact Assessment dated December 2017 (Rev.00), Internal Daylight and Sunlight Assessment dated 11/01/18 (Rev.P4) (as amended by Technical Note dated 31/05/18), Landscaping Design Report (Rev.A) dated 04.06.18), Daylight and Sunlight Assessment dated 23/05/18 (Ref.10742), Affordable Housing Calculation Sheet dated 04/06/2018, Basement Construction Report dated November 2017 (Rev.02), Flood Risk Assessment dated December 2017 (Rev.3) (as amended by Technical Note dated 31.05.18), Phase 1 Ground Condition Assessment dated September 2017 (R001/rev0), Foul Water and Utilities Statement dated December 217 (Rev.2), Air Quality Assessment dated December 2017, Detailed Unexploded Ordnance Risk Assessment (DA539-01) dated 02/10/17 and Statement of Community Involvement dated December 2017. For information only: P026 A, P027 A, P028 A, P029 A, P030 A, P031 and P033.
- Case Officer:** Oliver Gibson **Direct Tel. No.** 020 7641 2680

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and

- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 5 The following design details must be provided as part of the construction phase and thereafter retained:

- (i) the scalloped / fluted facing brickwork, constructed with bricks laid on a curve;
- (ii) the steel balustrades to the recessed balconies shall be curved to match the profile of the

scalloped/ fluted brickwork;

(iii) the reveals and soffit to the recessed balconies shall be faced in brickwork to match the relevant facade.

Reason:

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

- 6 You must apply to us for approval of sample panels of brickwork for each of the three blocks (Blocks A, B and C) which shows the colour, texture, face bond, mortar colour(s) and pointing. You must not start work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample(s).

Reason:

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

- 7 You must apply to us for approval of a 3m x 3m fabricated sample panel of the following parts of the development:

- a typical scalloped/ fluted brick facade bay.

The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panel. You must then carry out the work according to the approved sample.

Reason:

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

- 8 You must apply to us for approval of detailed drawings of the following parts of the development - typical bay details to all new facades to indicate the following:

- (i) windows;
- (ii) external doors;
- (iii) cills;
- (iv) reveals;

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- (v) apex junction between each bay of scalloped/ fluted brick;
- (vi) location and size of movement joints;
- (vii) step backs in façade;
- (viii) interfaces with windows;
- (ix) interfaces with landscaping;
- (x) interfaces with architectural metalwork;
- (xi) ventilation and other services terminations at façade and roof;
- (xii) balconies including method of drainage;
- (xiii) railings and balustrades;
- (xiv) integral lighting;
- (xv) rooftop photovoltaic arrays.

You must not start any work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

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

- 9 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 10 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

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

- 11 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the City Council in writing. For land that is

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included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

(A) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

(B) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To preserve the archaeological deposits on the site in accordance with Policy CM28.1 in Westminster's City Plan adopted in November 2016 and Policy 7.8 in the London Plan (March 2016).

- 12 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the City Council in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

(A) The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

(B) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To ensure the investigation, understanding, recording, dissemination and archiving the significance of the former school house in accordance with Policy 7.8 in the London Plan (March 2016).

- 13 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-

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emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 14 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 13 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

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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)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 16 No vibration shall be transmitted to the proposed development, 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 0.26m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 17 The design and structure of the development shall be of such a standard that it will protect residents within it from ground borne noise from the Bakerloo Underground Lines so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 18 You must apply to us for approval of details of a supplementary noise and vibration report demonstrating that the structural design of the development will include appropriate mitigation measures to ensure compliance with the Council's noise and vibration criteria as set out in Condition 16 and 17 of this permission. You must not start work on the foundations and superstructure of the development until we have approved what you have sent us.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

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- 19 You must apply to us for approval of a scheme of mechanical ventilation to provide adequate cooling and incorporating appropriate air quality filtration (NOx), to be provided to all flats within the development. You must then carry out the development in accordance with the details we approve and you must not occupy the flats until the approved air quality filtration system has been installed. Thereafter it must be permanently maintained and retained for the lifetime of the development.

Reason:

To ensure the flats within the development provide an internal living environment with an acceptable level of air quality in accordance with Policy S31 in Westminster's City Plan that we adopted in November 2016.

- 20 You must not use the roof of the building for sitting out or for any other purpose, unless the drawings hereby approved show their use as roof terraces (subject to the amendment required by Condition 20). You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 21 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: the roof terrace at fourth floor level to the north east corner of the building set back 7 metres from the Shroton Street elevation of the building. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 22 You must provide each car parking space shown on the approved drawings at basement level and each car parking space shall only be used for the parking of vehicles of people living in this residential development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9

(Table 6.3) of the London Plan 2015.

24 Notwithstanding the details shown on the drawings hereby approved, you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately, including the following:

- (a) Amended access to the waste presentation enclosure at ground floor level so it can be accessed directly from the entrance to the car lift.
- (b) Details of the levels, ramps and floor service to provided between the waste presentation enclosure and the collection point.
- (c) Revised plans of waste stores at basement level indicating waste bins with 'W' and recycling bins with 'R' to demonstrate capacities are sufficient.
- (d) Provision of under counter compartment storage for waste and recycling in the kitchen of each flat.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling and associated details above according to the details we approve. You must clearly mark the stores and make them available at all times to everyone occupying the flats. (C14EC)

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

25 You must provide the two car lifts shown on the drawings hereby approved prior to occupation of the development and thereafter you must permanently retain them and they must be maintained in accordance with the maintenance regime specified by the manufacturer.

Reason:
To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

26 You must apply to us for approval of a vehicle signalling system to control car access to and from the basement car park, which priorities vehicles entering the basement via the car lifts. You must then install the signalling system in accordance with the details we approve prior to occupation of the flats. Thereafter you must permanently retain the signalling system.

Reason:
To prevent obstruction of the public highway and 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)

27 **Pre-commencement Condition:** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below

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ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the us which:

- (a) provide details on all structures;
- (b) confirm tunnel wall measurements as it may affect the basement size;
- (c) resolve with London Underground the issues with plant areas adjacent to the tunnel;
- (d) accommodate the location of the existing London Underground structures;
- (e) demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London Underground land;
- (f) demonstrate that there will at no time be any potential security risk to London Underground's railway, property or structures;
- (g) accommodate ground movement arising from the construction thereof;
- (h) mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted, which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not have an adverse impact on existing London Underground transport infrastructure adjacent to the site in accordance with Policy 6.3 in the London Plan (March 2016).

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

Reason:

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

- 29 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme, which includes the number, size, species and position of trees and shrubs and is consistent with other approved documents in terms of street tree removal. 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 landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the

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character and appearance of this part of the Lisson Grove Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 30 **Pre Commencement Condition.** Notwithstanding the submitted arboricultural impact assessment, you must apply to us for approval of a method statement explaining all tree surgery proposed to facilitate the carrying out of the development and the measures you will take to protect the street trees surrounding the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 31 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- Provision of the photovoltaic panel at roof level.

You must not remove any of these features. (C44AA)

Reason:

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

- 32 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

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

- 33 You must provide electric car charging points within the basement car park at a ratio of not less than 1 charging point per 5 spaces (a total of not less than 10 charging points). The car charging points shall be installed prior to occupation of the flats hereby approved and thereafter retained.

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (March

2016).

- 34 The development hereby approved shall not be occupied until a Servicing Management Plan (SMP) has been submitted to and approved in writing by the local planning authority. You must then carry out the development in accordance with the approved SMP.

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 TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 35 **Pre Commencement Condition.** You must apply to us for approval of details of a security scheme for the development You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AB)

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 36 The three or more bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 37 You must not attach 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. (C26KA)

Reason:

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

- 38 Prior to commencement of development above ground floor slab level you must apply to us for approval of an updated flood risk and drainage strategy that specifies the sustainable urban drainage systems (SUDS) and surface water flood alleviation measures to be incorporated into the development. You must then carry out the development in accordance with the details we approve. You must install the measures we approve prior to occupation of the development and thereafter you must retain the SUDS and flood alleviation measures.

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Reason:

To limit flood risk and surface water runoff in accordance with Policies S31 in Westminster's City Plan adopted in November 2016 and Policies 5.12 and 5.13 in the London Plan (March 2016).

- 39 You must provide the water attenuation storage tanks in accordance with the details set out in the Flood Risk Assessment dated December 2017 (Rev.3)

Reason:

To attenuate water runoff in accordance with Policies S31 in Westminster's City Plan adopted in November 2016 and Policies 5.12 and 5.13 in the London Plan (March 2016).

- 40 In the event that the development is unable to connect in future to a district heating network in the vicinity of the site, you must carry out the development in accordance with the energy strategy set out in the Energy Statement dated December 2017 (Rev.P2). Thereafter you must operate the development in accordance with the approved energy strategy.

Reason:

To make sure that the development provides the environmental sustainability features included in your application in accordance with S28, S39 and S40 in Westminster's City Plan adopted in November 2016 and Policies 5.2, 5.3, 5.6 and 5.7 in the London Plan (March 2016).

- 41 You must apply to us for approval of detailed drawings indicating the location, number and type of bird boxes to be incorporated within the development. You must then install these boxes on the development in accordance with the details we approved. The boxes shall be installed prior to the occupation of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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- 2 With respect to the fabricated sample bay condition we would wish to understand how the apex junction between each curve of brick is detailed and would wish to avoid the use of a vertical movement joint in this location and would wish to see a special brick used at this point to underpin the structural effect.

- 3 With respect to the construction of the brickwork the indicative method presented of full bricks set within a precast concrete panel system is likely to be acceptable. However, any form of brick slip facing will not be acceptable.

- 4 With respect to service terminations at façade, we would wish to see these incorporated discreetly into the facade, e.g. within the window system or reveals, rather than in the form of ventilation grilles to the face of the brickwork.

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

- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

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

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well

as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 8 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73CA)

- 9 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 10 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 11 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 12 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 13 Conditions 13 and 14 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 14 The SMP required by Condition 34 should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. It should also clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

The SMP should be responding to the physical layout of the site and provide robust procedures for any future occupant to follow, to ensure servicing occurs in an efficient manner. This will also ensure any future management company or occupant is clearly aware of their responsibilities.

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- 15 In respect of Condition 15, you are advised to discuss crime and security design for the development with the Metropolitan Police Services Designing Out Crime Officer Connie McDonnell on 020 8733 3703 or connie.mcdonnell@met.police.uk.

- 16 You are advised that the final decision on the provision of new on-street parking is for the City Council as Local Highway Authority. As it a separate legal process, their outcome cannot be guaranteed. The changes the applicant wishes to make require agreement of the Local Highway Authority. Please contact our Highways Planning team with regard to this matter on 020 7641 2062.

- 17 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

- 18 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 19 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 20 The term 'clearly mark' in condition 24 means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 21 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For

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more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 22 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

- 23 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 24 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
 - 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 - 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 25 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 26 Condition 30 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 27 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 28 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 29 It should be noted that none of the external works affecting the public highway indicated on the submitted drawings have approval from the Local Highway Authority as a result of this decision letter and separate approval will be required.
- 30 This permission is governed by a unilateral undertaking given by the applicant to the City Council as Local Planning Authority under S106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. Notice of commencement of development (three months prior to commencement).
 - ii. Provision of off-site affordable housing on the Repeater Station site, 2 Ashbridge Street and the Ashmill Street Car Park site (see Items 2 and 3 on this agenda) in accordance with the proposed tenure and unit size mix and to the affordability criteria agreed by the Head of Affordable Housing and Strategy.
 - iii. Provision of highway works outside the site in Cosway Street, Bell Street, Stalbridge Street and Shroton Street, including alterations to crossovers, provision of street trees, amendments to on-street parking bays
 - iv. Dedication of public highway along the eastern side of Stalbridge Street and where necessary around the remain of the site.
 - v. Provision of 'life time' (25 year) car club membership for each flat.
 - vi. Subject to further study, provision of a carbon off-set payment of £82,683 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
 - vii. Provision of link to future District Heat Network (DHN) and undertaking to make best endeavours to connect to a future DHN.
 - viii. Offer local employment opportunities during construction.
 - ix. Provision of costs for monitoring of agreement (£500 per head of term).
- 31 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

Item No.
1

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.

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	Repeater Station, 2 Ashbridge Street, London, NW8 8DS,		
Proposal	Demolition of existing BT Repeater Station building, with retention of BT service area and associated access. Redevelopment of the site to erect a five storey building to provide 26 residential units, with existing basement floor used to provide parking, plant and services spaces accessed via a new ramp from Ashbridge Street. Removal of existing vehicular ramp to rear of site and provision of new landscaping to amenity space (linked to redevelopment 29 Cosway Street and Ashmill Street Car Park sites that are on this agenda – Items 1 and 3).		
Agent	Peter Brett Associates LLP		
On behalf of	Westminster City Council		
Registered Number	17/10968/COFUL	Date amended/ completed	13 June 2018
Date Application Received	11 December 2017		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

<p>1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to a legal agreement or unilateral undertaking to secure the following planning obligations:</p> <ul style="list-style-type: none"> i. Notice of commencement of development (three months prior to commencement). ii. Provision of highway works outside the site in Ashbridge Street, including alterations to crossovers and replacement of two street trees and on-street parking bays. iii. Provision of 'life time' (25 year) car club membership for each flat. iv. Subject to further study, provision of a carbon off-set payment of £36,576 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit). v. Offer local employment opportunities during construction. vi. Provision of costs for monitoring of agreement (£500 per head of term). <p>2. If the legal agreement or unilateral undertaking to secure the planning obligations has not been completed by 1 October 2018 then:</p>

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site is currently a three storey former British Telecom (BT) Repeater Station, which comprises office accommodation on the upper floors with vehicular parking and access to BT sub-surface infrastructure at ground floor level. The building also has an existing basement floor. The building is not listed and is not located within a conservation area. The site is located within the North Westminster Economic Development Area (NWEDA).

The application seeks permission for the demolition of the existing BT Repeater Station building, albeit with the retention of BT service area and associated sub-surface access shaft, and redevelopment of the site to erect a five storey building to provide 26 residential units, with the existing basement floor used to provide parking, plant and services spaces. The basement is proposed to be accessed via a new ramp formed at the north western boundary of the site, with access to the new basement and the existing residential and office car parking below Earl House and Tresco House directly from Ashbridge Street. The existing ramp between the rear of the site and Earl House is proposed to be infilled and a new landscaped amenity area provided to the entire area between the site and Earl House and Alpha House for use by occupiers of the development and Earl House and Alpha House. New gates and railings are proposed at the boundary of the site in Ashbridge Street to enclose the new landscaped amenity area.

The proposed development is proposed to be used as affordable housing and fulfils part of the requirement for provision of off-site affordable housing for the market residential redevelopment of the adjacent site at No.29 Cosway Street, which is also on this Sub-Committee agenda (see Item 1).

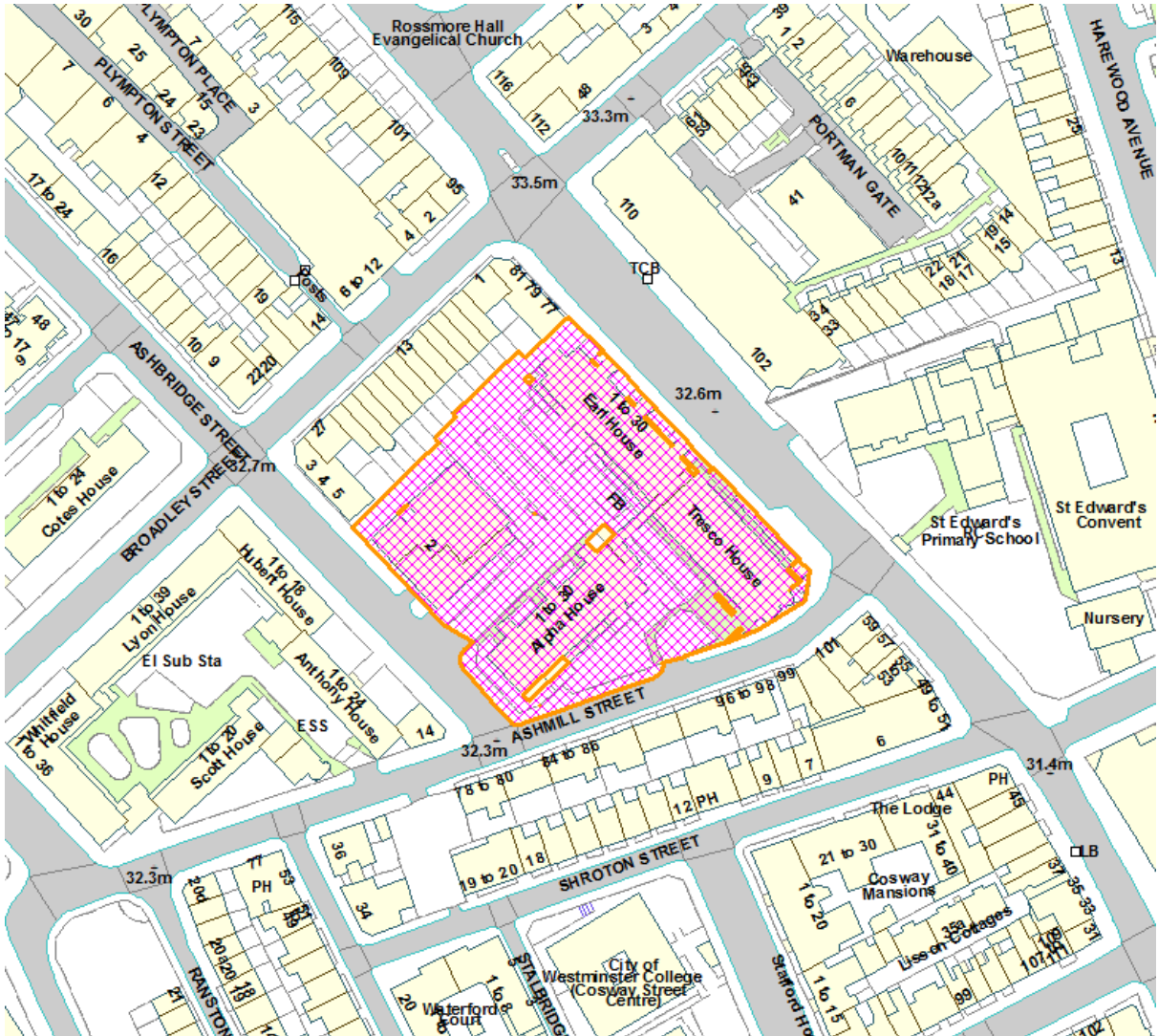
The key issues in this case are:

- The acceptability of the proposed residential accommodation (mix, size of units and quality of accommodation).
- The impact of the development on the appearance of the site and the character and appearance of this part of the City
- The impact on the amenity of neighbouring residents.
- The impact of the proposed development on the availability of on-street car parking for neighbouring residents.
- The acceptability of the proposed vehicular ramp for access to the proposed basement parking and the existing parking below Earl House and Tresco House.

- The acceptability of the proposed landscaped amenity space to be provided for use by the occupiers of the development and Earl House and Alpha House.

The proposed development is considered to be acceptable in land use, design, amenity, transportation and environmental terms and would accord with the relevant policies in the Unitary Development Plan we adopted in January 2007 ('the UDP') and Westminster's City Plan that we adopted in November 2016 ('the City Plan'). As such, the application is recommended for approval, subject to the conditions set out in the draft decision letter and completion of a unilateral undertaking to secure the planning obligations set out the recommendation in Section 1 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site in Ashbridge Street (top) and view of existing area between Repeater Station and rear of Alpha House (bottom).



Views of existing landscaping to area between the Repeater Station, Alpha House and Earl House including existing vehicular ramp.

5. CONSULTATIONS

WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

No objection. Consider the proposal quite well configured and liked the elevations.

ALPHA AND EARL HOUSE RESIDENTS ASSOCIATION

Objection. Loss of daylight and sunlight, increased noise disturbance, overlooking from balconies, number of three bedroom flats should be reduced to reduce occupiers of development, height and bulk of proposed development should be reduced and increased pressure on existing on-street parking.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

BUILDING CONTROL

No objection. Note that the new construction would support the highway and informative should be added reminding the applicant to obtain technical approval from the Local Highway Authority.

CHURCH STREET LARP

Any response to be reported verbally.

CITYWEST HOMES

Any response to be reported verbally.

CLEANSING MANAGER

No objection in principle, but would like bins to be identified as for waste or recycling within the bin store and for an internal door between the store and the communal parts to be provided.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Objection. Further noise assessment of the impact of the BT sub-surface access shaft and associated machinery. This needs to be surveyed to assess and mitigate noise impact on proposed new residential accommodation. Applicant also needs to demonstrate how vibration will not be transferred from the BT access shaft to the residential accommodation. BT access shaft may also have an adverse impact on the use of external amenity areas. Noted that mechanical ventilation with heat recovery (MVHR) is proposed but there is a lack of clarity as to which rooms are to have this ventilation and which windows will be openable for purge ventilation etc. An updated ventilation strategy needs to be submitted to clarify these issues. Air Quality Assessment needs to be considered in conjunction with revised ventilation strategy and needs to consider the impact these strategies may have in terms of overheating. Further information therefore required. Agree though that NOx filters should be installed to the ventilation system. Consider that a travel plan should be provided. Noise needs to be

considered from vehicle gates and bin store to neighbouring units within the development. Clarification of cooling methods for single aspect south facing units is required.

HEAD OF AFFORDABLE HOUSING AND STRATEGY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Separate Traffic Management Order will be required for on-street parking amendments, but likely to be supported as no loss of on-street parking spaces. Cycle parking acceptable and to be secured by condition. Concern that the width of the proposed basement access ramp would be 4.4m, rather than normally expected width of 4.8m, but notes that this is constrained by the fixed position of the existing BT sub-surface access shaft. Vehicles would be able to pass on the ramp but it would be tight. Vehicle trips generated by all car parks served by the proposed ramp would be low with an evening peak of 9 trips an hour. Notes that the 10m set back of the ramp and the use of a signalling system would help prevent vehicles queuing on the highway. Concludes that as use of a ramp would mean vehicles would enter the basement quicker than if a car lift was proposed and given set back and signalling system, refusal of permission could not be sustained on basis of the width of the ramp. In terms of car parking, 14 spaces would be provided for 26 flats. The on-street parking in the vicinity has occupancy levels of 57% at night and 82% during daytime hours. Recommends parking is unallocated to maximise the usage of the proposed on-site spaces. If other material considerations outweigh the lack of on-site parking, provision of car club membership for each flat in the development should be considered. Condition should be imposed to secure electric vehicle charging points and traffic management/ signalling system at entrance to basement. Other conditions and informatives recommended. Highway works to the public highway outside the site in Ashbridge Street, including alterations to on-street parking, should be secured by legal agreement.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 263.

Total No. of replies: 14.

No. of objections: 13.

No. in support: 1.

Petition containing 44 signatures received from the Alpha and Earl House Residents Association. The petition raises objection on grounds that (i) the number of 3 bedroom flats should be reduced to avoid potential of 100+ new residents on a very small estate; and (ii) the external balconies facing the rear of Alpha House due to adverse amenity impact.

14 emails received from 14 respondents raising objection or offering support on all or some of the following grounds:

Land Use

- Scheme should be used as 45% privately owned house and 55% intermediate homes. Would reflect tenure of existing estate.
- Use of the site should not be linked to Cosway Street site in order to meet the Council's social housing target.
- Number of 3 bedroom units should be limited to limit the number of new residents on what is a small estate.
- Tenure of proposed development needs to be mixed with private and social housing to avoid ghettoising.
- Mix of tenures proposed will lead to social exclusion.
- The Ashbridge Street and Cosway Street sites have no historical link to one another.
- No objection to size and layout of flats and 26 units in the most needed tenures.

Design and Landscaping

- Support proposals for enhancement of existing bleak landscaping.
- Width of road in landscaped area should not be reduced.
- Support the provision of fences and gates at the entrance to the estate to improve security.
- Scheme should be designed to avoid anti-social behaviour.
- Height and bulk of development should be reduced.
- Overall look of the scheme has architectural merit but overall height and bulk are excessive. Scheme should be reduced in height.
- Scheme and amenity space look attractive.
- A proper plan to demolish Alpha House, Earl House and Tresco House should be considered as they are terrible buildings. This is an opportunity missed. Replacement of whole estate would improve appearance in Lisson Grove and provide better social housing and new private homes with additional green space free from existing anti-social behaviour.

Amenity

- Development should not have balconies looking towards rear of Alpha House.
- Sound reverberates between buildings on the estate and concerned this means balconies will cause noise disturbance.
- Hand rails of balconies facing Alpha House will be 12 metres from bedroom windows. This causes a loss of privacy and noise pollution.
- Close balconies already cause neighbour disputes on the estate.
- Proximity of balconies to Alpha House would be contrary to guidance on noise disturbance in the Mayors 'London Housing Design Guide'.
- Loss of daylight and sunlight to neighbouring properties.
- Loss of privacy.
- Loss of light to rear windows and gardens in Broadley Street and overlooking of gardens.
- Welcome the reduction in the number of balconies from pre-application scheme.

Highways/ Parking

- Support location of new basement entrance ramp.
- No unauthorised parking should be allowed on the estate.
- Increased pressure on on-street parking.

Other Matters

- Existing problems with some tenants on estate drug dealing and illegal parking.
- Problems with rough sleeping in garages and fly tipping.
- Support principle of redeveloping the Repeater Station site.
- Opportunity to build something special for all concerned in the whole neighbourhood.
- Disappointed that the scheme was not discussed prior to the application until October 2017.
- Anti-social behaviour is not effectively dealt with on the estate at present and this does not give confidence that issues arising from the proposed design would be resolved.
- Adverse impact on value of neighbouring properties.
- Welcome PV panels.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is currently a three storey British Telecom (BT) Repeater Station, which comprises office accommodation on the upper floors with vehicular parking and access to the BT sub-surface infrastructure at ground floor level. The building also has an existing basement floor.

The site is located within the North Westminster Economic Development Area (NWEDA), which encourages development that improves the quality and mix of housing. It is also within the Edgware Road Housing Zone designated by the Mayor, which seeks the delivery of 1,113 new homes in the area.

The City Council's Church Street Masterplan (December 2017) sets a target to deliver 1,010 new homes in the masterplan area over the next 15-20 year period. Whilst this is a material planning consideration, this is not an adopted development plan document and has not been published or adopted by the City Council in its role as Local Planning Authority.

The existing building has a large footprint, relative to the size of the part of the site it occupies; albeit this is reflective of the existing use of the site as a piece of telecommunications infrastructure. The site has a south western elevation on to Ashbridge Street; a south eastern elevation facing the rear of Alpha House (a residential block managed by CityWest Homes - CWH); a north eastern rear elevation facing the rear of Earl House (also a residential block also managed by CWH); and a north western elevation, which is set in from the site boundary, that faces the rear elevations and rear gardens of adjoining residential properties in Ashbridge Street and Broadley Street.

6.2 Recent Relevant History

13/09152/FULL

Demolition of existing building, with retention of access to sub-surface BT infrastructure and existing basement floor and redevelopment of rest of site as a four storey building to provide 20 residential units (6x1 bed, 8x2 bed and 6x3 bed flats), with basement level parking and services and balconies and amenity space to elevations. Provision of new vehicular access from Ashbridge Street and alteration to existing BT site access.

Application Permitted 7 January 2014

A copy of the above permission, which has since expired without being implemented, and relevant approved drawings, are provided in the background papers for information.

7. THE PROPOSAL

The application seeks permission for the demolition of the existing BT Repeater Station building, albeit with the retention of BT service area and associated sub-surface access shaft, and redevelopment of the site to erect a five storey building to provide 26 residential units, with the existing basement floor used to provide parking, plant and services spaces. The basement is proposed to be accessed via a new ramp formed at the north western boundary of the site, with access to the new basement and the existing residential and office car parking below Earl House and Tresco House directly from Ashbridge Street. The existing ramp between the rear of the site and Earl House is proposed to be infilled and a new landscaped amenity area provided to the entire area between the site and Earl House and Alpha House for use by occupiers of the development and Earl House and Alpha House. New gates and railings are proposed at the boundary of the site in Ashbridge Street to enclose the new landscaped amenity area.

The proposed five storey building would be faced in a light buff brickwork with the fifth floor set back roof storey faced in copper cladding, with metal work to balustrades, gates and fences in a matching copper coloured metal. The retained BT sub-surface infrastructure access structure would be clad in a white tile with planting provided in front of the tiled area at ground, first and second floor level to the front (street) elevation. A roller shutter would be retained to the entrance to the BT sub-surface infrastructure structure. Balconies are proposed in various forms, both inset and projecting, with terraces in front of the set back fifth floor level.

The mix of units proposed would comprise 6x1 bedroom flats, 9x2 bedroom flats and 11x3 bedroom flats. As set out in Section 6.2.2, it is proposed that the development would be used as affordable housing to partially meet the requirement for provision of off-site affordable housing for the market residential redevelopment of the adjacent site at No.29 Cosway Street. In terms of tenure, the units within the development (along with the other affordable housing donor site at the Ashmill Street Car Park site – see Item 3) would be provided as 60% social rented units and 40% intermediate units.

Table 1 – Existing and Proposed GIA Floorspace.

	Existing GIA (m2)	Proposed GIA (m2)	+/-
Repeater Station and ancillary offices	1,585	0	-1,585

Residential (Class C3) (including ancillary basement floorspace)	0	3,077	+3,077
Total	1,585	3,077	+1,492

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site currently comprises 1,585m² of floorspace, which is provided as a mix of office and telecommunications servicing floorspace. The site is within the NWEDA as designated by the City Plan and therefore Policy S12 in the City Plan is applicable. This policy encourages employment generating uses, but does so whilst also promoting a range of other objectives within the NWEDA, which includes improvements to the quality and tenure mix of housing. In this context, it is not considered that Policy S12 offers protection of the existing employment use and therefore the loss of the currently vacant Repeater Station, with the exception of the retained shaft and access to BT's sub-surface infrastructure, is acceptable in land use terms.

It also noted that permission for the loss of the existing use of the site was previously accepted as part of the scheme approved in January 2014 under development plan policies that were not materially different to those in the current development plan.

The principle of providing residential accommodation on this site is considered acceptable in land use terms and accords with Policy H3 in the UDP and S14 in the City Plan. The mix of unit sizes proposed (6x1 bed, 9x2 bed and 11x3 bed units) would provide 42% of the units on this site as 'family sized' units with three or more bedrooms. The proposed mix would accord with Policy H5 in the UDP and S15 in the City Plan and therefore despite the objections raised, the mix of units proposed is considered to be acceptable, subject to the assessment of the impacts of the proposed development in design, amenity environment and transportation terms (see following sections in this report).

The development would contain 87 habitable rooms in 26 residential units, whilst the site area is 0.36ha. This results in a density of 3.3 habitable rooms per unit, 242 habitable rooms per hectare (hr/ha) and 72 units per hectare. The density of the development is within the range set out for an 'urban area' in Policy 3.4 in the London Plan. The density is within the 250-500hr/ha range for sites in 'Zone 2' in Policy H11 in the UDP. As such, the density of development proposed is acceptable and in accordance with Policy H11 in the UDP.

In terms of the quality of the residential accommodation proposed, the units would be provided with external amenity space in the form of balconies and terraces. All of the flats on the site would be compliant with Policy 3.5 in the London Plan and the Government's Housing Technical Standards (2014) in terms of their size and none of the units would be excessive in size. As such, the proposed development would make optimal use of the residential floorspace to be provided on the site.

In terms of daylight levels within the proposed residential accommodation, 83 of the 84 habitable rooms tested would be compliant with the Building Research Establishment Guidelines 'Site Layout for Daylight and Sunlight Planning (2011)'. The one room that would not meet the minimum daylight levels is a single bedroom at first floor level in a three bedroom flat where all other rooms receive a good level of daylight. The lower level within the affected room is due to its location behind a recessed balcony. Given this isolated failure, it is considered that overall the standard of accommodation in terms of natural lighting would be acceptable,

Objections have been raised on grounds that the affordable housing for the redevelopment of the site at 29 Cosway Street should be provided on that site and not off-site in the vicinity. However, this is not a material consideration in the determination of this application for this 'donor' site for affordable housing, as its use wholly as affordable housing, with a policy compliant mix of tenures (60% social rented and 40% intermediate) would accord with Policy H4 in the UDP and Policies S12 and S16 in the City Plan. The acceptability of the provision of affordable housing off-site in the vicinity of the site at 29 Cosway Street is considered in detail the report for that site, which is also on this Sub-Committee agenda (see Item 1).

8.2 Townscape and Design

8.2.1 Demolition of the Existing Building

The existing building is a mid to late 20th century development, built specifically for BT for use as a Repeater Station. The building is of little architectural merit and its demolition above ground level, with the exception of the retained sub-surface access structure, which has already been accepted as part of the scheme previously approved in 2014, is un-contentious in design terms. Indeed, as an unlisted building outside a conservation area, its demolition cannot reasonably be resisted.

8.2.2 Proposed Building

The proposed building would be larger than that previously approved on this site in 2014 and would have a larger footprint and bulk and would be higher (the approved scheme comprised four rather than five storeys). In terms of height and bulk, the provision of a building of five storeys on this site is not unacceptable in this location where there is a wide range of building heights in the immediate vicinity, ranging from two storey properties in Broadley Street to six storey blocks of flats to the south west on the opposite side of Ashbridge Street and the six office storey Tresco House to the east. The footprint of the building would step forward of the existing building line of the Repeater Station to the south eastern elevation by 1.6m (i.e. towards the rear of Alpha House) reducing the gap to Alpha House from 14.8m to 13.2m. The rear (north eastern) elevation would remain on its current alignment, but the bulk of the building on this part of the site and to north western side of the site adjacent to the rear gardens of properties in Broadley Street would increase between first and third floor levels relative to the existing building. To the front (south west) elevation, the proposed building would be located on the back edge of the pavement, approximately 1 metre forward of the existing front building line. Despite this enlarged footprint and bulk relative to the existing situation, the proposed building, which would have a lower three storey 'wing' that steps down towards the lower townscape to the north west in Broadley Street, would sit

comfortably within its mixed townscape setting in design terms. By setting back the proposed fifth floor and detailing it as a distinct roof storey, the additional height proposed relative to Alpha and Earl House, whilst appreciable in oblique views from ground level, would not be uncomfortable and the building would serve as a transition between Alpha House and Earl House and the larger Anthony House on the south west side of Ashbridge Street.

In terms of the detailed design and choice of materials, the proposed building would be faced in a light buff brickwork that would form a frame into which window openings (and balconies to the front elevation) would be punched, creating an order to the building facades. The balconies to the south eastern and north eastern elevations below fifth floor level would project from the facades, but only to a limited degree and as such, they would not undermine the overall architectural composition of the proposed building. The balconies and other metal work to the lower floors would be successfully integrated in to the scheme by being colour matched to the copper cladding proposed to the fifth floor roof storey. The proposed balcony screens, basement entrance gate and other fences and gates at ground level would have a decorative perforated design and it is recommended that further details of this design are secured by condition.

The entrance to the block has been amended in response to officer concerns that the initially submitted scheme failed to provide a sufficient 'sense of arrival'. The amended entrance would be more prominent in the street scene and would be better scaled than initially proposed. As a result, it would draw the eye away from the retained BT sub-surface access shaft structure to the north western end of the front elevation. The retention of this structure and its incorporation within the redevelopment scheme is the most challenging element of the scheme in design terms. The facing material to the retained structure has been amended from an initially proposed grey render to a white tile, which would better integrate the retained structure into the overall appearance of the proposed building. As per the previously approved 2014 scheme, it is proposed to introduce climbing planting to this elevation to seek to soften the appearance of this blank façade over time. Overall the detailed design and palette of materials proposed is considered to be acceptable and appropriate in this location where there is no consistent architectural style or prevailing facing material. Conditions, as set out in the draft decision letter, are recommended to secure samples of facing materials and the detailed design of the building facades and boundary treatments.

In summary in design terms, the proposed scheme considered to be acceptable in design terms and would not harm the appearance of this part of the City. Subject to the recommended conditions, the development would accord with Policies DES1 and DES4 in the UDP and Policy S28 in the City Plan.

8.3 Residential Amenity

The application has received a significant number of objections on amenity grounds, with concerns raised by neighbouring residents on grounds of loss of daylight and sunlight, increased sense of enclosure, increased overlooking and noise disturbance from balconies and terraces.

The relevant policies to consideration of the amenity impacts of the proposed development are Policies ENV6 and ENV13 in the UDP and Policies S32 and S29 in the

City Plan. The various amenity impacts of the proposed development are considered in turn in this section of the report, having regard to the objections raised, which are summarised in Section 5.

8.3.1 Daylight

Policy ENV13 in the UDP sets out that in assessing daylight losses, the City Council will have regard to the guidance provided in the Building Research Establishment's Guidelines, 'Layout Planning for Daylight and Sunlight' (2011) ('the BRE Guidelines'). These guidelines set out that where a window would suffer a loss of 20% or more of its current Vertical Sky Component (VSC) value, the occupier of the room served by that window is likely to notice a change in the lighting level within the room, unless the resultant VSC value remains above 27 VSC. Consequently, losses of daylight of 20% or more are considered to be 'material' and further consideration of the impact on these windows is warranted to establish whether the impact is so significant, having regard to the wider benefits of the development, so as to justify withholding permission. The applicants have submitted a daylight and sunlight assessment which sets out the daylight losses that would be caused by the proposed development. The degree of impact in terms of loss of daylight is considered in turn in respect of each of the neighbouring buildings surrounding the site.

Earl House

The south western (rear) façade of Earl House faces the proposed development and is would be separated from it by 23.5m across the proposed communal landscaped amenity space. The design of the rear elevation of Earl House is not conducive to the rooms recessed below balconies receiving high levels of daylight. As a consequence, the recessed windows in the rear of Earl House currently receive relatively low levels of daylight due to this design feature of the building.

As a consequence of the recessed nature of many of the rear windows in Earl House, the proposed development would have a pronounced impact on it, with all recessed windows at ground floor level (24 windows serving 8 rooms) would suffer a material loss of daylight using the vertical sky component method of assessment (VSC). However, these windows have very low existing VSC, typically between 4 and 7 VSC. At first floor level and above the impact becomes less pronounced in terms of the impact on the recessed windows with a material loss of daylight to 10 windows serving 4 rooms, whilst at second floor level a material loss of daylight would occur to 12 recessed windows serving 6 rooms. Above second floor level no material losses of daylight would occur and there would be no material loss of daylight to any of the windows in the rear elevation of Earl House at any level where they are located in the face of the building and not recessed. Given that the BRE Guidelines, identify that proposed development should not be 'penalised' for adverse design features in surrounding buildings that limit their existing access to daylight, the impact on windows in Earl House in terms of daylight loss is considered to be acceptable.

Alpha House

The north western (rear) façade of Alpha House faces the proposed development and is would be separated from it by approximately 13.2m across the proposed communal landscaped amenity space. Unlike Earl House, all of the windows in the rear of Alpha House are located at the outside face of the façade and there are no over sailing

balconies or other design features on Alpha House that would obstruct daylight. As a consequence, windows in the rear of Alpha House currently receive extremely high levels of daylight for an urban location with the ground floor windows typically receiving between 22% and 26% VSC with windows at first floor level and above currently typically receiving 30% VSC or more. It is understood that a large number of the windows in the rear of Alpha House serve bedrooms with living rooms predominantly located to the south eastern façade facing Ashmill Street.

Windows to the eastern end of the elevation of Alpha House would be less severely affected as this end of the building would project beyond the increased bulk of the proposed development. The proposed scheme would result in a material loss of daylight to 4 of 6 windows at ground floor level, 8 of 12 windows at first floor level and 7 of 12 at second floor level. The reduction in ground floor level would be between 25% and 30% of existing VSC, but the windows would remain well daylighted with VSC values between 15 and 20 VSC, which is considered to remain a good level of daylight in an urban location such as this. Furthermore, these units are dual aspect and would retain very good access to daylight to their south eastern elevations. At first and second floor levels the resulting daylight levels would be between 20 and 24 VSC at first floor level and between 24 and 27 VSC at second floor level. The windows on these floors would therefore continue to receive a very good level of daylight despite the material losses they would suffer. At third and fourth floor levels the windows would not suffer any material losses of daylight.

Given the windows in the rear of Alpha House would continue to receive a good level of daylight, which would be commensurate with similar developments in comparable urban locations, it is not considered that permission could reasonably be withheld on the basis of the material losses of daylight that would be caused to 19 windows in this neighbouring building.

Buildings in Ashbridge Street

There are a number of buildings located opposite the site in Ashbridge Street of varying forms, heights and building lines. Of these, Lyon House, No.4 and No.14 Ashbridge Street would not suffer any material losses of daylight. Two windows (one at ground and one at first floor level) would suffer 21% losses of VSC, but would remain well served by daylight with resultant values of 19.8 and 24 VSC. One ground floor window in Hubert House, directly opposite the site, would suffer a material loss of 21% of existing VSC, but again the resultant value of 20.5 VSC indicates this window will continue to be well daylighted. As such, the impact on windows serving these properties opposite the site in Ashbridge Street is acceptable and the isolated material losses are not grounds on which to withhold permission.

Anthony House is directly opposite the application site and it would be impacted upon to the greatest degree in terms of daylight loss despite being set back from Ashbridge Street so that it would be 23.5m from the front elevation of the proposed building. However, like Earl House, Anthony House is principally affected to a material degree because the windows to the front elevation are all set back below over sailing balconies. It is the design of this neighbouring building therefore that results in a material impact being caused to all of the six windows at ground and first floor levels, 4 of the windows at second floor level and 3 at third floor level. In this context, these material losses are not grounds on which to reasonably withhold permission.

Nos.1 to 27 Broadley Street

These properties are two storey dwellinghouses (with the exception of No.27) located on the south eastern side of Broadley Street. The properties to the south western end of the terrace back on to the application site and would be approximately 13.5m from its north western elevation.

The properties between Nos.1 and 19 Broadley Street would not suffer any material losses of daylight. No.27 Broadley Street comprises the three storey building at the corner of Broadley Street and Ashbridge Street. Its rear windows are already partially screened by the flank wall of No.26 and therefore it would not be materially affected by the proposed development in terms of daylight loss.

The four dwellinghouses between Nos.21 and 25 Broadley Street would suffer material losses of daylight to five rear windows and these are summarised in the table below:

Table 2 – Daylight Losses to Nos.19 to 25 Broadley Street

Property	Floor Level	Use	Existing VSC	Proposed VSC	Loss	% Loss
No.21	Ground	Unknown – habitable	25.2	19.6	5.6	22.22
No.21	First	Unknown – habitable	28.4	22.6	5.8	20.42
No.23	Ground	Conservatory	17.7	14.4	3.3	18.64
No.23	First	Unknown – habitable	27.6	21.4	6.2	22.46
No.25	Ground	Unknown – habitable	21.6	15.9	5.7	26.39
No.25	First	Unknown - habitable	26.3	20.3	6.0	22.81

As per other surrounding properties the losses caused, whilst material, would generally be only slightly above the level at which they would become noticeable to occupiers of these properties, although it is appreciated that in tandem with the impact on these properties in terms of increased sense of enclosure and overlooking (see Sections 8.3.3 and 8.3.4), the cumulative impact in terms of loss of amenity to the occupiers of these properties would be significant relative to the existing situation. In such circumstances it is necessary to consider whether the wider public benefits of the scheme outweigh the harm identified and this is set out in Section 6.3.6.

8.3.2 Sunlight

The BRE Guidelines require assessment of sunlight loss to neighbouring windows where they would face within 90 degrees of south. Consequently, predominantly north facing windows, such as to the rear of Alpha House, the front elevations of properties on the opposite (western) side of Ashbridge Street and the rear elevations of neighbouring properties on the eastern side of Ashbridge Street (Nos.3-5), would not suffer any material loss of sunlight.

The rear of Earl House faces south west and therefore the windows in this elevation currently receive direct sunlight at certain times during the day. There are 60 rooms with windows in the rear elevation of Earl House. Using the Annual Probable Sunlight Hours (APSH) method of assessment set out in the BRE Guidelines, 58 of the 60 rooms would not suffer a material loss of sunlight relative to the existing situation. The two rooms which fall marginally below BRE Guidance are to the centre of the rear elevation of Earl House at ground floor level. The rooms are served by windows located below over sailing balconies (see also Section 6.3.1) and consequently one of the windows already receives less sunlight than recommended by the BRE Guidelines as a result of this design feature of Earl House. The two affected rooms would though continue to be reasonably well served by sunlight, having regard to the over sailing balcony, with one seeing a reduction of 23 hours of annual sun and 9 hours winter sun to 18 hours of annual sun and 6 hours of winter sun, whilst the other would be reduced from 27 hours of annual sun and 9 hours of winter sun to 21 hours of annual sun and 6 hours of winter sun.

The proposed scheme would result in some material losses to the rear windows of properties between No.17 and 25 Broadley Street which face south east. Each of the terrace houses has a set of doors and windows at ground level and one window at first floor level to their rear elevations, with the exception of No.23, which has a conservatory to the rear at ground level.

The first floor windows serving bedrooms between No. 17 and No.23 Broadley Street would not suffer a material loss of sunlight. The ground rooms to these properties, served by windows and doors to their rear elevations, would suffer a material loss of sunlight. The reductions in sunlight hours that would be caused to the ground floors rooms of these properties would be compliant with the BRE Guidelines in terms of what they deem to be acceptable losses. It is the impact of the development on winter sunlight hours, when the sun is lower in the sky, which would be materially reduced. At No.17 the winter sunlight hours would be reduced from 14 to 4 hours, one hour more than would be considered to be compliant with the BRE Guidelines. At No.19 the winter sunlight hours would be reduced from 10 to 3 hours, two hours more than would be considered to be compliant with the BRE Guidelines. At No.21 the winter sunlight hours would be reduced from 9 to 3 hours, two hours more than would be considered to be compliant with the BRE Guidelines. At No.23 the winter sunlight hours to the conservatory would be reduced from 5 to 1 hour. Whilst these losses of winter sun would breach the BRE Guidelines, the extent to which the guidelines would be breached would be marginal and overall throughout the year these properties would continue to have good access overall to sunlight.

At No.25, both the ground and first floor windows would suffer a material loss of winter sun, with the ground floor room reduced from 2 hours to 0 hours and the first floor room reduced from 11 to 4 hours. However, both windows would continue to receive an annual number of sun hours that would be compliant with the BRE Guidelines (27 and 42 sunlight hours respectively). Given this, overall, it is not considered that the impact on this property and others in Broadley Street is so significant so as to warrant withholding permission on loss of sunlight grounds.

The windows to the rear of No.27 face within 90 degrees of south but are set back further from the site than the windows at Nos.17 to 25. Consequently, the windows in this property would not suffer a material loss of sunlight.

In terms of the gardens of properties to the north of the site in Broadley Street, given the proposed development would be set back by 4.7 metres from the boundary of the site, it is not considered that the overshadowing effect of the development would be so significant so as to warrant withholding permission.

8.3.3 Sense of Enclosure

The existing Repeater Station building is set back 14.8m from the rear elevation of Alpha House to the south east. The south eastern elevation proposed development would be set back 13.2m from Alpha House and would therefore be 1.6m closer to this neighbouring residential block than the existing building. At this significant distance, and as the proposed fifth floor would be set back from the south eastern elevation of the building on the lower floors, it is not considered that the development would cause a significantly increased sense of enclosure to rear windows serving flats in Alpha House.

To the rear of the site facing Earl House, the existing building line is to be maintained. The bulk and massing of the proposed building would be greater than the existing building between first and fourth floor levels. However, given the significant distance to Earl House (23.5m) it is not considered that the additional bulk and height of the proposed building would give rise to a material increase in sense of enclosure to occupiers of flats in this neighbouring block.

To the side (north western) boundary of the site, facing adjoining properties in Broadley Street, the existing building is set in from the boundary of the site by approximately 4.7m and the bulk of the existing building is predominantly limited to a single storey to this elevation. The existing boundary treatment comprises a 2.5 metre high brick wall. The proposed building would continue to be set back 4.7m from the site boundary with properties in Broadley Street, but the bulk of the building would be significantly increased to four storeys in height. The proposed development would, due to the increased bulk to this part of the site, result in a material increase in enclosure to neighbouring properties in Broadley Street. The acceptability of this material loss of amenity in sense of enclosure terms is considered in Section 8.3.6, having regard to the wider planning merits and benefits of the proposed development

Additional bulk at first and second floor levels is also proposed to the north western elevation where the new building would be closest to Ashbridge Street; albeit, this would largely be located adjacent to the blank flank wall of No.3-5 Ashbridge Street, although it would extend back approximately 3m beyond the rear elevation of Nos.3-5. However, the rear facing windows at Nos.3-5 would retain an open aspect to the east and as such, the additional bulk at the boundary in this location would not result in a significantly increased sense of enclosure to these neighbouring windows.

To the front elevation the development would be separated by the highway from existing buildings opposite. As such, there would be no increase in enclosure to this boundary of the site.

8.3.4 Overlooking/ Loss of Privacy

The office element of the existing building has windows to the front and side (south eastern) elevations, but there are no external terraces. To the side (south eastern) and rear (north eastern) boundaries of the site the proposed development would be set back by 13.2m and 23.5m from Alpha House and Earl House respectively.

Four balconies are proposed between first and third floor levels projecting 1.6m from the south eastern elevation towards the rear of Alpha House, as well as a significant number of windows servicing habitable rooms (living/ dining/ kitchens and bedrooms) within the development. The proximity of these windows and, to a greater extent, the balconies to neighbouring windows in the rear of Alpha House, many of which serve bedrooms, has attracted significant objection from a number of neighbouring residents and the Alpha and Earl House Residents Association, who are concerned about the potential for overlooking, as well as noise and anti-social behaviour arising from use of these balconies. The balconies would have an area of 9m² and would be separated from the north western façade of Alpha House by 11.6m. Whilst the concerns of neighbouring residents and the residents association are understood given the existing northerly aspect for residents of Alpha House, where they look out towards a limited number of office windows, given the distance between the respective buildings and the limited size and number of the balconies, it is not considered that this is a ground on which permission could reasonably be withheld in overlooking terms.

At fifth floor level to the south eastern elevation the building is set back 2.2m from the elevations below and this will assist in lessening the degree of overlooking felt by occupants of Alpha House. The roof in front of the set back fifth floor would be inaccessible and a condition is recommended to prevent this roof area and other roof areas from being used as terraces so as to prevent future increases in overlooking.

To the rear the terraces proposed would project from the façade, but given the significant distance (21.9m) between the proposed terraces and the rear windows of Earl House, it is not considered that this would lead to a material loss of privacy.

To the other side (north west) elevation the proposed building would have no roof terraces or balconies, save for a small terrace at fifth floor level. A condition is recommended to require a screen to the north western elevation of this terrace to prevent overlooking to windows and rear gardens of properties in Broadley Street. Between first and third floor levels the scheme proposes windows in the north west elevation. Whilst these would be set back 4.7m from the boundary of the site with properties in Broadley Street, given the proximity of the windows in this elevation and as there is currently no sources of overlooking on the application site towards the rear of properties in Broadley Street, the proposed relationship is of concern in privacy terms. To mitigate this impact, it is recommended that a condition is imposed requiring the windows in the north west facing elevation to be partially obscured to their lower halves and fitted with restrictors to limit the degree these windows give rise to overlooking. Given that these windows all serve second or third bedrooms where one or more bedrooms would have entirely unobscured east facing windows, this measure is not considered to significantly harm the overall quality of accommodation within the flats served by these windows.

At fifth floor level the north western façade would be set back from the façade of the lower floors by between 4 to 6m and this would prevent the fifth floor windows causing overlooking to properties in Broadley Street. A condition is recommended to prevent the use of the flat roof in front of these windows as a terrace in future.

Windows and terraces in the front elevation would be sufficiently distant from windows on the opposite side of Ashbridge Street so as not to cause them a material loss of privacy.

8.3.5 Noise and Other Amenity Issues

All of the balconies and terraces are relatively small in size, typically around 9m², with one larger 14m² balcony at fifth floor level. Given their small size, which is likely to only be large enough for a table and a small number of chairs, it is not considered their use is likely to give rise to significant noise disturbance to neighbours. Furthermore, the applicant has arranged the external amenity space so that the majority of balconies would be to the rear (north eastern) elevation, where they would be the greatest distance from neighbouring windows. For these reasons, the objections raised on noise disturbance grounds cannot reasonably be supported as a ground on which to withhold permission.

8.3.6 Amenity Conclusion

The assessment set out in the preceding sections identifies material losses of amenity in terms of losses of daylight to neighbouring windows and a materially increased sense of enclosure to the occupiers of properties Broadley Street that back onto the part of the site where the greatest increase in bulk and height on the application site is proposed. In assessing whether it is reasonable to withhold permission on the basis of these materially adverse impacts, it is necessary to consider and weigh in the balance the wider public benefits that would be derived from the proposed scheme.

In this case the proposed development would deliver 26 residential units, which in combination with the sites to which it is linked on this agenda, would be provided as affordable housing units of a policy compliant tenure split and mix. This significant public benefit, along with other public benefits that would be delivered in the form of the significant improvements proposed to the communal landscaped area between the site and Earl House and Alpha House and the improvement the building itself would make to the appearance of this part of the City, are considered to be sufficient to outweigh the extent of harm that would be caused to the amenity of neighbouring residents that has been described.

Therefore, subject to the recommended conditions, despite the material losses of daylight that would be caused and the material increase in enclosure, the proposed development is acceptable in amenity terms and in accordance with Policies ENV6 and ENV13 in the UDP and Policy S29 and S32 in the City Plan, when the extent of the adverse impact on amenity is weighed against the wider public benefit of the development.

8.4 Transportation/Parking

8.4.1 Parking and Access Ramp

The application proposes the provision of a replacement vehicular access ramp to basement level located at the north western edge of the site and accessed from Ashbridge Street. The purpose of the proposed ramp is principally to allow the relandscaping of the central area of the estate between Earl House, Alpha House and the application site, where the current ramp is located, so that it can become a communal amenity area for the benefit of all of the residents on the estate.

The proposed ramp would be 4.4 metres wide due to the obstruction caused by the BT sub-surface access shaft, which cannot be moved or altered to allow the width of the head of the ramp to be increased. The Highways Planning Manager advises that a 4.4m wide ramp would be sufficiently wide for two vehicles to pass with care, but that a 4.8m wide ramp would normally be required where there are not any site constraints. The ramp will serve the existing 39 garages under Earl House, 17 parking spaces below Tresco House and 14 new parking spaces within the basement of the proposed development. The number of vehicle trips generated by all of this car parking would be low, with an evening peak of 9 trips an hour. Based on this and as a 10m set back at the head of the ramp is proposed, before the slope begins and as a signalling system is proposed to seek to prevent vehicles meeting on the ramp, the Highways Planning Manager concludes that the proposed ramp is acceptable and would provide an accessible route to the existing and proposed off-street parking at basement level. A condition is recommended to secure further details of the signalling system proposed to control access in and out of the basement parking.

The formation of the new ramp would require the provision of a new crossover and relocation of existing parking bays; however, the Highways Planning Manager is content that the two bays that would need to be moved, could be accommodated in front of the existing crossover to the forecourt of the Repeater Station that is to be removed. As such, subject to the alterations to on street parking being agreed via a Traffic Management Order, there would be no loss of on street residents parking. It is recommended that the highway works necessary to alter the carriageway and pavement outside the site in Ashbridge Street, including the alterations to parking bays are secured via the unilateral undertaking

In terms of car parking, 14 spaces would be provided for 26 flats. The on-street residents parking in the vicinity has occupancy levels of 57% at night and 82% during daytime hours. Policy TRANS23 requires up to a maximum of 1 parking space per 1 or 2 bedroom unit and 1.5 parking spaces per 3 or more bedroom unit. Whilst the occupancy levels are relatively high on street during daytime hours, the parking ratio proposed would be 0.54 spaces per residential unit, which represents a parking ratio that, given car ownership levels in the Church Street Ward were recorded as 28% at the 2011 Census, is likely to be sufficient to avoid any increase in pressure on on-street parking as a result of the proposed development. It is recommended that in addition to provision of the on-site parking, lifetime (25 year) car club membership for each flat within the development should be secured via the unilateral undertaking to assist in suppressing the demand for parking from the development. In this context, notwithstanding the objections to the level of on-site parking proposed by the Highways Planning Manager and a number of objectors cannot be supported as a ground on which to withhold permission.

8.4.2 Servicing and Other Transportation Issues

It is proposed that servicing would occur on street in Ashbridge Street with waste and recycling collected from the store at the front of the site at ground level. This is consistent with the arrangements for surrounding residential blocks of similar scale and would not obstruct the highway and is therefore acceptable despite the normal policy presumption to seek off-street servicing under Policies TRANS20 and S42.

Environmental Health have suggested a Travel Plan should be submitted, but the Highways Planning Manager has advised verbally that a Travel Plan is not required for a residential development of this relatively small scale.

Conditions are recommended to prevent doors opening over the highway, provide a vehicle signalling system prioritising inbound cars using the car lifts, secure the provision of electric car charging points and the cycling parking in accordance with the relevant London Plan policies.

8.5 Economic Considerations

The proposed development is in compliance with the development plan for the reasons set out elsewhere in this report and the economic benefits of the development, particularly during the construction phase given this is a wholly residential scheme, are therefore welcomed.

8.6 Access

The proposed development would be fully accessible, with step free level access provided to the building from street level and lift access to all floors. The scheme includes 10% of units that meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (3 units at ground floor level) (i.e. they are designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users). Three disabled parking spaces are proposed within the basement, which could be used in conjunction with the wheelchair accessible units. As such, in terms of accessibility, the scheme accords with Policies DES1, H8 and TRANS27 in the UDP, Policy S28 in the City Plan and Policy 3.8 in the London Plan.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Basement Development and Construction Impact

The existing building includes a basement floor which is proposed to be reused to provide car parking and other ancillary plant and services. The basement will require relatively limited alteration to link it to the proposed vehicular access ramp and no substantive basement excavation is proposed. As such, the proposal does not propose the formation of any additional basement areas and therefore does not engage Policy CM28.1, the basement development policy, in the City Plan. Nevertheless, the applicants are aware that the scheme is of a scale where it falls within 'Level 2' of the Code of Construction Practice and they have therefore confirmed that they are agreeable to a condition requiring compliance with the CoCP so as to limit the extent of

noise and disturbance to neighbours from construction works. A further condition controlling the hours of work is also recommended.

8.7.2 Noise and Vibration

Environmental Health raised concerns initially in respect of the impact that external sources of noise and noise and vibration from the retained BT sub-surface access structure (and any plant within it) may have on the internal noise environment of the proposed flats. The applicants have provided a detailed response to these concerns. BT have advised that the only plant within their retained structure comprises a mechanical fresh air vent that runs at all times (and was therefore included in the applicant's initially submitted noise survey) and a lift for BT operatives to periodically access the sub-surface tunnels, which is understood to be used once a week, unless more prolonged maintenance is required. The applicants have undertaken further testing of the noise and vibration impact of this equipment and have demonstrated that the impacts would not be significant and the structure of the proposed building can be constructed so as to prevent noise or vibration being transferred through the structure (for example by separating the floor level of the proposed building from the structure of the retained BT structure). Nevertheless, it is recommended that the same condition as imposed on the 2014 permission is imposed to ensure that the building is designed to prevent noise and vibration transference from the retained BT structure and associated plant and equipment.

A separate condition is recommended to ensure the external envelope of the building would be designed so as to prevent the occupants of the building suffering noise disturbance from external sources such as traffic noise and general background noise levels. To prevent overheating in summer as a result of the noise and thermal insulation measures proposed, a mechanical ventilation system with heat recovery is proposed so that windows and doors can remain closed if necessary to prevent exposure of residents to external noise levels. A condition is recommended to ensure the mechanical ventilation system is provided so that residents are not reliant on opening windows in hot weather. Environmental Health were initially concerned that the residential units would have sealed windows in combination with the proposed MVHR units. The applicants have confirmed that this is not the case and all windows will be openable to provide purge ventilation or simply to allow residents to open windows in addition to the background ventilation provided by the MHVR system. The applicant has indicated that whilst the MHVR unit would be situated within a cupboard in the living room, it would serve vents in all rooms in the flat (this will be confirmed by the details required in respect of air quality – see Section 8.7.7). The operational noise level of the MVHR units has also been demonstrated to be capable of being compliant with Policy ENV6 in terms of the impact it would have on internal noise levels within each flat.

The conditions recommended above ensure the occupiers of the development will have an acceptable internal noise environment in accordance with Policy ENV6 in the UDP and Policy S32 in the City Plan and ensure provision of measures to prevent overheating.

8.7.3 Mechanical Plant

The applicant has provided an assessment of the existing background noise level. However, the mechanical plant to be used has yet to be specified and therefore conditions are recommended to control future noise and vibration from mechanical plant and to require a supplementary acoustic report that demonstrates that the mechanical plant, when it has been specified, would accord with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

8.7.4 Waste and Recycling

The Cleansing Manager does not object to the proposed bin store in terms of its size for waste and recycling storage, but has concerns regarding the potential for storage of bulk waste, the marking of bins to demonstrate which bins are for waste and which for recycling and in terms of the means of access to the bin store. Whilst the need to exit the building to access the bin store is not ideal, this is not considered to be a ground on which to withhold permission. The issues raised in terms of the marking of bins and the provision of storage for bulk waste can be resolved by a condition requiring amended details of waste and recycling storage. Subject to this condition the scheme would be compliant with Policy ENV12

8.7.5 Sustainability and Energy Strategy

The proposed development would have individual condensing gas boilers within each flat, with an array of photovoltaic panels at roof level. The building would be highly insulated, exceeding Building Regulation performance requirements, and would have low air permeability. As reference in Section 8.7.7 mechanical cooling is proposed to avoid the potential for overheating in combination with other passive measures (overhanging balconies, low solar transmittance glazing, blinds etc.).

The relevant policies are Policies S39 and S40 in the City Plan and the policies in Chapter 5 of the London Plan (March 2016). The approach set out in the preceding paragraph would deliver a 9.8% CO₂ emissions savings relative to the baseline level (2013 Building Regulations) as part of the 'be Lean' element of the energy hierarchy and no saving as part of the 'be clean' element, set out in Policy 5.2 in the London Plan. This lack of saving due to the use of individual boilers rather than a communal system is disappointing, but it accepted that a scheme of this limited size would mean a Combined Heat and Power (CHP) system would be unlikely to be viable. However, the scheme would provide a more substantial and welcome improvement than is often achieved on developments of similar scale through use of on-site renewable energy technology in the form of a 264m² array of photovoltaic (PV) panels at roof level. These would deliver a 26.1% reduction in regulated CO₂ emissions. This CO₂ emission saving from the 'be green' element of the energy hierarchy would accord with Policy S40 in the City Plan and Policy 5.7 in the London Plan. A condition is recommended to secure the provision of the PV panels. The overall CO₂ emissions reduction would be 35.95% relative to the baseline.

To ensure compliance with the London Plan Policy 5.2 requirement for residential developments to be 'Zero Carbon' (using the definition of Zero Carbon set out in the Mayors 'Energy Planning' guidance document (March 2016), which requires a 35% on site saving of regulated CO₂ emission with the remaining saving off-set through a cash in lieu contribution to be used to deliver CO₂ savings elsewhere), the applicant proposes

a £36,576 carbon off-set payment. It is recommended that this is secured via the unilateral undertaking.

8.7.6 Tree Removal, Landscaping and Biodiversity

The proposal would require the removal of two street trees outside the site and these are of modest scale and their replacement with two new street trees in the vicinity in locations that accommodate the highway works necessary to relocate and alter crossovers is considered to be acceptable. The replacement street trees are to be secured as part of the unilateral undertaking.

There are currently no trees to the centre of the site in the space between Alpha Hose, Earl House and the application site. The space is almost entirely dominated by hard landscaping of poor quality and the space has a harmful effect upon the appearance of the surrounding buildings. The currently has a low ecological value.

In the context of the existing situation, the proposed landscaping to the central area on the estate to provide a communal garden area shared with the existing blocks represents a significant public benefit which would enhance the quality of the environment for existing and future residents alike. The removal of the existing large vehicle ramp from the space frees up significant space and also allows tree planting in the backfill over the redundant ramp. The landscaping design proposed is supported and is a functional yet attractive design, including sufficient hard paved areas for residents to enjoy the space, whilst including sufficient planting areas to provide a predominantly soft landscaped appearance. It is clear though that the landscape design will continue to evolve with some planting choices still evidently to be made (options are provided on the plans) and therefore it is recommended that a condition requiring submission and approval of a finalised landscaping scheme is imposed. It is also considered that given the importance of the landscaping to the success of the scheme, samples of hard landscaping materials should be reserved by condition.

In tandem with the improvements proposed to landscaping, new gates and railings are proposed at the access points to the central amenity area to be created on the estate. The estate is not a public right of way and does not form part of the public highway. In light of the concerns expressed by residents regarding anti-social behaviour at present in this area, the provision of gates and railings are supported in principle. A condition is recommended to reserve details of the gates and railings to ensure their detailed design is appropriate.

A condition to require the provision of bird boxes is recommended to provide additional habitats within the new landscaping.

A green roof is proposed at roof level integrated into the proposed photovoltaic panels. This is welcomed and provides a further biodiversity enhancement on the site. A condition is recommended to ensure the green roof is provided.

The planting to the front of the site to mask the retained BT sub-surface access structure is also of benefit to the overall landscaping of the site. Given the importance of the success of this planting in terms of the screening this retained element of the existing building, a separate condition to the main landscaping condition is recommended

requiring details of a management plan to ensure this landscaping is maintained and thrives in this prominent location on the building.

Subject to the recommended conditions, the landscaping proposals are considered acceptable and would accord with Policies ENV4, ENV16 and ENV17 in the UDP and Policy S38 in the City Plan.

8.7.7 Air Quality

The applicants have provided an Air Quality Assessment (AQA). This demonstrates the development will be 'air quality neutral'. It does though highlight that the site is in an area of poor air quality with high background concentrations of NO₂. Therefore, mitigation measures are necessary to limit the impact on occupants of the development of poor air quality. Environmental Health concur with the conclusion of the assessment that NO_x filtration should be provided in the air intakes to the mechanical ventilation system for the building and a condition is recommended to secure further details of this system and to ensure it is provided so that the scheme accords with Policy S31 in the City Plan.

Environmental Health have queried whether other mitigation measures suggested in the AQA should be carried forward into the development, such as limiting the opening of windows, omission of balconies and location of air intakes away from street elevations. In terms of the limiting of window opening and omission of balconies, it is considered that the benefits of having the option to open windows (for example for purge venting) and to have external amenity space outweigh the adverse impact of poor prevailing air quality given residents will typically be within the units when at home and will predominantly have windows closed, particularly if MVHR systems are provided (see Section 8.7.2). In terms of the locations of the MVHR air intakes, only two would be on the front elevation facing Ashbridge Street and as Ashbridge Street is lightly trafficked, it is not considered that the location of these vents would significantly worsen the air drawn into these MVHR units relative to the intakes on the other non-street facing elevations. As such, it is not considered that permission could reasonably be withheld on these grounds raised by Environmental Health.

The AQA also highlights the potential for the construction phase to have an adverse impact on local air quality and measures such as dust suppression techniques are recommended. These will be delivered by the recommended condition requiring compliance with the Code of Construction Practice (see Section 8.7.1).

8.7.8 Flood Risk and Drainage

A Sustainable Urban Drainage (SUDS) and Drainage report has been submitted and this confirms that in this location there is little risk of flooding either from nearby water courses or from surface water sources. The report does confirm that the development will incorporate sustainable urban drainage (SUDS) measures and these are specified as comprising a green roof and an irrigation and rainwater harvesting system, which will store run off water for use to water plants within the proposed landscaped communal amenity space. The scheme will reduce the existing rainwater run off rates by 50%. A condition is recommended to ensure the SUDS measures are provided. Subject to the recommended conditions the scheme would be consistent with the approach to reducing

rainwater runoff set out in Policy S30 in the City Plan and Policies 5.12 and 5.13 in the London Plan (March 2016).

8.7.9 Crime and Security

The Designing Out Crime Officer (DOCO) at the Metropolitan Police has not responded to consultation on this application. However, the applicants have confirmed in their Design and Access Statement (page 92) that they have met with the DOCO prior to submission of the application and they have taken into account the advice provided to ensure the scheme will be highly secure and dissuade crime and anti-social behaviour. It is clear that the proposed development will assist in tackling some of the existing anti-social behaviour on the estate (as noted by respondents to consultation) by introducing attractively designed gates and fences to enclose the communal space within the centre of the estate. Furthermore, the significant enhancement of this area, by provision of a landscaped communal amenity space will assist in reducing the perception of crime and anti-social behaviour. As such, it is considered that the proposed development is compliant with Policy 7.3 in the London Plan (March 2016), Policy S29 in the City Plan and Policy DES1 in the UDP.

8.8 London Plan

The application does not raise strategic issues and is not referable to the Mayor of London. Where relevant policies in the London Plan (March 2016) are referred to elsewhere in this report.

Whilst the Mayor of London published a draft new London Plan for consultation in December 2017, the response to the issues raised during the consultation period has yet to be published and the draft new London Plan has yet to be examined in public by an Inspector. Consequently, it is considered to have very little weight for development control purposes at the present time.

8.9 National Policy/ Guidance Considerations

Whilst the City Plan and UDP were adopted prior to the recent publication of the latest version of the NPPF on 24 July 2018, paragraph 213 of the latest version of the NPPF states '*...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'. 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. The proposal has been assessed in light of the recently published NPPF.

8.10 Planning Obligations

As set out in earlier sections of this report, it is recommended that the following planning obligations, which are required to make the proposed development acceptable, are secured via a unilateral undertaking:

- i. Notice of commencement of development (three months prior to commencement).
- ii. Provision of highway works outside the site in Ashbridge Street, including alterations to crossovers and replacement of two street trees and on-street parking bays.
- iii. Provision of 'life time' (25 year) car club membership for each flat.
- iv. Subject to further study, provision of a carbon off-set payment of £36,576 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
- v. Offer local employment opportunities during construction.
- vi. Provision of costs for monitoring of agreement (£500 per head of term).

The estimated CIL payment for the proposed development is £354,556 for Westminster's CIL and £107,718 for the Mayoral CIL. However, as the flats are intended to be used as affordable housing, it is likely that they would qualify for CIL relief and would therefore not generate a Mayoral or Westminster CIL payment.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental considerations have been covered in other sections of this report.

8.12 Other Issues

The applicant has submitted a Statement of Community Engagement with the application. This document sets out the local engagement the applicant undertook in advance of submitting the application with local residents and other stakeholders between August and November 2017.

The applicant has submitted a 'desk based' Stage 1 Risk Assessment, which considers the potential for land contamination on the site. This concludes that there 'a number of unacceptable risks relating to sensitive receptors on-site'. In light of this conclusion, and following the recommendation of the submitted risk assessment, which recommends further on-site investigation to establish if mitigation measures are required, it is recommended that a condition is imposed requiring a full contaminated land assessment.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

9. KEY DRAWINGS



CGI of view north along Ashbridge Street (top) and rear (north east) elevation (bottom).



CGI of aerial view of south eastern and north eastern elevations in context with proposed landscaping between the site and Alpha House and Earl House.



Proposed landscaping plan.



Proposed front (south west) elevation.



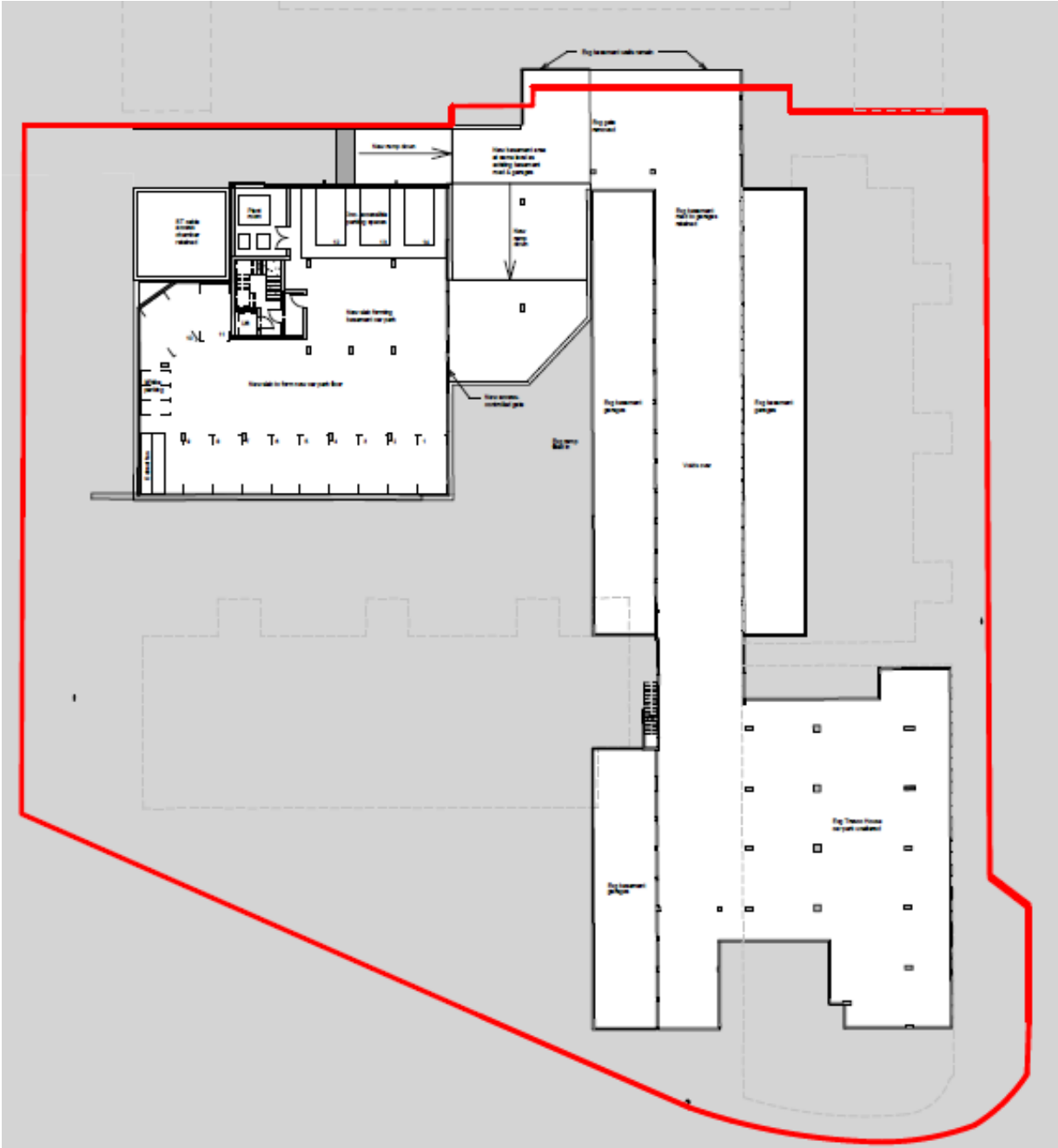
Proposed north east elevation facing Earl House.



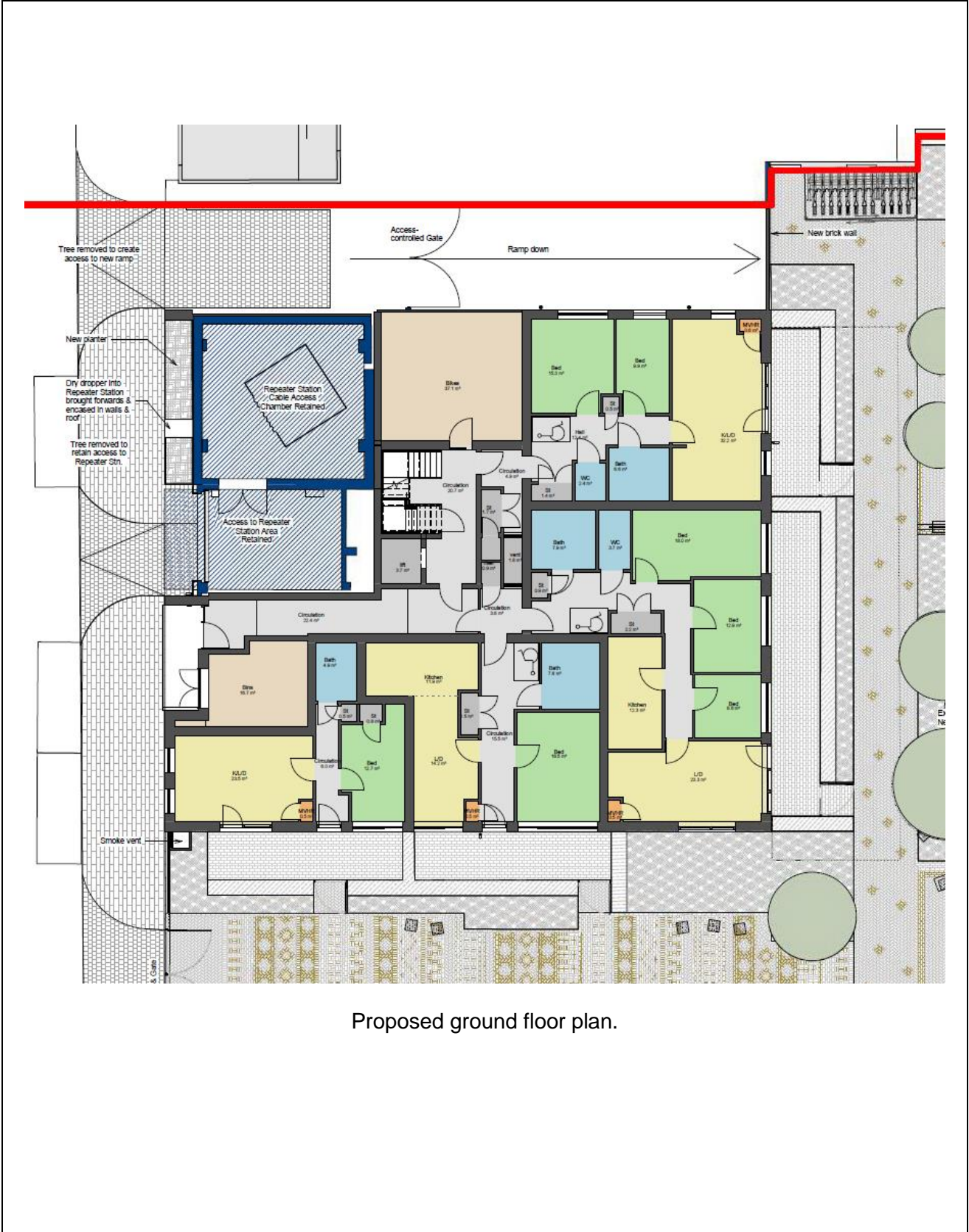
Proposed south eastern elevation facing Alpha House.



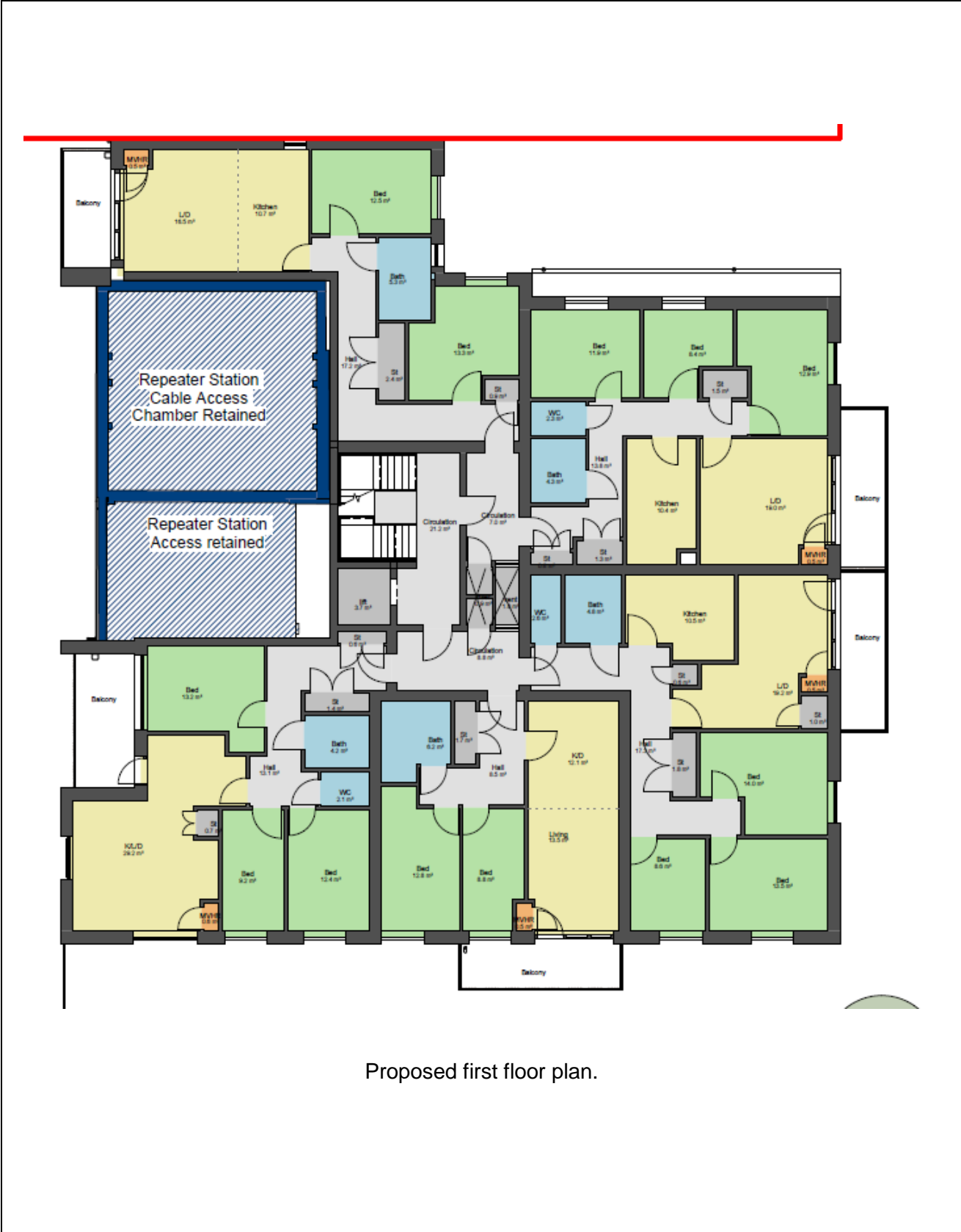
Proposed north west elevation facing properties in Bradley Street.



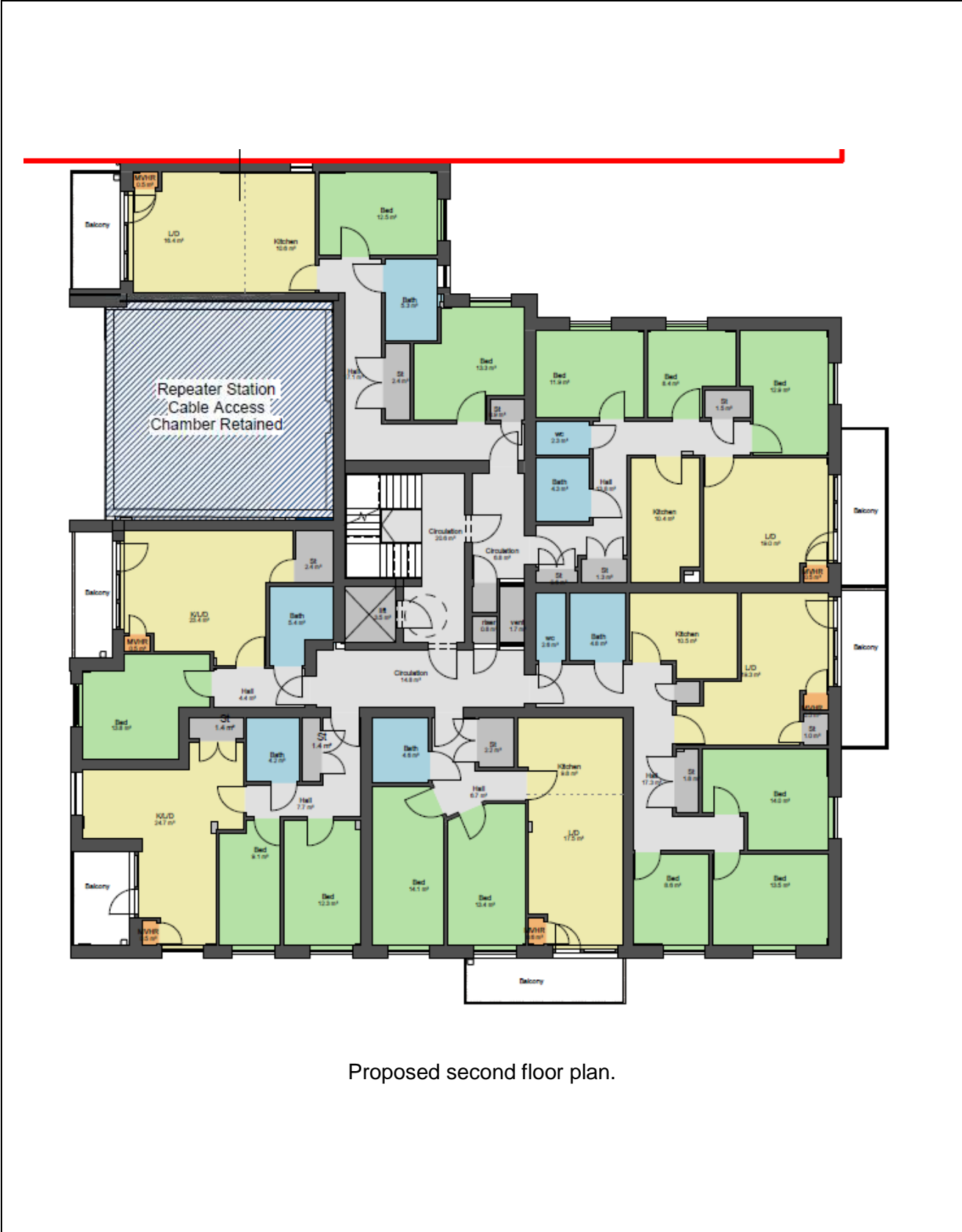
Proposed basement (reuse of existing basement – top left) in context with existing garages and parking spaces below Earl House and Trusco House (right).



Proposed ground floor plan.



Proposed first floor plan.



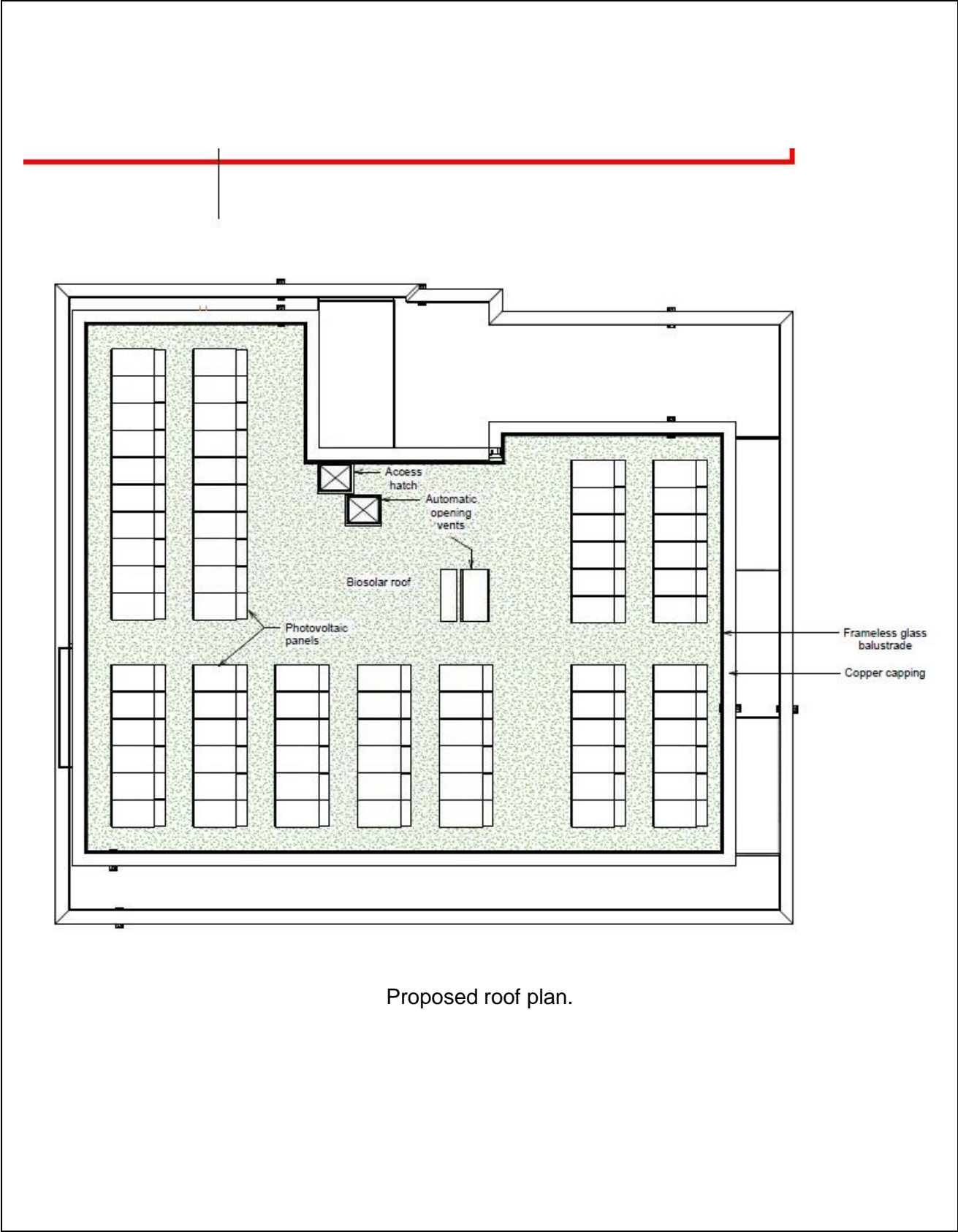
Proposed second floor plan.



Proposed third floor plan.



Proposed fourth floor plan.



Proposed roof plan.

Item No.
2

DRAFT DECISION LETTER

Address: Repeater Station, 2 Ashbridge Street, London, NW8 8DS

Proposal: Demolition of existing BT Repeater Station building, with retention of BT service area and associated access. Redevelopment of the site to erect a five storey building to provide 26 residential units, with existing basement floor used to provide parking, plant and services spaces accessed via a new ramp from Ashbridge Street. Removal of existing vehicular ramp to rear of site and provision of new landscaping to amenity space.

Plan Nos: 1564- 1000 Rev.C1. 1564- ECD- 00- ZZ- DR- A -1001-C1, 1010-C1, 1011-C1, 1012-C1, 1013-C1, 1014-C1, 1050-C1, 1051-C1, 1052-C1, 1060-C1, 1101-C2, 1211-C1, 1250-C1, 1251-C1, 1252-C1, 1400-C2, 1401-C2, 1402-C1, 1403-C1, 1404-C1, 1405-C1, 1410-C1, 1600-C2, 1601 -C1, 1602 -C1, 1603-C1, 1700-C1, 7000-C2, 7001-C2, 7002-C1, 7003-C1 and 7004-C1. 1564-FHA-00-XX-DR-LA-GF-101 P2, 102-C1, 201 P2, 301 P2 and 401 P2. 1185-CCE-00-ZZ-DR-M-65-P-0302-D2-C01, 1185-CCE-00-ZZ-DR-M-65-P-0303-D2-C01, 1185-CCE-00-ZZ-DR-M-65-P-0304-D2-C01 and 1185-CCE-00-ZZ-DR-M-65-P-0305-D2-C01. Design and Access Statement dated November 2017 (1564-ECD_00-XX-RP-A-DESIGN & ACCESS_A3_C1) (as amended by Design and Access Addendum dated June 2018), Planning Statement dated December 2017 (Rev.AA), Daylight and Sunlight Assessment dated 24/05/18, Transport Statement dated December 2017 (Rev.B), SuDS Assessment and Drainage Statement dated November 2017 (Rev.C), Noise Assessment dated November 2017 (Rev.C) (as amended by Noise and Vibration Addendum dated 15/06/18), Air Quality Assessment dated November 2017 (DM/CS/P17-1185/02), Energy and Sustainability Statement dated November 2017, Internal Daylight Adequacy Study dated November 2017, Tree Survey Report dated August 2017 (CBA10827 v1) and Tree Constraints Plan, Utilities Assessment dated October 2017 (1185-CCE-NG-MEP-0003-S2-P1.2), UXO Risk Assessment dated 31/03/17, Land Contamination Phase 1 Risk Assessment dated November 2017 (Ref: 17/27459), Ecological Assessment Report dated December 2017 (Rev.AA) Statement of Community Involvement dated December 2017 and Thermal Performance Assessment dated 06.06.2018. For information only: 1564- ECD- 00- XX- DR- A -1301 -C1 and 1564- ECD- 00- XX- DR- A -1302 -C1.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

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

can be heard at the boundary of the site only:

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

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

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing and a sample panel of brickwork which shows colour, texture, face bond and pointing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:

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2

- (a) Typical elevations and sections of windows and doors.
- (b) Elevations and sections of expressed lintels above windows and doors.
- (c) Front boundary gates and railings.
- (d) Rear boundary gates, walls and bin store structures.
- (e) Location and size of movement joints in brickwork.
- (f) ventilation and other services terminations at facade and roof.

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.
(C26DB)

Reason:

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

- 6 You must not attach 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.
(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 S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

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

- 8 Notwithstanding the landscaping scheme show on the drawings hereby approved, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site including the communal landscaped area between the proposed building and Earl House and Alpha House, which includes the number, size, species and position of trees and shrubs and samples of hard landscaping materials. 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 landscaping and planting within one year of occupation of the development (or within any other time limit we agree to in writing).

If you remove any trees forming part of the landscaping scheme or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

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)

- 9 You must apply to us for approval of biodiversity management plan for the planting to be provided to the front elevation of the proposed development in front of the retained BT sub-surface access structure. The biodiversity management plan must specify the planting specifications and provide an ongoing maintenance regime for this planting. You must not start work on this part of the development until we have approved what you have sent us. You must then install planting in accordance with the biodiversity management plan that we approve prior to occupation of the development. Thereafter you must permanently retain the planting and maintain it in accordance with the regime set out in the biodiversity management plan.

Reason:

To protect and increase the biodiversity of the environment and to maintain the appearance of the development, as set out in CS28 and CS38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES1, ENV 4 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 10 You must apply to us for approval of detailed drawings indicating the location, number and type of bird boxes to be incorporated within the development. You must then install these boxes on the development in accordance with the details we approved. The boxes shall be installed prior to the occupation of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 11 You must not use the roof of the building for sitting out or for any other purpose, unless the drawings hereby approved show their use as roof terraces or balconies. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 12 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

Item No.
2

-Installation of a privacy screen to the north west side of the roof terrace at fourth floor level adjacent to the north western boundary of the site.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings prior to occupation of the flat served by the roof terrace to which the alteration is required. Thereafter you must permanently retain the privacy screen in the location we approve.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 13 The glass that you put in the lower panes of the 9 windows in the north west elevation between first and third floor levels of the proposed building, to the rear of the first and second floor extension projecting from this elevation, must not be clear glass, and you must fix the lower panes permanently shut. The upper panes may be openable, but must be fitted with a restrictor mechanism to limit their extent of opening to not more than 50mm. You must apply to us for approval of a sample of the glass (at least 300mm square) and the restrictor mechanism. You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass and restrictor we have approved and must not change or remove them without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 14 Notwithstanding the details shown on the drawings hereby approved, you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately, including the following:
- (a) An area to accommodate the storage of bulk waste.
 - (b) Revised plans of waste stores at basement level indicating waste bins with 'W' and recycling bins with 'R' to demonstrate capacities are sufficient.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling and associated details above according to the details we approve. You must clearly mark the stores and make them available at all times to everyone occupying the flats. (C14EC)

Reason:

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

- 15 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not

be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 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)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 19 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- Green 'living' roof at main roof level.

You must not remove any of these features. (C43FA)

Reason:

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

- 20 You must provide the following environmental sustainability features (environmentally friendly

features) before you start to use any part of the development, as set out in your application.

- Photovoltaic panels at roof level.

You must not remove any of these features. (C44AA)

Reason:

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

- 21 You must apply to us for approval of a scheme of mechanical ventilation to provide adequate cooling and incorporating appropriate air quality filtration (NOx), to be provided to all flats within the development. You must then carry out the development in accordance with the details we approve and you must not occupy the flats until the approved air quality filtration system has been installed. Thereafter it must be permanently maintained and retained for the lifetime of the development.

Reason:

To ensure the flats within the development provide an internal living environment with an acceptable level of air quality in accordance with Policy S31 in Westminster's City Plan that we adopted in November 2016.

- 22 You must provide each car parking space shown on the approved drawings at basement level and each car parking space shall only be used for the parking of vehicles of people living in this residential development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 23 You must provide the vehicular access ramp to basement level at the north western boundary of the site prior to occupation of the development and thereafter you must permanently retain the ramp in accordance with the approved drawings.

Reason:

To provide parking spaces for people living in the new residential development and to maintain access to existing parking for neighbouring residential and office uses as set out in STRA 25, TRANS22 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must apply to us for approval of a vehicle signalling system to control car access to and from the basement car park, which priorities vehicles entering the basement via the car ramp. You must then install the signalling system in accordance with the details we approve prior to occupation of the flats. Thereafter you must permanently retain the signalling system.

Reason:

Item No.
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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)

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

Reason:

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

- 26 You must provide electric car charging points within the basement car park at a ratio of not less than 1 charging point per 5 spaces (a total of not less than 3 charging points). The car charging points shall be installed prior to occupation of the flats hereby approved and thereafter retained.

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (March 2016).

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

Reason:

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

- 28 The three or more bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 29 **Pre Commencement Condition.** You must carry out a detailed site investigation 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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

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.
(C18AA)

Reason:

To make sure that any contamination 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. (R18AA)

- 30 You must apply to us for approval details of the irrigation and rainwater harvesting system, including identification of the size and location of the attenuation tank and how the system will be integrated into the landscaping scheme. You must then carry out the development in accordance with the details we approve. You must install the irrigation and rainwater harvesting system we approve prior to occupation of the development and thereafter you must retain this sustainable urban drainage system.

Reason:

To limit flood risk and surface water runoff in accordance with Policies S31 in Westminster's City Plan adopted in November 2016 and Policies 5.12 and 5.13 in the London Plan (March 2016).

- 31 You must carry out the development in accordance with the energy strategy set out in the Energy and Sustainability Statement (Rev.A) dated November 2017. Thereafter you must operate the development in accordance with the approved energy strategy.

Reason:

To make sure that the development provides the environmental sustainability features included in your application in accordance with S28, S39 and S40 in Westminster's City Plan adopted in November 2016 and Policies 5.2, 5.3 and 5.7 in the London Plan (March 2016).

- 32 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 15 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

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

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 4 Condition 29 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 5 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM_s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM_s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 6 Conditions 15 and 32 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 You are advised that the final decision on the provision of new on-street parking is for the City Council as Local Highway Authority. As it a separate legal process, their outcome cannot be guaranteed. The changes the applicant wishes to make require agreement of the Local Highway Authority. Please contact our Highways Planning team with regard to this matter on 020 7641 2062.
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 9 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 10 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 11 The term 'clearly mark' in condition 14 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 12 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 13 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 14 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of

works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 15 It should be noted that none of the external works affecting the public highway indicated on the submitted drawings have approval from the Local Highway Authority as a result of this decision letter and separate approval will be required.
- 16 This permission is governed by a unilateral undertaking given by the applicant to the City Council as Local Planning Authority under S106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. Notice of commencement of development (three months prior to commencement).
 - ii. Provision of highway works outside the site in Ashbridge Street, including alterations to crossovers and replacement of two street trees and on-street parking bays.
 - iii. Provision of 'life time' (25 year) car club membership for each flat.
 - iv. Subject to further study, provision of a carbon off-set payment of £36,576 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
 - v. Offer local employment opportunities during construction.
 - vi. Provision of costs for monitoring of agreement (£500 per head of term).
- 17 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

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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.

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Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	Ashmill Street Car Park, Ashmill Street, London, NW1		
Proposal	Erection of 2 three storey dwellinghouses (Class C3) for use as affordable housing on southern half of existing surface level car park, provision of a new on-street car parking bay in Shroton Street, and associated works (linked to redevelopment of 29 Cosway Street and 2 Ashbridge Street sites that are also on this agenda – Items 1 and 2).		
Agent	Peter Brett Associates LLP		
On behalf of	Westminster City Council		
Registered Number	17/11405/COFUL	Date amended/ completed	5 June 2018
Date Application Received	22 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Lisson Grove		

1. RECOMMENDATION

<p>1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following planning obligations:</p> <ul style="list-style-type: none"> i. Notice of commencement of development (three months prior to commencement). ii. Provision of highway works in Shroton Street, including removal of crossover in footpath and provision of additional on-street residents' parking bay. iii. Provision of 'life time' (25 year) car club membership for each dwellinghouse. iv. Provision of costs for monitoring of agreement (£500 per head of term). <p>2. If the unilateral undertaking to secure the planning obligations has not been completed by 1 October 2018 then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
--

- b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site comprises the surface level car park located between Ashmill Street and Shroton Street. The car park has vehicular entrances to both street elevations, but only one is used (the Ashmill Street entrance), whilst the other is permanently locked. The car park provides 15 parking spaces at present and a condition imposed on the 1980's planning permission for the redevelopment of the neighbouring sites at Nos.78 to 98 Ashmill Street and No.36 Daventry Street requires the car park to be provided for the parking of cars of residential occupiers of these neighbouring properties.

The current application seeks permission to redevelop the south part of the car park to provide two dwellinghouses containing 4 bedrooms. The proposed dwellinghouses would be three storeys in height with small courtyard gardens to the rear. Six off-street parking spaces would be retained within the Ashmill Street Car Park and removal of the vehicle crossover in Shroton Street would allow the creation of one additional on-street residents' parking bay. The proposal will result in the loss of 9 off-street residents' parking spaces.

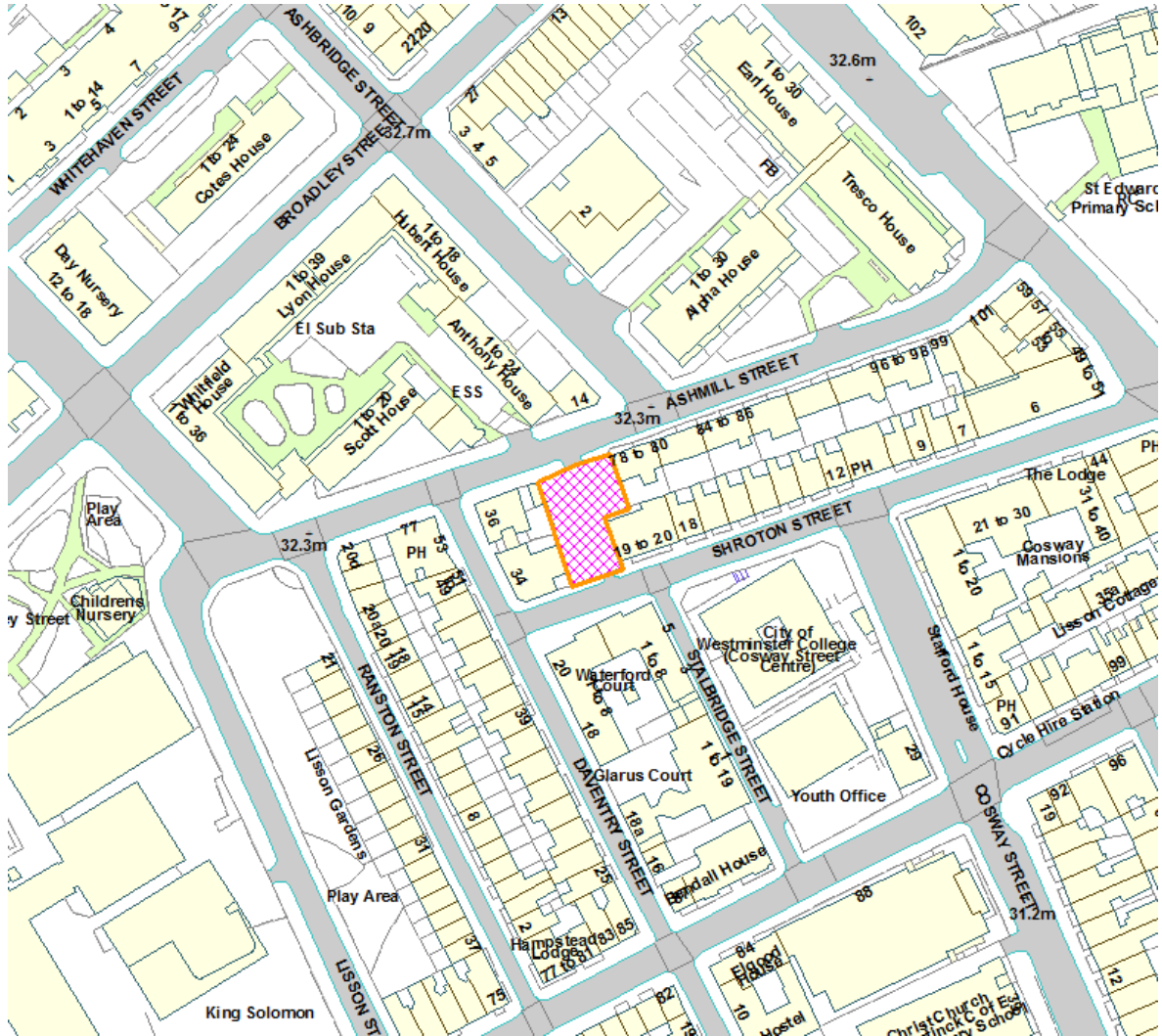
The proposed development is proposed to be used as affordable housing and fulfils part of the requirement for provision of off-site affordable housing for the market residential redevelopment of the adjacent site at No.29 Cosway Street, which is also on this Sub-Committee agenda (see Item 1).

The key issues in this case are:

- Redevelopment of part of this car park to provide affordable housing.
- The impact of the proposed development on the availability of on and off site car parking for neighbouring residents.
- The impact of the development on the appearance of the site and the character and appearance of the Lisson Grove Conservation Area.
- The impact on the amenity of neighbouring residents.

The proposed development is considered to be acceptable in land use, design and conservation, amenity and environment terms and would accord with the relevant policies in the Unitary Development Plan we adopted in January 2007 ('the UDP') and Westminster's City Plan that we adopted in November 2016 ('the City Plan'). The loss of existing on-site residential parking would be contrary to Policy TRANS23 in the UDP, but the planning benefits that would be delivered by the proposed development, in terms of affordable housing delivery, enhancement of Lisson Grove Conservation Area and reduction in anti-social behaviour on the site, would in combination with the mitigation measures recommended, outweigh the loss of residents parking. As such, the application is recommended for approval, subject to the conditions set out in the draft decision letter and completion of a unilateral undertaking to secure the planning obligations set out the recommendation in Section 1 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Ashmill Street Car Park from Shroton Street (top) and view of car park from Ashmill Street (bottom).

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (January 2018)

WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

Objection. Note that there are plenty of good examples of modern townhouses in Westminster which could act as inspiration for this proposal. Should be a very high quality development given this is a Westminster scheme. Elevations are not appropriate for London townhouses. Deep balconies are not characteristic and are likely to accumulate junk unless this is controlled in the leases. The new houses will have an adverse effect on the neighbouring building, which is rather fine and makes a significant contribution to the street (Nos.19-20 Shroton Street).

CITY WEST HOMES

Any response to be reported verbally.

CLEANSING MANAGER

Drawings do not show bin capacities for waste and recycling. Bins should also be marked 'w' and 'r' on drawings and details provided as to how the bins will be collected.

DESIGNING OUT CRIME OFFICER

No objection. Detailed comments made in respect of the security measures that should be incorporated in to the scheme. Notes that the existing open car park was referred to in 14 crimes reported in November 2017 and recommends that lighting is installed to the rear over the remaining car park area and fob operated gates should be provided at the entrance to the car park.

ENVIRONMENTAL HEALTH

No objection.

HEAD OF AFFORDABLE HOUSING AND STRATEGY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objects to the loss of existing off-street residents parking (loss of 9 spaces) that are protected by the condition imposed on the 1983 permission. Does not consider that exceptional circumstances have been demonstrated to justify the loss of the spaces. Not convinced by applicant's argument that only two spaces are currently used by occupiers of the 1983 development as this is only the current situation and may change and as applicant has not confirmed the basis on which the parking spaces are let/ offered. Appears from other lettings that the spaces have not been managed historically in accordance with the 1983 permission condition. Welcome removal of crossover and creation of new parking on-street bay (subject to other necessary consents being granted) but does not consider this to outweigh loss of off street parking. In terms of on-street parking pressure, the most recent survey data indicates on-street parking occupancy is at 64% overnight (including single yellow lines, metered bays, pay and display and shared use spaces), whilst occupancy levels during the daytime are at 83%.

Within Church Street Ward census data indicates 28% of households have one or more cars.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70.

Total No. of replies: 5.

No. of objections: 5.

No. in support: 0.

Five emails received from five respondents raising objection on all or some of the following grounds:

Land Use

- Object to the segregation of private owners and social tenants that would occur as a result of this scheme and its linked schemes.
- No reason why the occupants of all three schemes could not be a mix of private owners and social rented tenants.
- As this is Council's Own development it should provide a mix of housing tenures on each site.
- Improving the value of the Cosway Street site should not be a justification for not providing affordable housing on that site.
- Gardens proposed are inappropriate for four bedroom houses and will be mostly in shade.
- Development on this site should be private housing given the number of affordable units in adjoining streets.

Design

- Design of proposed buildings represents an enhancement on the existing state of the site.
- Design of proposed building does not integrate or reflect the Victorian quality or character of Shroton Street. Building should have a pitched roof and reflect the historic character of the area.
- Scheme would not preserve or enhance the conservation area. New building on the site should enhance the character and appearance of the conservation area.
- Scheme would be contrary to NPPF as it harms a heritage asset.
- Design of building is out of keeping with buildings either side.

Highways/ Parking

- For many years the Council has not allowed residents to park in the car park.
- The parking spaces have been commercially let for many years contrary to the 1983 condition.
- Provision of one new on-street residents parking bay is not sufficient to mitigate the impact of the development on on-street parking pressure.
- Residents of the new dwellings should not be allowed parking permits.
- There is no 'vehicle' in the application to allow residents in Nos.78-98 Ashmill Street and No.36 Daventry Street to park in the car park.

- Likely that parking spaces will continue to be let to market traders.
- Not sure if it is appropriate for bins to be emptied via the car park. Bin storage should be accommodated on Shroton Street.

Other Matters

- No notification of application received.
- Could not see site notice outside the site.
- Objection to building up against the flank wall of Nos.19-20 Shroton Street as there are downpipes and flues/ vents in this elevation that are not accommodated in the proposed development. Concern that these could not easily be relocated without harming the appearance of No.19-20 and causing harm to the commercial occupiers of this building.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Consultation on Revised Scheme – Amended Detailed Design and Omission of 3rd Floor Terrace (June 2018)

WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

Elevation design has improved significantly since initially submitted scheme. Scheme now picks up on the typical historic configuration of such houses in the area and the heights of openings also now relate to nearby residential properties. Note that protruding slabs over porch roofs overhang pavements, a detail for which there are no precedents in the area.

CITY WEST HOMES

Any response to be reported verbally.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HEAD OF AFFORDABLE HOUSING AND STRATEGY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70

Total No. of replies: 0.

No. of objections: 0.
No. in support: 0.

PRESS ADVERTISEMENT/ SITE NOTICE
Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the surface level car park located between Ashmill Street and Shroton Street. The car park has vehicular entrances to both street elevations, but only one is used (the Ashmill Street entrance), whilst the other is permanently locked. The car park provides 15 parking spaces at present and a condition imposed on the 1983 planning permission for the redevelopment of the neighbouring sites at Nos.78 to 98 Ashmill Street and No.36 Daventry Street requires the car park to be provided for the parking of cars of residential occupiers of these neighbouring properties.

The site is located within the North Westminster Economic Development Area (NWEDA), which encourages development that improves the quality and mix of housing. It is also within the Edgware Road Housing Zone designated by the Mayor, which seeks the delivery of 1,113 new homes in the area.

The City Council's Church Street Masterplan (December 2017) sets a target to deliver 1,010 new homes in the masterplan area over the next 15-20 year period. Whilst this is a material planning consideration, this is not an adopted development plan document and has not been published or adopted by the City Council in its role as Local Planning Authority.

The site does not contain any listed buildings, but the southern half of the site (where the dwellinghouses are proposed) is within the Lisson Grove Conservation Area. The southern frontage of the site in Shroton Street is largely open with a low metal fence and frame around the vehicular entrance. The four storey yellow stock brick former mission rooms for Christ Church, immediately to the east in Shroton Street at Nos.19-20, which is of grander scale and richer detail than its neighbours, is considered to be an unlisted building of merit within the Lisson Grove Conservation Area. Further to the east Shroton Street is characterised by modestly scaled and detailed late Victorian blocks of flats comprising lower ground and three upper floors. The car park site is identified in the Lisson Grove Conservation Area Audit as having a negative impact on the character and appearance of the conservation area.

In Ashmill Street the existing car park sits between No.78 Ashmill Street and No.36 Daventry Street. The frontage of the site in Ashmill Street comprises a high decorative rendered wall, which is to be retained.

6.2 Recent Relevant History

6.2.1 Application Site

83/02418/COFUL

Erection of 29 starter flats or maisonettes and provision of 17 car parking spaces (site comprising Nos. 78 and 98 Ashmill Street and No.36 Daventry Street).

Application Permitted 1 September 1983

Application approved subject to a condition requiring the provision of the car parking spaces for the residents of the development. The condition is worded as follows:

'The whole of the car parking accommodation shown on the drawings shall be provided and retained permanently for the accommodation of vehicles of the occupiers of residential accommodation in this development.'

6.2.2 Applications Linked to Current Application

The applications below were submitted concurrently with this application by the same applicant (Westminster City Council). The applicant proposes that the three sites are linked via a unilateral undertaking so that the affordable housing requirement generated by market residential redevelopment of the Cosway Street site can be provided off-site in the immediate vicinity on the site in Ashbridge Street site and the application site (see Items 1 and 2 on this Sub-Committee agenda).

17/11404/COFUL – 29 Cosway Street, NW1

Demolition of existing buildings and structures and erection of new building of up to five storeys plus basement floor to provide 49 residential units (Class C3); with car and cycle parking, storage and plant rooms at basement level and landscaping to central garden and site frontages and associated works (Revised Scheme).

17/10968/COFUL – BT Repeater Station, 2 Ashbridge Street, NW1

Demolition of existing BT Repeater Station building, with retention of BT service area and associated access. Redevelopment of the site to erect a five storey building to provide 26 residential units, with existing basement floor used to provide parking, plant and services spaces accessed via a new ramp from Ashbridge Street. Removal of existing vehicular ramp to rear of site and provision of new landscaping to amenity space.

7. THE PROPOSAL

The application seeks permission to redevelop the southern part of the car park to provide two dwellinghouses containing 4 bedrooms. The proposed dwellinghouses would be three storeys in height with small courtyard gardens to the rear. Six off-street parking spaces would be retained within the Ashmill Street Car Park, but 9 spaces would be lost from the existing 15 space car park. Removal of the vehicle crossover in Shroton Street would allow the creation of one additional on-street residents' parking bay.

The proposed houses would be faced in red brickwork, with reconstituted stone detailing. The scale and detailing proposed seeks to replicate the modest scale and palette of materials of the late Victorian blocks of flats to the east along Shroton Street, albeit the detailing proposed would be more contemporary.

As set out in Section 6.2.2, it is proposed that the dwellinghouses would be used as affordable housing to partially meet the requirement for provision of off-site affordable housing for the market residential redevelopment of the adjacent site at No.29 Cosway Street. In terms of tenure, the two dwellinghouses would be provided as social rented properties.

Table 1 – Existing and proposed floorspace figures.

	Existing GIA (m2)	Proposed GIA (m2)	+/-
Residential (Class C3)	0	242	+242
Total	0	242	242

8. DETAILED CONSIDERATIONS

8.1 Land Use

Subject to the loss of the existing residential parking being found to be acceptable in parking terms (see assessment of this issue in Section 6.4), the use of the southern part of the site to provide two dwellinghouses, both of which would be family sized (containing 3 or more bedrooms) and have floor areas in excess of the requirements of Policy 3.5 in the London Plan, would accord with Policies H3 and H5 in the UDP and Policies S14 and S15 in the City Plan.

Objection has been raised on grounds that the gardens proposed would be inappropriate for dwellinghouses of the size proposed due to their size and north facing aspect. However, given the constraints of developing this gap site within established townscape, the gardens proposed are acceptable, particularly given many existing flats and dwellinghouses in the immediate vicinity do not have access to any external amenity space. Whilst larger rear gardens could be provided, this would be at the expense of additional off-street residents parking spaces, which would increase the conflict with Policy TRANS23 in the UDP (see Section 8.4).

Objections have been raised on grounds that the affordable housing for the redevelopment of the site at 29 Cosway Street should be provided on that site and not in the off-site in the vicinity. However, this is not a material consideration in the determination of this application for this 'donor' site for affordable housing, as its use as affordable housing would accord with Policy H4 in the UDP and Policy S16 in the City Plan. The acceptability of the provision of affordable housing off-site in the vicinity of the site at 29 Cosway Street is considered in the report for that site, which is also on this Sub-Committee agenda (see Item 1).

8.2 Townscape and Design

The bulk, height and form of the proposed dwellinghouses seeks to replicate the bulk, height and form of the red brick faced late Victorian blocks of flats to the east along Shroton Street. In doing so, the intention is to provide a balanced built form to either side of the principal building in the street elevation along the north side of Shroton Street, which is the former Christ Church mission rooms at Nos.19-20 Shroton Street. This

approach to the bulk, form and modelling of the proposed building would result in a scheme that would not compete with the height and scale of the former mission and would reinstate an appropriate frontage height to the north side of Shroton Street where there is currently a gap.

The use of red brickwork as the predominant facing material is considered to be acceptable and would further reflect the form and detailing of the terrace to the east between Nos.12 and 18 Shroton Street.

The detailed design and of the facades of the building has been revised during the course of the application in response to initial concerns expressed by officers, neighbouring residents and the St. Marylebone Society that the originally submitted scheme was not sufficiently contextual in terms of its detailing. The revised scheme has introduced windows of a scale and rhythm that is more consistent with the existing blocks of flats between Nos.12 and 18 Shroton Street. The revised scheme also includes soldier courses above first floor level and at parapet level to mirror the string course detailing to Nos.12 to 18. Reconstituted stone detailing to the heads of windows and doors and to the roof parapet would reference the stone and brick detailing to the window and door heads of Nos.12 to 18. As a consequence of the detailing that has been introduced in the revised scheme, which is contemporary in execution, but successfully interprets the historic terrace to the east, the proposed development would sit comfortably within the street scene. The detailing proposed, combined with the bulk and height of the proposed building would ensure the development would appear as a subservient building to the former mission rooms at No.19 to 20, which does not seek to compete with its rich detailing and grander form.

The St. Marylebone Society have raised specific concern that the canopies over the front doors would project over the highway. However, this is not the case, as the canopies have a relatively shallow projection and would not extend beyond the front gardens of the properties.

In summary, the proposed development is considered to enhance the appearance of this part of the Lisson Grove Conservation Area and as such, despite the objections raised, it would accord with Policies DES1, DES4 and DES9 in the UDP, Policies S25 and S28 in the City Plan and Paragraph 200 of the NPPF (July 2018).

8.3 Residential Amenity

The bulk and mass of proposed building would be set against the blank flank wall of Nos.19-20 Shroton Street and would therefore have no adverse impact on the office accommodation within this neighbouring building in terms of loss of light or increased sense of enclosure. The windows to the front and rear elevation would not afford overlooking to this neighbouring building or any other buildings further to the east in Shroton Street.

To the western side of the site the ground and first floors of the proposed building would largely be sited against the windowless two storey east elevation of No.34 Daventry Street. At ground and first floor levels the proposed building would project to the south of the eastern flank elevation of No.34 (towards Shroton Street) by 1 metre and to the north of the flank wall by 1.5 metres. The whole of the second floor would rise above the east

elevation of No.34. Given the limited forward and rearward projection of the proposed building relative to the existing eastern flank wall of No.34 and as the additional bulk at second floor level would be located at an oblique angle to the neighbouring windows at No.34, it is not considered that the proposed scheme would cause a material loss of daylight or sunlight, nor cause a materially increased sense of enclosure, as a significant portion of unobstructed sky would remain. No windows are proposed in the western side elevation facing No.34 Daventry Street and therefore the rear windows of this neighbouring property would not suffer any loss of privacy.

Windows in Waterford Court on the south side of Shroton Street would suffer some loss of daylight and an increased sense of enclosure. However, the scale of the development proposed would mirror the height and scale of Waterford Court and therefore the extent of daylight loss would fall within the tolerances allowed for in the Building Research Establishment (BRE) Guidelines (2011) 'Site Layout Planning for Daylight and Sunlight'. Furthermore, the proposed development would be separated from Waterford Court by the width of Shroton Street and this relationship between adjacent buildings across a street in this part of the City would be typical; whereas the existing situation where the site comprises a surface level car park, is atypical.

In terms of overlooking, the proposed development would introduce new windows in the front elevation facing windows in Waterford Court on the south side of Shroton Street. However, as above, the proposed windows would be separated from Waterford Court by a distance that is typical of surrounding streets and in this context, it is not considered that the overlooking that would be caused would be so significant so as to warrant withholding permission.

To the rear, neighbouring neighbouring properties at No.36 Daventry Street and to the north east along Ashmill Street would be sufficiently distant from the proposed development and off set at an oblique angle so as not to suffer any material loss of light, increased sense of enclosure or increased overlooking.

The proposed scheme includes the provision of rear gardens for the two dwellinghouses, but these would be small in scale and their use would not cause significant noise disturbance to neighbours. A condition is recommended to prevent the use of the roof of the building to prevent noise disturbance and overlooking of neighbouring windows.

In summary, the proposed development would not cause a significant loss of amenity to the occupiers of neighbouring properties and would accord with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

8.4 Transportation/ Parking

Neighbouring residents and the Highways Planning Manager have raised objection to the loss of the existing off-street residents' parking provided by the Ashmill Street Car Park, which is secured by a condition imposed on the June 1983 permission for the redevelopment of the sites at Nos.78-98 Ashmill Street and No.36 Daventry Street to provide 29 flats and maisonettes. The condition requires the provision of the car park for the parking of cars belonging to the residential occupiers of the development granted by the 1983 permission (see the wording of the condition in Section 6.2.1).

As currently configured, the existing car park provides 15 car parking spaces. The applicant has indicated that only two of the car parking spaces are currently let to occupiers flats within the development granted by the 1983 permission and argues that their parking demand, along with that of the proposed dwellinghouses, can be met by the six parking spaces that are proposed to be retained. However, this only represents the current use of the car park, which is in breach of the condition attached to the 1983 permission. The actual loss of residents parking caused by the development (i.e. that which should currently be available to them) would be 8 spaces, given that 9 spaces would be lost from the existing car park, with one additional on-street space being created in Shroton Street where the existing redundant secondary entrance to the car park is to be removed. The loss of these car parking spaces is contrary to Policy TRANS23 in the UDP, which sets out that '*The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances*'.

In terms of on-street parking availability, recent survey data indicates on-street parking occupancy is at 64% overnight (including single yellow lines, metered bays, pay and display and shared use spaces), whilst occupancy levels during the daytime are at 83%. Within Church Street Ward census data indicates 28% of households have one or more cars.

In this case, having regard to the existing on-street parking levels and the relatively low levels of car ownership within the Church Street Ward in which the site is located, it is considered that there the planning benefits that arise from the proposed development, in terms of delivery of affordable housing and the repair of the townscape along Shroton Street within the Lisson Grove Conservation Area outweigh the impact on the availability of residents parking in the vicinity of the site and constitute an exceptional circumstance to the normal policy presumption. Additionally, the application offers the opportunity to improve the security of the remaining car park (see Section 8.7), thereby reducing anti-social behaviour in the vicinity of the site, which is noted by the Designing Out Crime Officer. It is though recommended that the remaining car parking spaces on the site are reserved for use by the occupiers of Nos.78-98 Ashmill Street and No.36 Daventry Street, as per the original 1983 permission, and the future occupiers of the proposed development. In view of the net loss of parking on the site, it is also recommended that each dwellinghouse is provided with lifetime (25 year) car club membership to limit future demand for the parking by occupiers of the proposed development. This is to be secured via the unilateral undertaking.

The scheme includes the provision of two cycle parking spaces for each dwellinghouse, in accordance with Policy 6.9 in the London Plan, and these are to be secured by condition. The Highways Planning Manager has raised concern that a right of access may not be maintained in future across the car park to provide access to the cycle store. However, the cycle store can also be accessed through the dwellinghouses from Shroton Street and therefore this concern is therefore not a ground on which permission could reasonably be withheld.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The proposed dwellinghouses would have level access from Shroton Street to their ground floors. Given the constraints of the site and the proposed use as larger dwellinghouse, this level of accessibility is considered to be acceptable and consistent with Policies DES1 and TRANS27 in the UDP and Policy S28 in the City Plan.

8.7 Other UDP/ Westminster Policy Considerations

The Cleansing Manager does not object to the principle of providing waste and recycling storage to the rear of the site, but requests further details to demonstrate that the storage capacity would be sufficient and to demonstrate how waste and recycling will be collected from Ashmill Street via the car park entrance. Subject to this condition, the proposed development would accord with Policy ENV12 in the UDP.

The Designing Out Crime Officer has raised concerns with regard to the safety and security of the remaining section of the Ashmill Street Car Park. The existing car park attracts anti-social behaviour and there is a risk that this could become more pronounced as the dwellinghouses would enclose the southern side of the remaining car park, resulting in it becoming a 'dead end' and more enclosed than is currently the case. To address this concern and ensure the remaining car park and the rear of the dwellinghouses are a safe and secure environment in accordance with Policy DES1(B) in the UDP and Policy S29 in the City Plan, it is recommended that a condition is imposed requiring a scheme of lighting and provision of gated access to the car park.

8.8 London Plan

The application does not raise strategic issues and is not referable to the Mayor of London. Where relevant policies in the London Plan (March 2016) are referred to elsewhere in this report.

Whilst the Mayor of London published a draft new London Plan for consultation in December 2017, the response to the issues raised during the consultation period has yet to be published and the draft new London Plan has yet to be examined in public by an Inspector. Consequently, it is considered to have very little weight for development control purposes at the present time.

8.9 National Policy/Guidance Considerations

Whilst the City Plan and UDP were adopted prior to the recent publication of the latest version of the NPPF on 24 July 2018, paragraph 213 of the latest version of the NPPF states '*...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'. 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. The proposal has been assessed in light of the recently published NPPF.

8.10 Planning Obligations

As set out in earlier sections of this report, it is recommended that the following planning obligations, which are required to make the proposed development acceptable, are secured via a unilateral undertaking:

- i. Notice of commencement of development (three months prior to commencement).
- ii. Provision of highway works in Shroton Street, including removal of crossover in footpath and provision of additional on-street residents' parking bay.
- iii. Provision of 'life time' (25 year) car club membership for each dwellinghouse.
- iv. Provision of costs for monitoring of agreement (£500 per head of term).

The estimated CIL payment for the proposed development is £57,508 for Westminster's CIL and £17,472 for the Mayoral CIL. However, as the dwellinghouses are intended to be used as affordable housing, it is likely that they would qualify for CIL relief and would therefore not generate a Mayoral or Westminster CIL payment.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

The office occupiers of Nos.19-20 have objected on grounds that the proposed development would block air vents in the side elevation of Nos.19-20 and require the relocation of an existing downpipe. However, the relocation of the vents and downpipe are matters for resolution between the respective parties as part of a party wall agreement. They are not grounds on which permission could reasonably be withheld and therefore the objection raised cannot be supported.

Two objectors have raised concerns that they did not receive notification of the application as part of the initial consultation exercise. However, the City Council's records demonstrate that 70 neighbour notification letters were sent to the nearest neighbouring residents as part of the initial consultation exercise. A site notice was displayed outside the site and a press notice was placed in the local newspaper. This consultation exercise was repeated in respect of the revised scheme in June 2018. The consultation undertaken has therefore met the statutory requirements for consultation of a planning application and has accorded with Section 8 of the City Council's Statement of Community Involvement in Planning (June 2014).

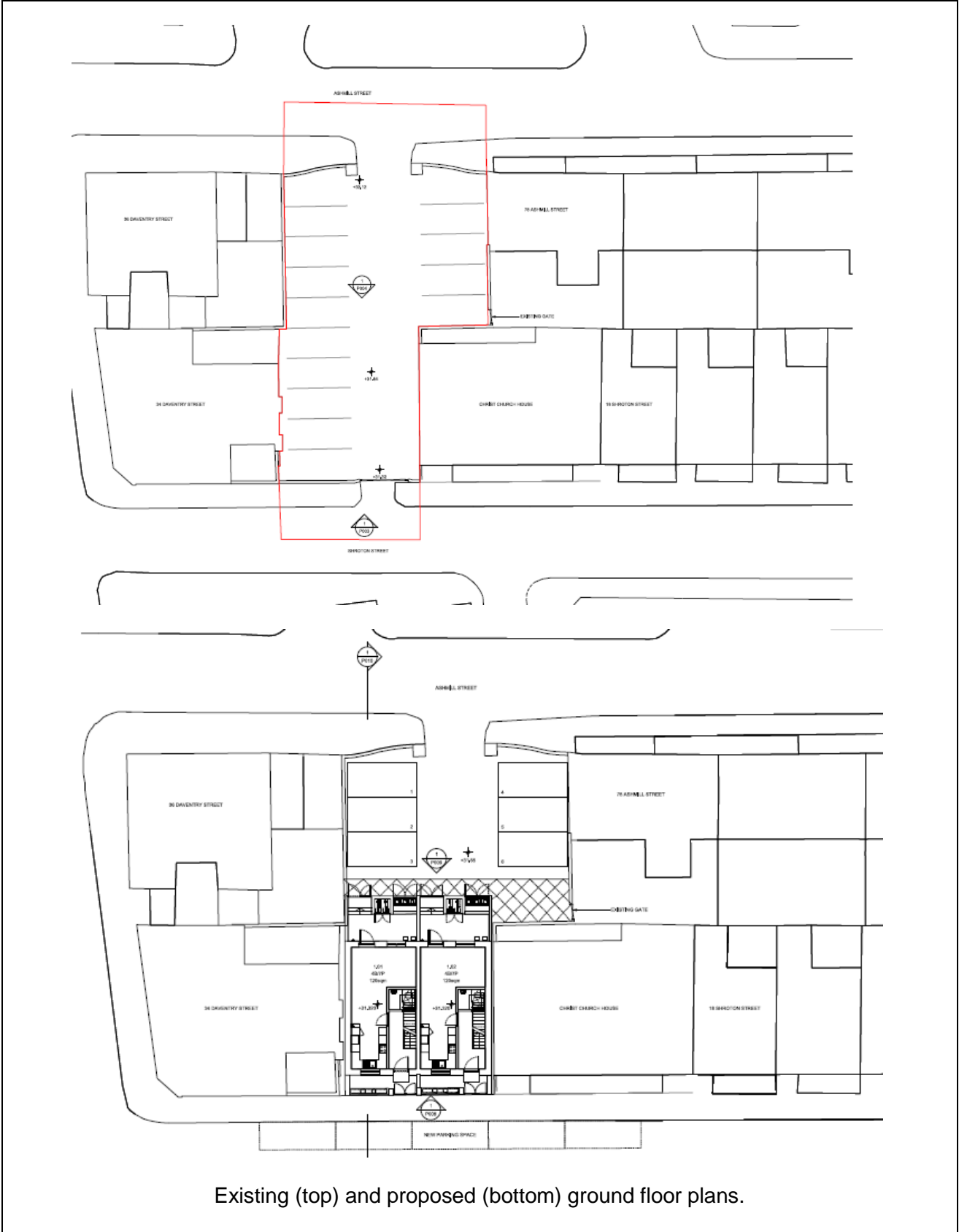
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

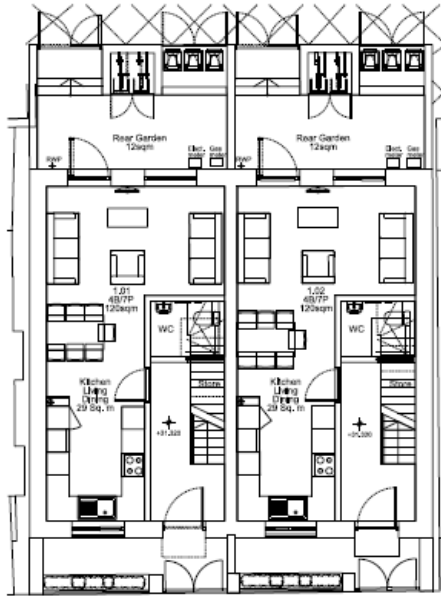
9. KEY DRAWINGS



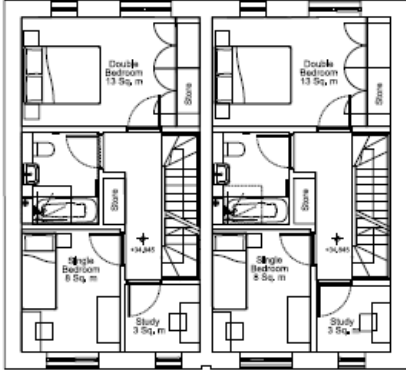
Montage of proposed development looking east along Shroton Street.



Existing (top) and proposed (bottom) ground floor plans.



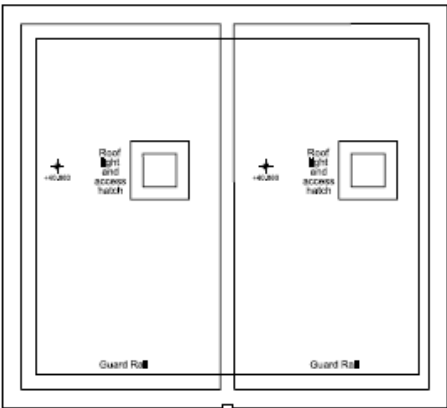
1 GROUND FLOOR PLAN



2 FIRST FLOOR PLAN



1 SECOND FLOOR PLAN



2 ROOF PLAN

Ground, first, second, third and roof plans.



Proposed front (top) and rear (bottom) elevations.

DRAFT DECISION LETTER

Address: Ashmill Street Car Park, Ashmill Street, London,

Proposal: Erection of 2 three storey dwellinghouses (Class C3) for use as affordable housing on southern half of existing surface level car park, provision of a new on-street car parking bay in Shroton Street, and associated works.

Plan Nos: P001, P002, P003, P004, P005/A, P006/A, P007/A, P008/A, P009/A, P010/A, P011/A, Revised Design and Access Statement dated June 2018, Daylight and Sunlight Assessment dated December 2017 (Rev.P2), Ecological Report dated December 2017 (Rev.AA), Phase 1 Ground Condition Assessment dated October 2017 (R001/rev0), Noise Impact Assessment dated December 2017 (Rev.01), Planning Statement dated December 2017 (Rev.AA), Statement of Community Engagement dated December 2017, Transport Technical Note dated 21 December 2017 and Heritage Statement dated December 2017 (Rev.AA).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of detailed drawings of the following parts of the development:

- (a) Typical elevations and sections of windows and doors.
- (b) Elevations and sections of expressed lintels above windows and doors.
- (c) Front boundary gates and railings.
- (d) Rear boundary gates, walls and bin store structures.

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. (C26DB)

Reason:

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

- 5 You must not use the roofs of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the buildings, erect any extensions, alter the external facades of the buildings or erect any outbuildings without our permission. This is despite the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Lisson Grove Conservation Area. This is as set

Item No.
3

out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

- 8 Notwithstanding the waste and recycling storage shown on the drawings hereby approved, you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. The details you submit must include the following:

- (a) specification of the bin capacities for waste and recyclable materials;
- (b) indication of the bins on the drawings with the bins labelled R for recycling and W for Waste, and;
- (c) details of how the waste will be collected, including a waste route diagram from the waste store to the loading point.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone occupying the dwellinghouses. (C14EC)

Reason:

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

- 9 You must provide each of the 6 car parking space shown on the approved drawings in the surface level car park accessed from Ashmill Street and each car parking space shall only be used for the parking of vehicles of people living the development or in the residential properties at Nos.78 to 98 Ashmill Street and No.36 Daventry Street. (C22BA)

Reason:

To provide parking spaces for people occupying the development and people occupying adjacent residential properties, for which the use of the car park has previously been reserved, as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 10 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- (a) Provision of gates to the northern entrance to the car park from Ashmill Street.
- (b) Provision of a scheme of lighting for the amended car park area.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings prior to occupation of the dwellinghouses. (C26UB)

Reason:

To ensure that the car park and the rear of dwellinghouses provide a safe and secure environment that does not attract anti-social behaviour, as set out in S29 of Westminster's City Plan (November 2016) and DES 1(B) of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 7 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.

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Former North Westminster Community School, North Wharf Road, London, W2 1LF		
Proposal	<p>Variation of Conditions 1, 3, 4, 6, 8, 9, 12, 17 and 30 of planning permission dated 22 February 2018 (RN: 16/12289/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings. NAMELY, external alterations to approved hotel, serviced apartments and school building, internal layout changes to hotel and serviced apartments with the number of hotel rooms increased from 224 to 373 rooms and serviced apartments increased from 55 to 247, internal alterations to school, and amendment of conditions to allow phased delivery of amended scheme and to amend condition triggers.</p>		
Agent	DP9		
On behalf of	Concierge 3 Limited		
Registered Number	18/03869/FULL	Date amended/ completed	10 May 2018
Date Application Received	10 May 2018		
Historic Building Grade	Unlisted		

Conservation Area

N/A

1. RECOMMENDATION

1. Grant conditional permission, subject to completion of a deed of variation to the original S106 agreement to continue to secure the originally secured planning obligations; namely:
 - i. Notice of commencement of development (three months prior to commencement).
 - ii. Provision of 64 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to occupation of more than 50% of the market housing units and a financial contribution of £873,000 to the affordable housing fund prior to commencement of development.
 - iii. Provision at a peppercorn rent of the social and community floor space (the new primary school premises).
 - iv. A financial contribution of £599,423 (index linked) prior to commencement towards the Social and Community Fund.
 - v. A financial contribution of £836,448 (index linked) prior to commencement towards the Education Fund.
 - vi. A financial contribution of £131,541 (index linked) prior to commencement to PATS.
 - vii. A financial contribution of £457,329 (index linked) prior to commencement towards PATEMS.
 - viii. A financial contribution of £22k pa for period of construction works to the Environmental Inspectorate to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).
 - ix. A financial contribution of £6k pa for period of construction works to the Environmental Sciences Team to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).
 - x. Provision of garden space facing North Wharf Road as Public Open Space.
 - xi. Provision of public realm works in accordance with a public realm masterplan.
 - xii. Provision, maintenance and use of and access to the on-site public realm including the landscaped open space.
 - xiii. Provision of car club memberships (25 years) for 64 residential units (the affordable housing units).
 - xiv. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis and provision of affordable housing parking at nil cost.
 - xv. Provision, maintenance and access to on-site bus drivers toilet facility.
 - xvi. Provision of and adherence to an advertisement and shop front design strategy.
 - xvii. Provision and management of on-site car club spaces.
 - xviii. Provision and periodic review of a site wide travel plan.
 - xix. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road and Harrow Road.
 - xx. Provision of Harrow Road Traffic Island prior to occupation.
 - xxi. Provision of and adherence to a Servicing Management Strategy.
 - xxii. Provision of on-site space for Mayor's cycle docking station.
 - xxiii. Provision and management of on-site CCTV.
 - xxiv. Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.

- xxv. Demonstration of compliance with the Code of Construction Practice and signing up to the Considerate Constructors Scheme.
 - xxvi. Mitigation measures for television interference.
 - xxvii. Provision of and compliance with a Balcony Management Strategy.
 - xxviii. Provision of development in full accordance with submitted Code for Sustainable Homes and BREEAM assessments.
 - xxix. Adherence with the Council's Local Procurement Code.
 - xxx. Temporary relocation of North Wharf Road bus stand during construction works and permanent re-provision of bus stand in North Wharf Road at applicant's cost.
 - xxxi. Provision of costs for monitoring of agreement (£500 per head of term).
2. If the deed of variation has not been completed by 3 September 2018 then:
- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place. That the Executive Director Growth, Planning and Housing, or other such proper officer of the City Council responsible for planning highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

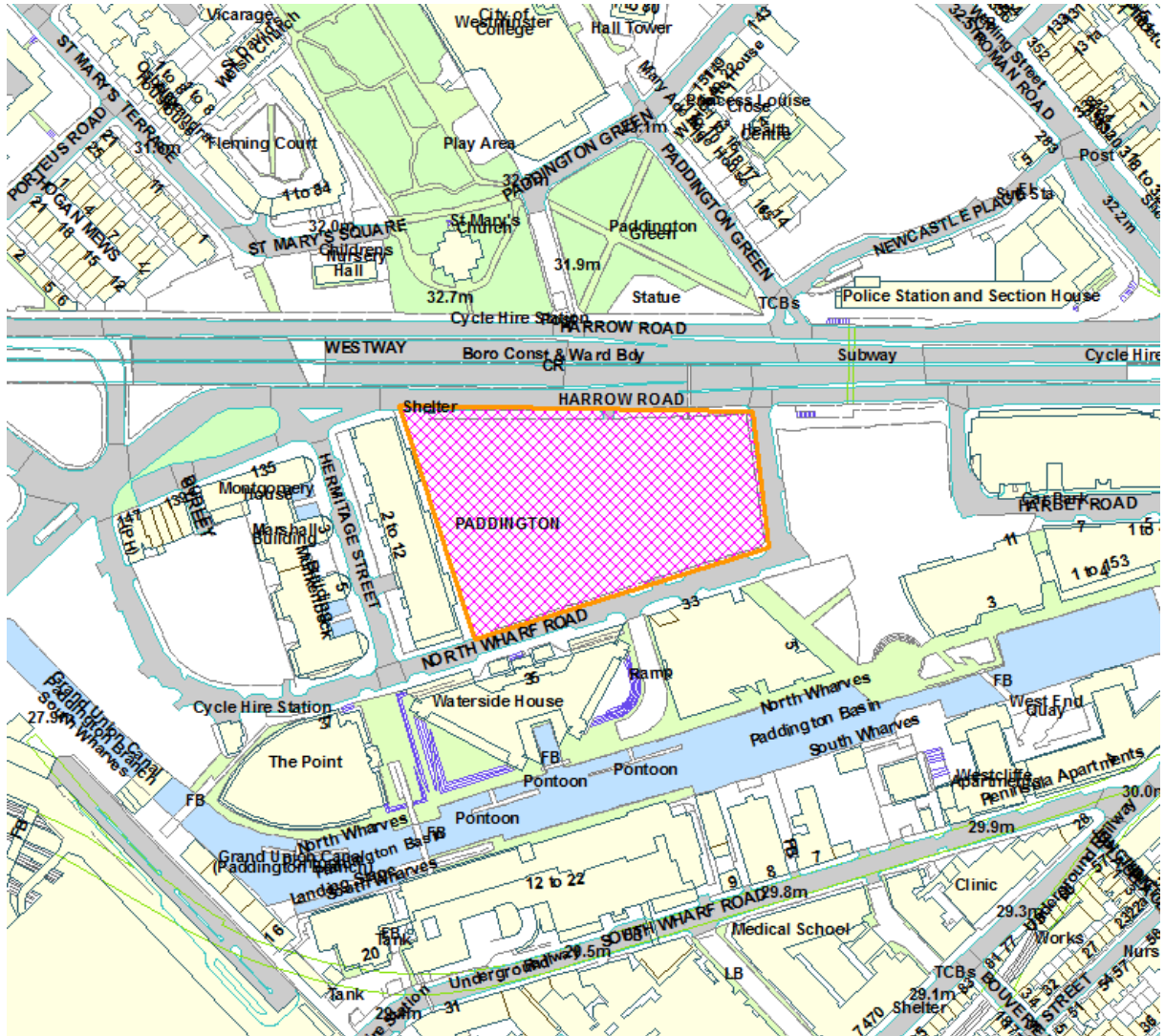
The application seeks permission for the variation of 1, 3, 4, 6, 8, 9, 12, 17 and 30 of planning permission dated 22 February 2018 (RN: 16/12289/FULL) for site wide redevelopment of the central and eastern end of the former North Westminster Community School (NWCS) site to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) in buildings ranging between 6 and 20 storeys above ground level.

The current application does not propose any alterations to the residential buildings, with retail and office uses at ground floor level, that are located in the centre of the former NWCS site. The variation and removal of the aforementioned conditions is proposed in order to allow the hotel, serviced apartments and school building to be altered, as set out in the bullet points below, and to allow the building to be delivered in a phased manner following completion and occupation of the residential blocks. The amendments to the approved scheme principally comprise:

- External alterations to external envelope and detailed design of the approved hotel, serviced apartments and school building.
- Internal layout changes to hotel and serviced apartments uses, with the number of hotel rooms increased from 224 to 373 rooms, the number of serviced apartments increased from 55 to 247 and the hotel and serviced apartments floorspace increased from 23,840m² to 26,602m² (+2,762m² GIA)
- Internal alterations to the layout of school building and enlargement of school premises from 1,902m² to 2,519m².
- Amendment of the wording of conditions to allow phased delivery of the amended scheme, including occupation of the residential part of the development prior to completion of the hotel and school building.

Subject to the amended conditions set out in the draft decision letter and the planning obligations, to be secured via a Deed of Variation (as set out in Section 1), the amended scheme is considered to be in accordance with the relevant policies in the London Plan 2015 (as amended), Westminster's City Plan adopted in November 2016 ('the City Plan') and the Unitary Development Plan adopted in January 2007 ('the UDP'). As such, it is recommended that conditional permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site from north side of the Westway (A40) – site in foreground in front of residential blocks under construction.

5. CONSULTATIONS

GREATER LONDON AUTHORITY

Application does not raise strategic issues. Content that further review and Stage 2 referral are not required.

WARD COUNCILLORS (HYDE PARK)

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objection. Construction of a primary school is not viable given the significant number of pupil vacancies at schools in north Westminster. The removal of the condition requiring the delivery of the Class D1 use should remain. The loss of leisure facilities from the hotel is regrettable, as is loss of high level bar and restaurant, which would provide a facility for local people to visit. Significant increase in hotel rooms is likely to cause traffic and pedestrian congestion in the public realm. Consider proposals should be reviewed and a more viable application made.

CHILDRENS SERVICES

Any response to be reported verbally.

CLEANSING MANAGER

Objection. Previously permitted ground and lower ground floor waste stores have not been shown on the submitted drawings. Also no details of whether it is necessary to provide additional waste storage for enlarged hotel.

ENVIRONMENTAL HEALTH

Objection. The air quality assessment should be updated in light of the Mayor of London's 2014 Supplementary Planning Guidance for 'Sustainable Design and Construction' (Section 4.3.14). The SPG sets out that developers have to calculate the emissions from the buildings and transport elements of their developments and compare them to the benchmarks set out in Appendices 5 and 6. This is a separate type of assessment from, and is additional to the main air quality assessment.

HIGHWAYS PLANNING MANAGER

Request additional information to demonstrate that increase in hotel and serviced apartments floorspace and rooms can be serviced via the previously approved service yard and basement level servicing bays. Note that the permission requires a Servicing Management Plan and this should allow this issue to be looked at in more detail if permission is granted. No objection in terms of pick up and drop off at the hotel as the approved scheme includes a coach parking bay on North Wharf Road and many guests will arrive by foot from Paddington. No objection in terms of cycle parking provided it meets the London Plan requirements in terms of ratio of parking spaces to be provided.

LONDON UNDERGROUND

No comment.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT

Any response to be reported verbally.

TRANSPORT FOR LONDON

No objection subject to the number of car parking spaces not being increased from approved scheme and number of cycle parking spaces being amended for the hotel and serviced apartments to comply with the London Plan standards.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 628.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

One response raising objection on the following grounds:

- Object to the increase in height of the building. Previously approved height should be more than sufficient.
- Supports development of the area and increase in homes, but ask that more time is provided to consider the proposed amendments.
- Would object if there is any reduction the number of affordable homes built, if work would restrict access for a longer period along North Wharf Road, if there is any reduction in landscaping, or if there would be any reduction or delay to the delivery of the school or removal of conditions around it or affordable homes.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application comprises the central and eastern sections of the former North Westminster Community School (NWCS) site. The site is bounded to the west by the recently completed residential redevelopment of the western end of the former NWCS site (RN: 16/03602/FULL), to the north by the Westway (A40) and Harrow Road and to the south and east by North Wharf Road. The site is located within the Paddington Opportunity Area (POA) and the North Westminster Economic Development Area. The site does not contain any listed buildings and is not within a conservation area. The grade II listed St. Mary's Church and the Paddington Green Conservation Area lie to the north of the site on the opposite side of the Westway (A40).

Planning permission was originally granted in March 2015 (RN: 13/11045/FULL) for the redevelopment of the site to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) in new buildings ranging between 6 and 20 storeys in height above ground level over a 2 storey basement. The scheme includes the provision of a large predominantly soft landscaped open space accessible to the public from North Wharf Road. A series of minor material and non-material amendments have

subsequently been permitted to the originally approved scheme, but all of these amendments relate to the residential buildings located to the centre of the former NWCS site and not the hotel, serviced apartments and school building to the western end of the site (see full site history in Section 6.2).

The current application does not propose any alterations to the residential buildings and only proposes minor material amendments to the hotel, serviced apartments and school building located at the eastern end of the site.

6.2 Recent Relevant History

13/11045/FULL

Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space.

Application Permitted 11 March 2015

15/04618/NMA

Amendments to planning permission dated 11 March 2015 (RN: 13/11045) for demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space; namely amendments to the extent and layout of the basement floors.

Application Permitted 29 June 2015

15/06697/NMA

Amendments to planning permission dated 11 March 2015 (RN: 13/11045) for demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space; namely amendments to the wording of Conditions 36, 38 and 39 to allow details of the surface water drainage scheme to be submitted and approved prior to commencement of the Upper Basement Floor and to split the required construction management plan and details of construction site access points in to two parts relating to demolition and construction phases, to be submitted and approved prior to commencement and prior to above ground floor slab level respectively.

Application Permitted 16 October 2015

16/12289/FULL

Variation of Condition 1 and removal of Condition 52 of planning permission dated 11 March 2015 (RN: 13/11045/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings.

Application Permitted 22 February 2018

18/04927/NMA

Amendments to planning permission dated 22 February 2018 (RN: 16/12289) for: Variation of Condition 1 and removal of Condition 52 of planning permission dated 11 March 2015 (RN: 13/11045/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings. NAMELY, amendments to ground floor layout of Blocks A to D including to locations of entrances and introduce fire lobbies/ corridor, amendments of mix of market residential units and layouts of residential units in Blocks B, C and D, amendments to facade detailing and fenestration of residential blocks and increase in height of Block A by 0.24m.

Application Permitted 10 July 2018

18/04945/NMA

Amendments to planning permission dated 22 February 2018 (RN: 16/12289) for: Variation of Condition 1 and removal of Condition 52 of planning permission dated 11 March 2015 (RN: 13/11045/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings. NAMELY, amendment of wording of Conditions 20, 22 and 49 to require the cycle parking and waste and recycling storage to be provided prior to occupation of the relevant parts of the development and to allow the provision of temporary servicing arrangements prior to delivery of the permanent servicing bays at basement and ground level as part of the hotel and school block.

Application Permitted 11 July 2018

7. THE PROPOSAL

The application seeks permission for the variation of 1, 3, 4, 6, 8, 9, 12, 17 and 30 of the planning permission dated 22 February 2018 (RN: 16/12289/FULL) for site wide redevelopment of the central and eastern end of the former North Westminster Community School (NWCS) site to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) in buildings ranging between 6 and 20 storeys above ground level.

The current application does not propose any alterations to the residential buildings, with retail and office uses at ground floor level, that are located in the centre of the former NWCS site. The variation and removal of the aforementioned conditions is proposed in order to allow the following minor material amendments to the hotel and school building at the eastern end of the site and allow this building to be delivered in a phased manner, after completion and occupation of the residential blocks. The amendments proposed comprise:

- External alterations to external envelope and detailed design of the approved hotel, serviced apartments and school building.
- Internal layout changes to hotel and serviced apartments with the number of hotel rooms increased from 224 to 373 rooms, the number of serviced apartments

increased from 55 to 247 and the combined Class C1 hotel and serviced apartments floorspace increased from 23,840m² to 26,602m² (+2,762m² GIA)

- Internal alterations to layout of school building and enlargement of school premises from 1,902m² to 2,519m² (+617m² GIA).
- Amendment to wording of conditions to allow phased delivery of the amended scheme, including occupation of the residential part of the development prior to completion of the hotel and school building.

Table 1 – As Approved and As Proposed Floorspace

	Existing GIA (m ²)	Proposed GIA (m ²)	+/-
Market Residential	32,145	32,145	0
Affordable Residential	7,662	7,662	0
Office	448	448	0
Retail	934	934	0
Gym	434	434	0
Hotel and Serviced Apartments	23,840	26,602	+2,762 (+11.5%)
School	1,902	2,519	+617 (+32%)
Basement (Car Parking and Ancillary Floorspace)	15,394	15,394	0
Servicing Yard	1,349	1,349	0
Total	84,107	87,486	+3,379 (+4%)

The amendments proposed are understood to stem from the operational requirements of the intended hotel and serviced apartments operator, which had yet to be identified at the time of the original permission in March 2015. The intended occupier intends to provide the hotel as a 4* hotel, with a focus on bedroom accommodation and less focus than originally intended on ancillary hotel facilities such as dining rooms, ballrooms/ conference spaces and spa and gym facilities.

In addition, in light of the loss of a named occupier of the school premises (this was intended to be the Minerva Academy, which announced its closure earlier in 2018), the applicant is seeking amendments to the S106 agreement, which accompanies the approved scheme and delivers various planning obligations, to allow the occupation of the hotel and serviced apartments in advance of the entering in to a lease for the occupation of the school premises.

The variations to condition that are proposed are set out in Section 8.7.1 and are necessary to allow the phased delivery of the development. The application has been amended during the course of the application to omit initial proposals to vary Conditions 46, 47, 49 and remove Condition 18, as following discussions with officers during the course of the application, it has been established that these conditions do not need to be amended to allow to enable the phased delivery of the development.

The current application proposes amendments to the planning permission granted on 22 February 2018, since which there have been no material changes to the adopted local development plan. Whilst the Mayor of London published a draft new London Plan for consultation in December 2017, the response to the issues raised during the consultation period has yet to be published and the draft new London Plan has yet to be examined in public by an Inspector. Consequently, it is considered to have very little weight for development control purposes at the present time. Whilst the Government published a new NPPF on 24 July 2018, the development plan policies relevant to the current proposal are considered to be in general conformity with the new NPPF (see Section 8.9). In this context, the assessment in this report focuses on the amendments to the previously approved development that are currently proposed and does not provide a full reassessment of all aspects of the approved development, which was found to be compliant with the adopted development plan in February 2018.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The current proposal does not seek to alter the residential component of the originally approved scheme and therefore the scheme does not trigger a requirement for the provision of additional affordable housing provision. The previously approved affordable floorspace will continue to be provided as 64 affordable housing units (27 Intermediate units and 37 Affordable Rent units) within Block A of the residential part of the site.

The amendments currently proposed would increase the size of the Class D1 school premises from 1,902m² to 2,519m² (+617m²). This increase in floorspace for this social and community use is welcomed and accords with Policy SOC1 in the UDP and Policy S34 in the City Plan. The layout of the school premises within the base of the Hotel and Serviced Apartments block to the eastern end of the site has also been amended. As approved it comprised a larger floor area per floor, but was arranged over the two basement levels and between ground and fifth floor level.

The revised school layout, which is supported by the Educational Skills and Funding Agency (ESFA) (see representation in background papers), who describe it as an improved facility for primary school teaching purposes. The revised layout would be arranged over a smaller floor area per floor, but would extend over the two basement floors and between ground and sixth floor level.

The recent loss of the intended named school occupier (the Minerva Academy) is regrettable and work is ongoing by officers to seek to identify an alternative educational occupier for the school premises or, should demand for educational use not exist at the current time, an alternative social and community use occupier or occupiers. In this context, the concerns expressed by the Paddington Waterways and Maida Vale Society in terms of the future occupation of this part of the development is well understood. However, the scope of the current S73 application is confined to the amendments to the original planning permission sought by the applicant. Condition 18 attached to the original permission requires the social and community floorspace to be provided as a primary school and the current application does not propose the removal or variation of this condition. If a primary school occupier cannot be identified, a further S73 application can be made to allow consideration of the planning merits of an alternative use of this

social and community floorspace. It should be noted that the layouts of the school premises, excluding the position of structural elements and the lift and stair core, are indicative at this stage and therefore the floorspace could be relatively easily be reconfigured to suit an alternative social and community use, should the need arise as part of a future S73 application.

In terms of hotel floorspace, the application proposes the enlargement of the approved hotel from 23,840m² to 26,602m² (+2,762m² GIA). This represents an 11.5% increase in hotel floorspace on the application site. The increase in floorspace has been achieved by relatively subtle changes to the design and extent of the building envelope and by making more efficient use of the interior of the approved building. For example, floor to ceiling heights have been reviewed and plant areas rationalised. These amendments, in combination with the omission of many of the ancillary hotel facilities shown in the originally approved scheme (such as gym, ballroom, conference room and restaurant/bar space) and the provision of smaller hotel rooms and serviced apartment would enable the number of bedrooms within the hotel to be increased from 224 to 373 and the number of serviced apartments to be increased from 55 to 247. An ancillary hotel restaurant is still proposed, but has been relocated to basement level and is accessed directly from the hotel lobby at ground floor level.

Policy S23 in the City Plan directs new hotels within the City to the Opportunity Areas, the Core Central Activities Zone, Named Streets, the Knightsbridge Strategic Cultural Area and the North Westminster Economic Development Area (NEWDA). The application site is within two of these areas, the POA and the NWEDA and as such, the principle of a hotel use in this location continues to be acceptable in principle. It should be noted that an application for redevelopment of the neighbouring site on the east side of North Wharf Road at Merchant Square is currently under consideration, which proposes the omission of the approved 7,502m², 95 room hotel on that site in favour of additional residential floorspace, which is also another key policy objective within the POA (RN: 18/05018/FULL). Given this, the provision of additional hotel bedrooms as part of the revised scheme for the former NWCS site would be unlikely to significantly increase the number of hotel bedrooms to be provided with the POA relative to the approved situation. In terms of conferencing facilities and other ancillary hotel facilities, these are already well catered for by the Hilton London Metropole, which is located to the east of the Edgware Road. A further consideration is that the ancillary hotel facilities are not required to be provided as part of the approved scheme and could be omitted in favour of additional hotel bedrooms without the need for further planning permission. In this context, in land use terms, the provision of an enlarged hotel on the former NWCS site is not considered to be objectionable, subject to consideration of the amenity and highway impacts of the proposed use later in this report (see Sections 6.3 and 6.4).

In summary in land use terms, the amendments proposed to the approved scheme are considered to be acceptable and subject to the amended condition recommended, they would accord with Policy SOC1 in the UDP and Policies S3, S23 and S34 in the City Plan.

8.2 Townscape and Design

The approved scheme for the hotel, serviced apartments and school building at the eastern end of the former NWCS site comprised three distinct architectural elements in

order to break down the bulk and mass of what is a large scale building, which would otherwise appear monolithic in scale. The three elements as approved comprise the following:

- a 'hotel block' to the north and north eastern corners of the site, faced in stone cladding with a four storey base and feature golden recess to the northern elevation between 12th and 14th floor levels referred to as 'the golden leaf';
- a 'serviced apartments block' to the south eastern corner of the building, faced predominantly in brick, and;
- a 'school block' located at the base of the serviced apartments block with a distinctive fret cut metal cladding that it is detailed in a way that it is reflective of the differing use of this part of the building.

The proposed scheme seeks to maintain the concept of breaking the building down into three distinct elements and this is largely achieved, although there are aspects of the amended scheme, particularly to the east elevation where the strength of the division between the respective elements of the building has been eroded relative to the approved scheme.

In terms of the footprint of the building, the proposed amendments would not significantly alter the approved scheme, other than to omit the recessed entrances to the hotel and serviced apartments. However, the omission of these recesses would not significantly harm the appearance of the building, which would retain a strong four storey base.

In terms of amendments to height, bulk and massing, the proposed scheme would increase the height of the podium (four storey base of the building by 1.54m from 12.9m to 14.44m, it would increase the height of the northern section of the hotel block by 1.6m from 48.0m to 49.6m and it would increase the tallest part of the hotel block, at the corner of Harrow Road and North Wharf Road by 0.43m from 65.0m to 65.43m. The increases in height proposed are considered to be relatively modest given the overall scale of the previously approved building and the increases in overall height would not give rise to adverse impacts on the appearance of the building in surrounding townscape views, nor would they adversely affect the overall proportions of the building (see also consideration of the detailed design changes to the building later in this section of the report).

The increases in height are proposed in combination with increases in the bulk and mass of the building. The most significant increases to the bulk and mass comprise an extension to the south western elevation of the serviced apartments block between first and third floor levels (over the hotel lobby) and southerly extension of the hotel block, thereby foreshortening the north-south length of the serviced apartments block, particularly in views of the eastern elevation of the building facing the north/ south arm of North Wharf Road.

The extension proposed to the south western elevation of the serviced apartments block would be largely screened in views from outside the application site by the bulk of the approved building and would not detract from the appearance or form of the building in views from the 'Big Tree Street' within the site.

The southerly extension of the hotel block is more contentious in bulk and massing terms as it has the effect of significantly increasing the apparent scale of the hotel block in views of the eastern elevation of the building. However, the proposed scheme does maintain an appreciable off-set in the height of the parapets of the two blocks and, following revision during the course of the application, a shadow gap has been introduced running the full height of the building and this provides a clear division between the between the hotel and serviced apartment blocks, which gives the appreciation of two separate building forms. The effect of these architectural devices is considered to be sufficient to break down the scale of the proposed east elevation.

The proposed scheme introduces a wide range of amendments to the detailed design, many of which are uncontentious and represent evolution of the approved architectural concept and detailed design. The principal amendments to the detailed design of the building are summarised below:

- a) Amendment of the solid to void ratio of the hotel block façade above the four storey base with an increase in the number of floors from 15 to 16 and revision of the window sizes.
- b) Amendment to ground floor facades to all elevations.
- c) Amendment to the 'Golden Leaf' feature to the northern elevation of the hotel block at 12th to 14th floor level.
- d) Revision of approved plant enclosures and provision of additional roof level plant enclosures.
- e) Amendments to form and layout of school block facades, whilst maintaining the approved architectural concept and materials.

Point (a) above represents the most significant and appreciable amendment to the detailed design relative to the approved scheme. The amendments to the internal layout of the building and consequential increase in the number of floors necessitates additional windows in the building facades. At pre-application stage officers raised concerns that this had the effect of cluttering the building facades, particularly to the street facing north and east elevations. The applicant has positively responded to these concerns in the proposed scheme by revising the proportions of the windows, reconsidering the detailing of the windows and their surrounds to the uppermost floors to provide a visual termination to the fenestration and improving the relationship of the windows to the roof parapets by increasing the height of the parapets. In combination these measures combine to ensure that the amendments to the hotel block façade do not weaken the detailed design of this aspect of the approved scheme.

In terms of (b), the amendments to the ground floors of the building are relatively minor in nature and largely consist of reposition of glazing within the base of the hotel block, which remains four storeys in height. The detail of the hotel entrances is unclear from the submitted drawings, but appears to consist of a frame around the entrances and it is recommended that details of these are secured by condition.

The amendments proposed to the 'Golden Leaf' feature (point (c) above) are relatively minor and reflect that the restaurant, swimming pool and associated plant, which were to be provided behind this section of the façade have been replaced by bedrooms. The façade detailing has been amended to be more suited to the use of this space as bedrooms. Whilst the loss of public spaces within the hotel within this feature element of

the façade is to some degree regrettable, this is balanced out by the omission of the approved plant room, which would have run through the middle of the feature at 13th floor level, between the restaurant and swimming pool floors. As such, overall there would not be such an adverse impact on the appearance of this part of the building such as to warrant withholding permission.

The approved scheme included plant rooms/ roof level structures and equipment at 19th floor level to the roof of the serviced apartments block and at main roof level to the tallest element of the hotel block at the north east corner of the site. The proposed scheme proposes a reconfigured plant enclosure on the 19th floor roof and additional lift overruns and plant enclosures on the main roof of the hotel block. A new plant enclosure is proposed on the 15th floor roof located above the lower section of the hotel block facing Harrow Road.

The plant enclosure proposed at 19th floor level is smaller to that approved and although it would in part be closer to the roof edge, overall it would not be more appreciable than the approved plant enclosure on this roof. The lift overruns and plant enclosures to the main roof of the hotel block would only be marginally higher than the roof edge parapets and as such, would not be appreciable in any public views. The new plant enclosure proposed at 15th floor level would be set within planting (it replaces a roof terrace approved at this level in the approved scheme) and this would serve to screen the plant enclosure and ensure it would not harm the overall appearance of the building. It is recommended that conditions are imposed to secure details of the plant enclosure, which should be detailed to match the architecture of the building and to secure details of the planting to be provided around the plant enclosure at 15th floor level.

The amendments to the school facades are principally linked to the internal reconfiguration of the school premises so that it comprises a smaller floor plate, but arranged over 7 rather than 6 floor levels. The detailed design of the school façade remains the same as approved with fret cut metal cladding used in horizontal bands between the glazing to each floor. The amendment to the form and arrangement of the school within the overall building has not harmed the detailed design of the school block, which would continue to hold a prominent location to the southern 'nose' of the building.

In conclusion in design terms, subject to the recommended conditions, the amended scheme for the hotel, serviced apartments and school building is considered to be acceptable. The amended building would not materially alter the impact the scheme has on the setting of the adjacent heritage assets. As such, the proposed development accords with Policies DES1, DES9 and DES10 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

The hotel, serviced apartments and school building is located at the eastern end of the former NWCS site and in this location it is currently remote from existing occupied residential accommodation or any other light sensitive uses, with the closest residential building 3 Merchant Square, which is located on the northern edge of Paddington Basin. However, the eastern end of North Wharf Road is undergoing a period of significant

change and it is therefore necessary to consider the potential impact in amenity terms on approved but as yet unbuilt neighbouring buildings and those under construction. In this regard there are two residential buildings to the east on the opposite side of Harbet Road, on the neighbouring Merchant Square site (Buildings 1 and 6, RNs: 10/09756/FULL and 10/09762/FULL), which are permitted and have been commenced on site. To the west the impact on the residential blocks (Blocks A to D) forming part of the approved scheme for redevelopment of the former NWCS site (RN: 16/12289/FULL), which are now at an advance stage of construction, must also be considered.

The approved scheme for this site (including the residential blocks and the hotel, serviced apartments and school block) resulted in material losses of daylight, of varying degrees of severity, to 195 windows within Building 3 and Building 6 at Merchant Square. No material losses were caused to Building 1 as the approved scheme includes a hotel between ground and 9th floor levels. The impact on sunlight as a result of the approved scheme was more limited with only 11 windows within Building 6 at Merchant Square suffering a material loss of sunlight. This extent of impact on daylight and sunlight was found to be acceptable as Policy S3 in the City Plan establishes that redevelopment within the POA is generally of a height and scale greater than in other parts of the city and that replication of this scale of development that has already occurred on other sites within the Opportunity Area is likely to be the appropriate form of development. It was also noted that the delivery of the buildings opposite at Merchant Square, on which the hotel, serviced apartments and school building would have the greatest impact, would have as great, if not greater, impact on the buildings on the application site. Accordingly, the impact in terms of daylight loss would be mutual.

In terms of the impact of the amended scheme, although the current application proposes some increases in height and bulk (as outlined in Section 6.2), the increases proposed are limited having regard to the overall significant height and bulk of the approved scheme. Consequently, the amended scheme would have a negligible additional impact relative to the approved scheme on the level of daylight and sunlight reaching neighbouring built, approved but unbuilt and under construction residential properties. Therefore, the impact in terms of daylight and sunlight loss is likely to remain as set out earlier in this section of the report. Given the location of the site within the POA, this is considered to be consistent with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.2 Sense of Enclosure

The increases in the height and bulk of the amended building now proposed would not significantly increase its height and bulk and therefore it would not materially increase the sense of enclosure felt by the occupiers of neighbouring properties. Accordingly, the proposal is in accordance with Policy ENV13 in the UDP and Policy S29 in the City Plan in terms of this amenity impact.

8.3.3 Overlooking/ Loss of Privacy

The amended scheme now proposed introduces additional windows to the hotel and serviced apartments elements of the building. However, the windows proposed are generally smaller in scale than those previously approved and the site is separated on all sides from its neighbours by surround roads and public realm areas. Consequently, the

amended scheme is not considered to give rise to a material increase in overlooking relative to the approved scheme and as such, it would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan in overlooking terms.

8.4 Transportation/ Parking

The Highways Planning Manager is content that the proposed amendments are acceptable in car parking and cycle parking terms, with the latter increased to reflect the requirements of Policy 6.9 in the London Plan. The additional cycle parking is to be secured by condition.

In terms of trip generation and hotel drop offs and collections, the Highways Planning Manager has confirmed that the increase in hotel rooms and serviced apartments proposed would not have a harmful effect on the local highway network given the approved scheme includes a coach drop off on the north/ south arm of North Wharf Road outside the site and as the site is in such close proximity to public transport links at Paddington Station.

In terms of servicing, the Highways Planning Manager has raised concern that the basis on which the applicant has concluded that the previously approved servicing yard at ground floor level and servicing bays at basement level would be sufficient to service the revised hotel and serviced apartment uses, containing more bedrooms/ apartments, is not clear. The applicant has since clarified the basis on which the revised servicing trip generation figures had been arrived at. The amendments to the scheme are projected to generate an additional 4.6 servicing trips relative to the approved scheme and it is considered that the servicing space available is sufficient to accommodate these additional trips, particularly as the servicing areas are to be operated in accordance with a servicing management plan, which will ensure that deliveries and servicing of the various uses across the whole site (including residential, office, retail, hotel, serviced apartment and school uses) will be co-ordinated. Subject to this condition, it is considered that the scheme continues to accord with Policy TRANS20 in the UDP and Policy S42 in the City Plan in terms of servicing.

8.5 Economic Considerations

The economic benefits of the development are welcomed and would accord with Policies S3 and S12 in the City Plan, which seek to ensure that development in the POA and the NWEDA contributes to the economic and social regeneration of these parts of the City.

8.6 Access

The development would be fully accessible to those with disabilities, with level access provided to the amended hotel, serviced apartment and school building. The scheme therefore accords with Policies DES1 and TRANS27 in the UDP and S28 in the City Plan. The hotel and serviced apartments have been designed to accord with Policy 4.5 in the London Plan with 10% (63) of the bedrooms/ apartments being wheelchair accessible.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Variations to Wording of Conditions

In addition to variation of Condition 1, to allow amendment of the previously approved drawings and documents, the applicant proposes amendments to the wording of 8 other conditions. The applicant is seeking to amend the conditions primarily as it is now intended to deliver the development in a phased manner, with the residential blocks, which are already well advanced on site, delivered first, and the hotel, serviced apartments and school block developed as a second phase. The acceptability of the proposed amendments to these conditions is considered in turn in this section. The full wording of the amended conditions can be found in the draft decision letter appended to this report.

Conditions 3, 4, 6, 8 and 9

These five conditions relate to façade detailing, facing materials, cleaning and maintenance equipment, hard and soft landscaping and CCTV. The amendments proposed to these conditions are limited to amended wording to allow details relating to the second phase of the development (the hotel, serviced apartments and school block) to be submitted separately from the details relating to the residential blocks. The amendments to these conditions are not contentious and would not erode the original requirements of these conditions.

Condition 12 (Provision of Play Equipment)

The condition currently requires the play equipment within the public open space to be provided prior to the occupation of any part of the development. The applicant proposes that this trigger is amended to require it to be provided prior to the occupation of the residential accommodation on the site. This amendment is considered to be acceptable given the play equipment is intended to serve the occupants of the residential part of the development.

Condition 17 (Provision of School Premises)

The applicant proposes that Condition 17 is amended so that it refers to the amended layout of the school, which is now between sub-basement and sixth floor levels rather than between sub-basement and fifth floor level. Their suggested amendment to the condition is set out below (additional text suggested underlined) and is not considered to be contentious.

'You must provide and make ready for occupation the primary school accommodation between sub-basement and ~~fifth~~sixth floor levels prior to occupation of the hotel and serviced apartments accommodation within the same building.'

Condition 30 (BREEAM Rating of Non-Residential Floorspace)

The proposed amendments to this condition is to enable the BREEAM certificates, demonstrating that a BREEAM 'Excellent' sustainability rating has been achieved for all non-residential parts of the development, to be provided within 3 months of the occupation of the relevant part of the development, rather than prior to occupation. This amendment is considered to be reasonable and will avoid the uses within the development from being unable to be occupied whilst the BREEAM certification process is carried out.

8.7.2 Energy Strategy/ Sustainability

The energy strategy for the hotel, serviced apartments and school building has been reviewed as the mechanical ventilation strategy for the hotel and serviced apartments has been amended to be local to the rooms (decentralised) rather than centralised. The CO2 emission improvements over 2010 Building Regulations achieved by the approved scheme was 34%. The amended scheme for the hotel, serviced apartment and school uses, with revised energy strategy for this part of the development, would achieve a CO2 emission improvement over 2010 Building Regulations of 46.3%. This represents an improvement upon the approved scheme and would comply with Policy 5.2 in the London Plan.

8.7.5 Air Quality

Policy 7.14 in the London Plan requires development to *'be at least 'air quality neutral' and not lead to further deterioration in existing poor air quality (such as areas designated as Air Quality Management Areas (AQMAs))'*. Given this requirement and as the whole of Westminster is an AQMA and this site is adjacent to Harrow Road and the Westway (A40), where air quality can be particularly poor, it is considered that the request from Environmental Health for the provision of an updated air quality assessment based on the increased floorspace within the amended development (see Table 1 in Section 7), is necessary and reasonable to ensure compliance with the London Plan policy and Policy S31 in the City Plan. A condition is recommended to secure an updated air quality assessment that demonstrates that the amended scheme would remain air quality neutral as per the originally approved scheme.

8.7.4 Basement Development

No amendments are proposed to size or depth of the approved basement. The only amendments proposed are to the internal layout of the hotel and school elements of the eastern end of the basement floors. Given the lack of immediate residential neighbours and the location of the site within the POA, this is a site where a site wide two storey basement, as previously approved, accords with the Basement Development Policy, CM28.1 in the City Plan.

8.8 London Plan

Given the location of the site within the POA and the scale of development proposed, the development is of strategic significance and the application is referable to the Greater London Authority (GLA). The GLA's response to consultation has yet to be received and will be reported verbally to the committee. Reference is made in the relevant sections of this report to London Plan policies, where they are relevant to the assessment of the proposed development.

8.9 National Policy/Guidance Considerations

Whilst the City Plan and UDP were adopted prior to the recent publication of the latest version of the NPPF on 24 July 2018, paragraph 213 of the latest version of the NPPF states *'...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer*

the policies in the plan to the policies in the Framework, the greater the weight that may be given)'. 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. The proposal has been assessed in light of the recently published NPPF.

8.10 Planning Obligations

The approved scheme for redevelopment of the former NWCS site is subject to a S106 agreement, which secured the planning obligations that are set out below. It is recommended that a deed of variation is entered into in the event the Sub-Committee resolve to grant conditional permission for the current application, to ensure these planning obligations continue to be delivered.

In light of their no longer being a named occupier for the social and community floorspace (the primary school premises), the applicant is seeking amendments to the clause in the legal agreement that requires the provision of this planning obligation. The amendments proposed principally comprise a relaxation of the clause in respect of occupation of the hotel and serviced apartments. As currently drafted, prior to occupation of the hotel and serviced apartments, (i) the social and community floorspace (the primary school premises) must be provided to a 'Category A Finish'; (ii) the owner must give notice to the City Council of the date this fit out is complete; (iii) the owner must have entered into a lease with the Education Funding and Skills Agency, City Council or a Qualifying Tenant; and (iv) the owner must give notice of the date on which the hotel and serviced apartments uses are to be occupied. Given the absence of a named occupier, it is considered to be reasonable to 'decouple' the occupation of the hotel and serviced apartment uses from the requirement to have entered in to a lease for the social and community floorspace. However, it is recommended that other triggers within Schedule 4, Clause 4 of the S106 agreement dated 11 March 2015, relating to the provision of the social and community floorspace, its affordability and the basis on which the lease is offered to the EFSA/ City Council or a qualifying tenant are maintained; albeit with amended drafting to accommodate the material change in circumstances that has occurred since the previous agreement was entered into.

Proposed 'heads of terms' for the deed of variation:

- i. Notice of commencement of development (three months prior to commencement).
- ii. Provision of 64 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to occupation of more than 50% of the market housing units and a financial contribution of £873,000 to the affordable housing fund prior to commencement of development.
- iii. Provision at a peppercorn rent of the social and community floorspace (the new primary school premises) (with amended drafting as referenced in the preceding paragraph).
- iv. A financial contribution of £599,423 (index linked) prior to commencement towards the Social and Community Fund.
- v. A financial contribution of £836,448 (index linked) prior to commencement towards the Education Fund.
- vi. A financial contribution of £131,541 (index linked) prior to commencement to PATS.

- vii. A financial contribution of £457,329 (index linked) prior to commencement towards PATEMS.
- viii. A financial contribution of £22k pa for period of construction works to the Environmental Inspectorate to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).
- ix. A financial contribution of £6k pa for period of construction works to the Environmental Sciences Team to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).
- x. Provision of garden space facing North Wharf Road as Public Open Space.
- xi. Provision of public realm works in accordance with a public realm masterplan.
- xii. Provision, maintenance and use of and access to the on-site public realm including the landscaped open space.
- xiii. Provision of car club memberships (25 years) for 64 residential units (the affordable housing units).
- xiv. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis and provision of affordable housing parking at nil cost.
- xv. Provision, maintenance and access to on-site bus driver's toilet facility.
- xvi. Provision of and adherence to an advertisement and shop front design strategy.
- xvii. Provision and management of on-site car club spaces.
- xviii. Provision and periodic review of a site wide travel plan.
- xix. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road and Harrow Road.
- xx. Provision of Harrow Road Traffic Island prior to occupation.
- xxi. Provision of and adherence to a Servicing Management Strategy.
- xxii. Provision of on-site space for a Mayor's cycle docking station.
- xxiii. Provision and management of on-site CCTV.
- xxiv. Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.
- xxv. Demonstration of compliance with the Code of Construction Practice and signing up to the Considerate Constructors Scheme.
- xxvi. Mitigation measures for television interference.
- xxvii. Provision of and compliance with a Balcony Management Strategy.
- xxviii. Provision of development in full accordance with submitted Code for Sustainable Homes and BREEAM assessments.
- xxix. Adherence with the Council's Local Procurement Code.
- xxx. Temporary relocation of North Wharf Road bus stand during construction works and permanent re-provision of bus stand in North Wharf Road at applicant's cost.
- xxxi. Provision of costs for monitoring of agreement (£500 per head of term).

It should be noted that some of the obligations listed above have already been delivered on commencement of development and where this is the case it may not be necessary for them to be included in the deed of variation to accompany the current application (for example where financial contributions have already been paid in full).

The originally approved scheme was determined in 2015, prior to the adoption of Westminster's CIL on 1 May 2016. Therefore, the approved scheme is only liable to pay the Mayor's CIL, which was adopted in 2012. The current S73 application proposes the creation of an additional 2,762m² of hotel/ serviced apartments (Class C1) floorspace and this uplift in floorspace would be liable for both Mayoral and Westminster CIL. The additional hotel floorspace proposed is estimated to generate an additional Mayoral CIL payment of is £199,409 and a Westminster CIL payment of £492,268.

8.11 Environmental Impact Assessment

The originally approved scheme was of a scale that required the submission of an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact) Regulations 2011. The applicant's Environmental Statement (ES) assessed the environmental impact of the development and this was independently assessed on behalf of the City Council. This assessment identified a number of areas where mitigation of the effects of the development was necessary and a number of conditions attached to the approved scheme and measures secured via the S106 agreement serve to deliver appropriate mitigation measures.

The applicant has submitted an addendum to the original Environmental Statement with the current application, which considers the environmental impact that may be caused by the amendments to the approved scheme that are currently proposed. The addendum document concludes that the amendments proposed would have a negligible impact on the environmental impacts arising from the approved scheme. The information submitted (with the previously approved scheme and the current S73 application) is deemed to be adequate to assess the significant effects of the development on the environment and therefore the application accords with the requirements of Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Having regard to the scope of the amendments that are proposed, the findings of the addendum report are considered to be accurate and officers concur that the amended development would not, with the exception of air quality (see Section 6.10) have a greater environmental impact than the approved development, provided the previously secured mitigation measures continue to be provided. These are to be secured by the recommended conditions (see draft decision letter appended to this report) and via the deed of variation to the original S106 agreement (see Section 6.10). In respect of air quality impact, an additional condition is recommended to ensure the amended scheme remains air quality neutral.

8.12 Other Issues

None relevant.

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(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 NATHAN BARRETT BY EMAIL AT nbarratt@westminster.gov.uk.

9. KEY DRAWINGS



CONSENTED SCHEME



PROPOSED SCHEME



Approved and as proposed 5th floor showing hotel and serviced apartments and school to southern tip of building.

CONSENTED SCHEME

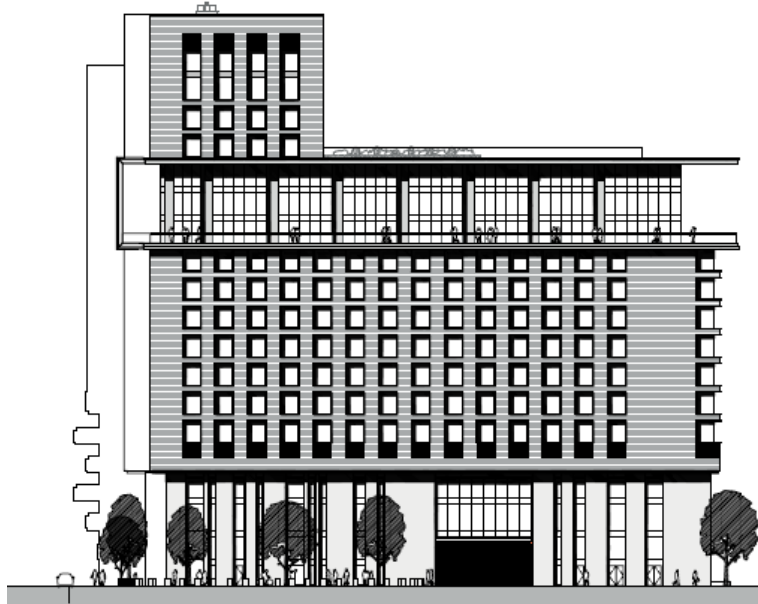


PROPOSED SCHEME

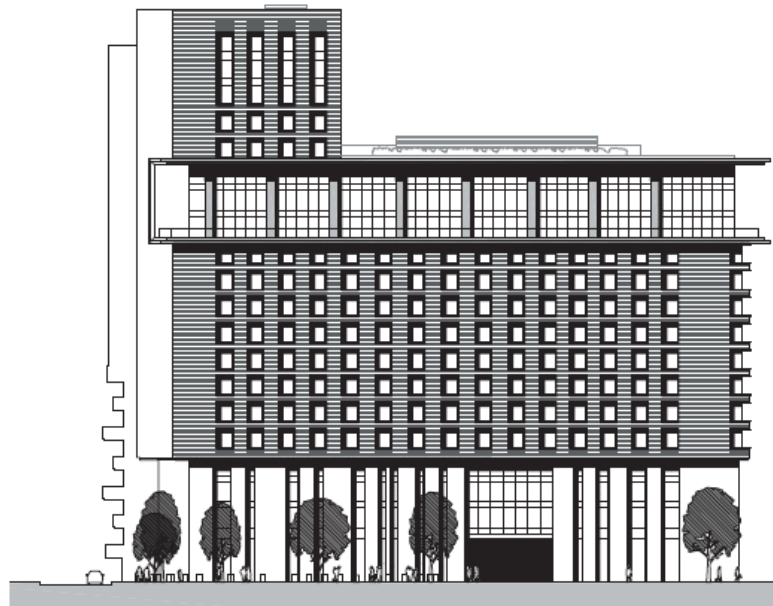


Typical approved and as proposed upper floor level with hotel and serviced apartments.

CONSENTED SCHEME



PROPOSED SCHEME



Approved and as proposed north elevation.

CONSENTED SCHEME

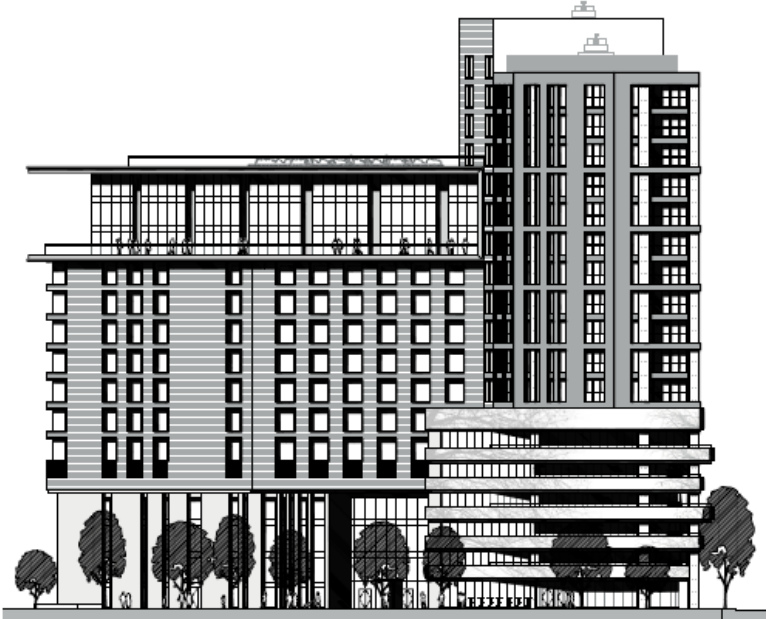


PROPOSED SCHEME

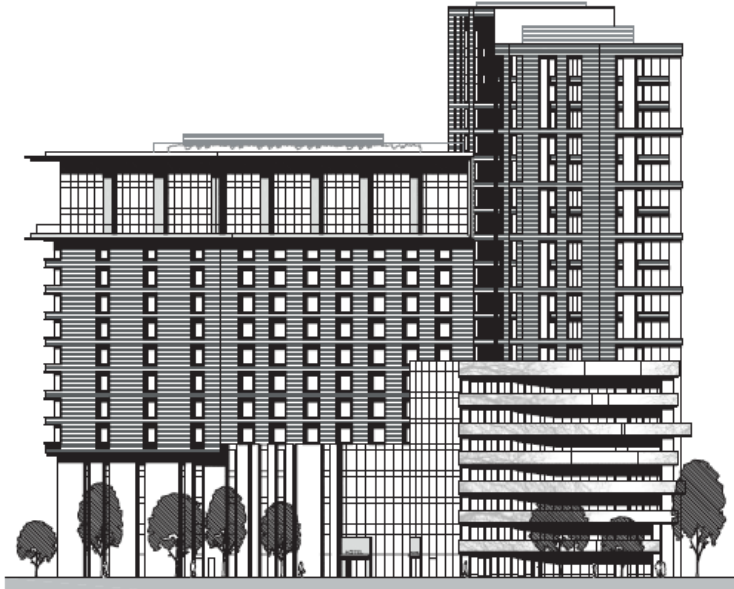


Approved and as proposed east elevations.

CONSENTED SCHEME

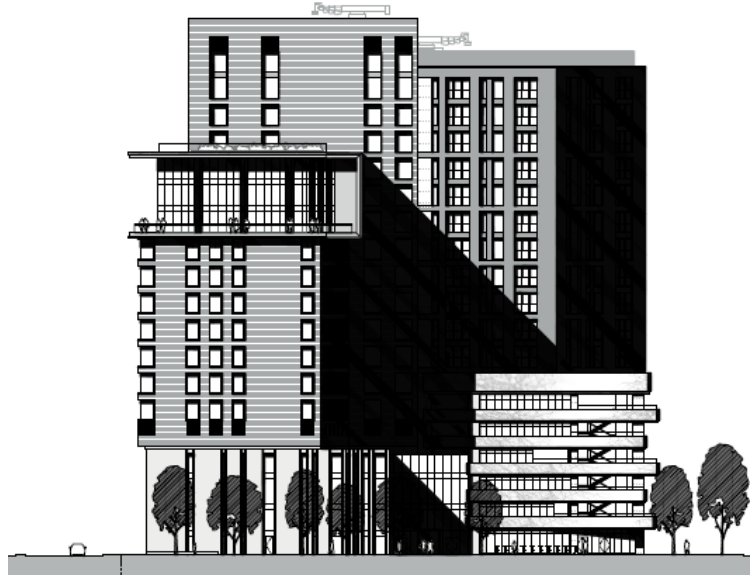


PROPOSED SCHEME



Approved and as proposed south elevation.

CONSENTED SCHEME



PROPOSED SCHEME



Approved and as proposed west elevations.



CONSENTED SCHEME



PROPOSED SCHEME

Approved and as proposed CGIs of north and east elevations.



CONSENTED SCHEME



PROPOSED SCHEME

Approved and as proposed CGIs of north and west elevations.



Approved and as proposed south elevations.

DRAFT DECISION LETTER

Address: North Westminster Community School , North Wharf Road, London, W2 1LF

Proposal: Variation of Conditions 1, 3, 4, 6, 8, 9, 12, 17 and 30 of planning permission dated 22 February 2018 (RN: 16/12289/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings. NAMELY, external alterations to approved hotel, serviced apartments and school building, internal layout changes to hotel and serviced apartments with the number of hotel rooms increased from 224 to 373 rooms and serviced apartments increased from 55 to 247, internal alterations to school, and amendment of conditions to allow phased delivery of amended scheme and to amend condition triggers.

Plan Nos: **DRAWINGS AND DOCUMENTS ORIGINALLY APPROVED UNDER RN: 13/11045/FULL:** A2313 90/P4, A2313 110/P2, A2313 120/P1, A2313 121/P2, A2313 200/P18, A2313 201/P17, A2313 202/P20, A2313 203/P16, A2313 204/P15, A2313 205/P15, A2313 206/P12, A2313 207/P15, A2313 212/P15, A2313 213/P16, A2313 236/P8, A2313 237/P8, A2313 238/P8, A2313 214/P15, A2313 235/P8, A2313 215/P15, A2313 216/P13, A2313 217/P13, A2313 218/P13, A2313 219/P13, A2313 220/P13, A2313 221/P13, A2313 222/P13, A2313 234/P15, A2313 300/P6, A2313 301/P6, A2313 302/P6, A2313 303/P7, A2313 304/P6, A2313 305/P6, A2313 306/P3, A2313 454/P2, A2313 400/P5, A2313 401/P5, A2313 402/P5, A2313 403/P5, A2313 404/P5, A2313 405/P5, A2313 406/P6, A2313 407/P6, A2313 408/P6, A2313 409/P6, A2313 410/P6, A2313 411/P6, A2313 500/P2, A2313 501/P2, A2313 502/P2, A2313 503/P2, A2313 504/P2, A2313 505/P3, A2313 506/P3, A2313 507/P3, A2313 508/P1, C491/D105/I, C491/D502/D, C491/D504, C491/D910/C, C491/D911/C, C491/D912, Planning Statement (Oct 2014), Design and Access Statement (Ref: A2313 3-1-4P1) as amended by Design and Access Statement Addendum (28 Mar 2014), Affordable Housing Statement (Oct 2013) Energy Statement (Mar 2014 - Rev.3), Sustainability Statement dated Oct 2013 (Rev.B - 13/05/14), Culture and Placemaking Strategy (Oct 2013), Statement of Community Involvement (Oct 2013), Transport Assessment (Oct 2013), Flood Risk Assessment Addendum Report (Jan 2014 - Issue 2), Lighting

Concept Report (17-10-2013), 'Civil and Structural Engineers Contribution to D&A Report' (Oct 2013) (for information only), Environmental Statement Vol.1 Replacement Non Technical Summary (April 2014), Environmental Statement Vol.2 Main Text (Oct 2013), Environmental Statement Vol.3 Townscape (Oct 2013), Built Heritage & Visual Impact (Oct 2013), Environmental Statement Vol.4 Technical Appendices (Oct 2013), Environmental Statement Vol.5 Environmental Statement Addendum (April 2014), ARUP Transportation Note dated 10 July 2014, and letters from DP9 dated 18 March 2014, 19 May 2014, 4 June 2014 and 19 June 2014 and attached documents.

AS AMENDED BY DRAWINGS AND DOCUMENTS APPROVED UNDER RN:

16/12289/FULL: INR B2 DR A (05)1000 B, INR B1 DR A (05)1001 B, INR 00 DR A (05)1002 C, INR 01 DR A (05)1003 D, IR 02 DR A (05)1004 B, IR 03 DR A (05)1005 B, IR 04 DR A (05)1006 B, IR 05 DR A (05)1007 B, IR 06 DR A (05)1008 B, IR 07 DR A (05)1009 B, IR 08 DR A (05)1010 B, IR 09 DR A (05)1011 B, IR 10 DR A (05)1012 B, IR 11 DR A (05)1013 B, IR 12 DR A (05)1014 B, IR 13 DR A (05)1015 B, IR 14 DR A (05)1016 B, IR 15 DR A (05)1017 B, IR 16 DR A (05)1018 B, IR 17 DR A (05)1019 B, IR 18 DR A (05)1020 B, IR 19 DR A (05)1021 B, IR 20 DR A (05)1022 B, IR 21 DR A (05)1023 B, IR ZZ DR A (05)1032 A, IR ZZ DR A (05)1033 A, IR ZZ DR A (05)1034 A, IR ZZ DR A (05)1035 A, IR ZZ DR A (05)1036 A, IR ZZ DR A (05)1037 A, IR ZZ DR A (05)1038 A, IR ZZ DR A (05)1039 A, EX ZZ DR A (05)1060 B, EX ZZ DR A (05)1061 B, EX ZZ DR A (05)1062 B, EX ZZ DR A (05)1063 B, EX ZZ DR A (05)1064 B, EX ZZ DR A (05)1065 B, EX ZZ DR A (05)1066 B, EX ZZ DR A (05)1067 B, EX ZZ DR A (05)1068 A, EX ZZ DR A (05)1069 B, Planning Addendum document dated 21.07.167 (Rev.C), letter from Montagu Evans dated 23 December 2016 and email from Montagu Evans dated 30 June 2017.

AS FURTHER AMENDED BY DRAWINGS AND DOCUMENTS HEREBY

APPROVED: HOT B2 DR A (05)120, HOT B1 DR A (05)121, HOT00 DR A (05)122 A, HOT0M DR A (05)123 A, HOT01 DR A (05)124 A, HOT02 DR A (05)125 B, HOT03 DR A (05)126 B, HOT04 DR A (05)127 B, HOT05 DR A (05)128 B, HOT06 DR A (05)129 B, HOT07 DR A (05)130 B, HOT08 DR A (05)131 B, HOT09 DR A (05)132 B, HOT10 DR A (05)133 B, HOT11 DR A (05)134 B, HOT12 DR A (05)135 B, HOT13 DR A (05)136 B, HOT14 DR A (05)137 B, HOT15 DR A (05)138 B, HOT16 DR A (05)139 B, HOT17 DR A (05)140 B, HOT18 DR A (05)141 B, HOT19 DR A (05)142 B, HOT20 DR A (05)143 B, HOT ZZ DR A (05)160, HOT ZZ DR A (05)161, HOT ZZ DR A (05)162, HOT ZZ DR (05) 180 A, HOT ZZ DR (05) 181 B, HOT ZZ DR (05) 182 A HOT ZZ DR (05) 183 A, Hotel and School Planning Addendum dated 8 May 2018, Transport Statement dated 19 April 2018 (Rev.01), Planning Statement dated May 2018, Sustainability - Section 73 Energy Strategy Addendum dated 3 May 2018 (Rev.01), letter from Ramboll dated 4 May 2018, letter from BVP dated 19 April 2018, letter from DP9 dated 4 May 2018, Schedule of Proposed Areas, Acoustics - Section 73 Acoustic Report dated 4 May 2018 (Rev.01) and letter from the Education Funding Agency dated 21 March 2018. Email from DP9 dated 24 July 2018.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 Except for basement excavation work, 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.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use for each phase, including glazing, and elevations and roof plans annotated to show where the materials are to be located, unless the materials you will use are those which we have already approved on 28 February 2017 and 8 June 2017 and 10 May 2018 (RNs: 16/12233/ADFULL, 17/01813/ADFULL and 18/02836/ADFULL) for use in the construction of the residential parts of the development. You must not start any work on parts of the development for which we have not already approved the facing materials until we have approved the samples that you send us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 4 You must apply to us for approval of detailed drawings at an appropriate scale (unless the scale is specifically specified below) of the following parts of the development:

(a) Typical details of all proposed shopfronts to retail units (ground and first floors at a scale of 1:50 including large scale detail elevations and sections at a scale of 1:10).

(b) Typical details of all office facades (ground and first floors at a scale of 1:50 including large

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scale detail elevations and sections at a scale of 1:10).

(b) Typical details of all hotel facades (ground and first floors at a scale of 1:50 including large scale detail elevations and sections at a scale of 1:10).

(c) Typical details of the school facades (ground and first floors at a scale of 1:50 including large scale detail elevations and sections at a scale of 1:10).

(d) The roof level plant enclosures to all roof levels on the hotel, serviced apartments and school building, including associated details of planting and landscaping to 15th floor level.

(e) The vehicular entrance to the basement car park.

(f) Residential entrances and associated canopies.

(g) Large vent to end of landscaped mound (plan, elevation and section at 1:20).

(h) Gates and railings forming the boundary to the landscaped public open space along North Wharf Road.

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 6 You must apply to us for approval of detailed drawings of any cleaning and maintenance equipment to be fixed to the building within each phase, including on roofs, unless in the case of the residential blocks A and B you carry out the development in accordance with the details approved on 7 June 2018 (RN: 18/03427/ADFULL). You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 7 You must apply to us for approval of details (including drawings, samples and any other supporting documents as appropriate) of the public art to be provided in the locations indicated in the Culture and Placemaking Strategy dated October 2013. You must not start work on the

relevant parts of the development until we have approved what you have sent us. You must then carry out the work in accordance with these details and you must install the public art in accordance with the details we approved prior to occupation, unless we approve an alternative timeframe in writing.

Reason:

To make sure that the appearance of the development is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan that we adopted in November 2016 and DES 1 and DES 7 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site within each phase at ground level that are not covered by buildings, which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant phase of landscaping until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the relevant phase of the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is 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. (R30BC)

- 9 You must apply to us for approval of strategy for installation (providing the location, position, lighting level (lighting only) and camera coverage/ light splay), detailed drawings and manufacturers specifications of all external light fixtures and externally mounted CCTV cameras within each phase. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work in accordance with the details that we approve.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 10 You must apply to us for approval of detailed drawings of the hard landscaping and paving to the public realm areas, including street furniture, at a scale of 1:50, including details and cross sections at a scale of 1:10. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in

January 2007. (R26CD)

- 11 You must apply to us for approval of samples of the paving and other materials, including planters and other street furniture not required by other conditions of this approval, for the public realm areas. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work using the materials that we approve. (C26BB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 12 You must apply to us for approval of detailed drawings of the proposed play equipment/features shown on drawing C491/D105 Rev.I that are to be provided in the public open space/garden area. 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 install the play equipment we approve prior to the occupation of the residential units within the development, unless we agree an alternative timeframe in writing.

Reason:

To ensure the provision of appropriate children's play provision so that the proposed development accords with Policy S35 in Westminster's City Plan adopted in November 2016 and Policies H10 and SOC 6 in the Unitary Development Plan we adopted in January 2007.

- 13 The retail units hereby approved shall be occupied as retail shops falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), except for the unit annotated 'Commercial Unit C A1 & A3' on drawing 16066_PDA_INR_00_DR_A_05-1002 C which may be occupied as a Class A1 retail shop and/ or a Class A3 cafe or restaurant use.

Reason:

Insufficient information has been submitted to demonstrate in amenity terms the acceptability of unrestricted Class A3 use. In the absence of such information the City Council considers that it would be premature to confer unrestricted Class A3 use on these parts of the development. This is in accordance with S3, S29 and S32 in Westminster's City Plan that we adopted in November 2016 and TACE 8 and TACE 9 in the Unitary Development Plan that we adopted in January 2007.

- 14 If the south eastern most retail unit is occupied for Class A3 purposes the use shall not commence until full details of means of ventilation for the extraction and dispersal of cooking smells (including details of its method of construction and appearance, hours of use and noise attenuation methods) have been submitted to and agreed by us in writing. The accommodation and mechanical plant shall not be occupied/ operated otherwise than in accordance with the details thus approved.

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To protect the environment of people in neighbouring properties as set out in S29, S31 and S32 in Westminster's City Plan that we adopted in November 2016 and ENV6, ENV7 and DES5 of the Unitary Development Plan that we adopted in January 2007. (R14AB)

- 15 Customers shall not be permitted within the Class A1 retail shop premises before 07.00 or after 23.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SS8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 Customers shall not be permitted within the Class A3 cafe or restaurant premises before 09.00 or after 00.00 on Monday to Saturday (not including bank holidays and public holidays) and before 10.00 or after 23.00 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE9 and SS8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 17 You must provide the main structural elements with capped services ready for fit out of mechanical and electrical finishes together with floors, ceiling lighting, ventilation and power for the primary school accommodation between sub-basement and sixth floor levels prior to occupation of the hotel and serviced apartments accommodation within the same building.

Reason:

To ensure that the replacement social and community floorspace is provided in accordance with S3 and S34 in Westminster's City Plan that we adopted in November 2016 and SOC1, SOC2 and SOC3 in the Unitary Development Plan that we adopted in January 2007.

- 18 You must use the Class D1 school premises within the hotel and serviced apartments building only as a primary school. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

Insufficient information has been submitted to demonstrate in land use and amenity terms the acceptability of unrestricted Class D1 use. In the absence of such information the City Council considers that it would be premature to confer unrestricted Class D1 or D2 use on these parts of the development. This is in accordance with S3, S29 and S34 in Westminster's City Plan that we adopted in November 2016 and ENV6 and SOC1 in the Unitary Development Plan that we adopted in January 2007.

- 19 You must provide not less than 203 of the car parking spaces shown on drawings 16066_PDA_INR_B2_DR_A_05-1000 B and 16066_PDA_INR_B1_DR_A_05-1001 B for the

residential occupiers of this development and each of these car parking spaces shall only be used for the parking of the private vehicles of people living in the residential part of this development. The remaining car parking spaces at basement level shall only be used by hotel and serviced apartment guests requiring disabled parking. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

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

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

Reason:

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

- 22 Before anyone moves into each part of the development, you must provide the separate stores for waste and materials for recycling for the relevant part of the development, as shown on drawing numbers HOT B2 DR A (05) 120 and HOT B1 DR A (05) 121. You must clearly mark them and make the respective waste stores available at all times to everyone occupying the residential accommodation and other non-residential accommodation within the development.

Reason:

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

- 23 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 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)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 27 You must carry out the development in accordance with the overheating and cooling strategy, including installation of mechanical ventilation with heat recovery system to each flat, set out in the submitted Environmental Noise Survey and Building Facade Requirements report dated 22 October 2013 (Rev.'Final') (contained with Volume 4 of the ES).

Reason:

To improve the energy efficiency of the development and ensure the building provides an acceptable internal living environment in accordance with S28 and S29 in Westminster's City Plan that we adopted in November 2016 and 5.9 in the London Plan (March 2016).

- 28 The residential flats hereby approved shall achieve Level 4 of the Code for Sustainable Homes or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). A copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 or higher shall be submitted to and approved by us within three months of occupation of the residential parts of the development.

If the submitted Final Post Construction Stage Assessment and Certification do not demonstrate that the residential part of the development has achieved Code for Sustainable Homes Level 4 or higher then you must also submit a remediation strategy and a timetable for

carrying out the remedial works necessary to achieve Code for Sustainable Homes Level 4 or higher. You must carry out any remedial works that are required in accordance with the strategy and timetable that we approve.

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)

- 29 The development must score both available credits under the Code for Sustainable Homes Ene7: Low or Zero Carbon Technologies.

Reason:

To ensure that the development achieves carbon reduction through the use of renewable technology, in accordance with S40 in Westminster's City Plan that we adopted in November 2016.

- 30 The non-residential parts of the development within each phase shall achieve BREEAM "excellent" rating or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). A copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that the non-residential parts of the development within each phase have achieved a BREEAM "excellent" rating or higher shall be submitted to and approved by us within three months of occupation of the non-residential parts of the development within that phase.

If the submitted Final Post Construction Stage Assessment and Certification do not demonstrate that the non-residential parts of the development within that phase have achieved a BREEAM "excellent" rating or higher then you must also submit a remediation strategy and a timetable for carrying out the remedial works necessary to achieve a BREEAM "excellent" rating or higher. You must carry out any remedial works that are required for the relevant phase of the development in accordance with the strategy and timetable that we approve.

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)

- 31 You must carry out the development in accordance with the details of bird and bat boxes that we approved on 2 October 2017 (RN: 17/04613/ADFULL) and the bird and bat boxes must be installed prior to occupation of the development. This is unless or until we approve alternative bird and bat box details. If we approve alternative bird and bat box details, you must then carry out the development in accordance with the alternative details we approve prior to occupation of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan

that we adopted in January 2007. (R43AB)

- 32 You must apply to us for approval of detailed drawings (including a manufacturer's specification if appropriate) and a management plan for the proposed biodiverse (green and brown) roof over the gym accommodation, unless you carry out the development in accordance with the details we approved on 6 June 2018 (RN: 18/01740/ADFULL). You must not install the biodiverse roof until we have approved what you have sent us. You must then carry out the works in accordance with the details we approve and permanently maintain the biodiverse roofs in accordance with the approved management plan, unless otherwise agreed by us in writing.

Reason:

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

- 33 You must apply to us for approval of details of the following parts of the development: drawings and schedules showing the tree and shrub planting to the balcony and roof terrace planters. 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 planting according to these approved drawings and schedules and you must install the planting to the balconies and roof terraces prior to occupation of each of the flats that the balconies/ roof terraces serve. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 and S38 of Westminster's City Plan adopted November 2016 and DES 1, DES 5, DES 6 and ENV 4 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 34 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- Photovoltaic panels at roof level shown on the drawings hereby approved.

You must not remove any of these features, unless we have given you our permission in writing. (C44AA)

Reason:

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

- 35 No tables and chairs shall be placed outside of the 'retail' (Classes A1 or A3) premises hereby approved within the hard or soft landscaping of the public realm without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures such as enclosure around tables and chairs or sun shades that you propose to place within the hard or

soft landscaping comprising the public realm. You must not place the table and chairs or associated structures outside the 'retail' premises until we have approved what you have sent us. You must then place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.

Reason:

To prevent obstruction to pedestrian movement across the site, protect the amenity of neighbouring residents and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with S28, S32 and CS41 in Westminster's City Plan that we adopted in November 2016 and DES1, ENV6 and TRANS3 in the Unitary Development Plan we adopted in January 2007.

- 36 You must carry out the development in accordance with the detailed surface water drainage scheme for the site that we approved on 30 March 2017 (RN: 17/00910/ADFULL), unless or until we approve in writing an alternative surface water drainage scheme, which must include a restriction in run-off of 50% and surface water storage on site as outlined in the Flood Risk Assessment submitted under RN: 13/11045/FULL). The drainage scheme that we have approved shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To prevent increased risk of flooding and improve and protect water quality in accordance with Policy S30 in Westminster's City Plan that we adopted in November 2016.

- 37 You must carry out the development in accordance with the contaminated land remediation strategy (Phases 1 to 3) that we approved on 1 December 2015 (RN: 15/09738/ADFULL). Within 3 months of the completion of the development you must apply to us for approval of a Phase 4: Validation report, which summarises the action you have taken during the development to prevent and avoid land contamination and what action you will take in the future, if appropriate.

Reason:

To make sure that any contamination 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. (R18AA)

- 38 (a) You must carry out the demolition and basement works in accordance with the locations of vehicular and pedestrian access on to the site during demolition and basement works that we approved on 15 January 2016 (RN: 15/10946/ADFULL) unless or until we approve in writing alternative locations of vehicular and pedestrian access on to the site during demolition and basement works. Thereafter the demolition and basement works shall be carried out in accordance with the alternative locations of vehicular and pedestrian access on to the site during demolition and basement works that we approve.

(b) You must carry out the construction works above ground floor slab level in accordance with the locations of vehicular and pedestrian access on to the site during construction works above ground floor slab level that we approved on 9 February 2017 (RN: 16/10898/ADFULL) unless or

until we approve in writing alternative locations of vehicular and pedestrian access on to the site during construction works above ground floor slab level. Thereafter the construction works above ground floor slab level shall be carried out in accordance with the alternative locations of vehicular and pedestrian access on to the site that we approve.

Reason:

To protect the environment of residents and the area generally and to prevent disruption to the local highway network as set out in S29 of Westminster's City Plan that we adopted in November 2016 and STRA 25, TRANS 2, TRAN 3, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 39 (a) You must carry out the demolition and basement works in accordance with the construction management plan we approved on 15 January 2016 (RN: 15/10946/ADFULL) unless or until we approve in writing an alternative construction management plan for these parts of the works. Thereafter the demolition and basement works shall be carried out in accordance with the alternative locations of vehicular and pedestrian access on to the site during demolition and basement works that we approve.

(b) You must carry out the construction works above ground floor slab level in accordance with the construction management plan we approved on 9 February 2017 (RN: 16/10898/ADFULL) unless or until we approve in writing an alternative construction management plan for these parts of the works. Thereafter the construction works above ground floor slab level shall be carried out in accordance with the alternative construction management plan that we approve.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R21HB)

- 40 You must provide the two way vehicular ramp to basement level as shown on drawings HOT B1 DR A (05) 121 and HOT 00 DR A (05) 122 prior to occupation of the first residential flat and thereafter you must maintain the ramp in accordance with the approved drawing.

Reason:

To ensure the provision of vehicular parking at basement level in accordance with Policy TRANS23 in the Unitary Development Plan we adopted in January 2007.

- 41 You must carry out the development in accordance with the Landscape and Habitat Management Plan we approved on 2 October 2017 (RN: 17/04613/ADFULL) unless or until we approve an alternative Landscape and Habitat Management Plan. If we approve an alternative Landscape and Habitat Management Plan, you must then carry out the development with the alternative management plan we approve.

Reason:

To ensure that the development provides habitats to replace those lost through demolition of the existing buildings and landscaping and to encourage biodiversity on site in accordance with Policy S38 in Westminster's City Plan that we adopted in November 2013 and Policy ENV17 in the Unitary Development Plan we adopted in January 2007.

- 42 You must carry out the development in accordance with the tree protection measures we approved on 24 November 2015 (RN: 15/09339/ADFULL), unless or until we approve in writing alternative tree protection measures for the trees you are keeping (as listed in Section 6.5 of the Arboricultural Implications Assessment and Arboricultural Method Statement (October 2013) and as shown on drawing 602). If we approval alternative tree protection measures, thereafter you must protect the trees in accordance with the measures we approve for the remainder of the construction period.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 43 You must provide the double height ground floor office and retail units in the form shown on the drawings hereby approved and you must not insert mezzanine floors into these units.

Reason:

To ensure that the development is acceptable in land use terms and to prevent harm to the amenity of neighbouring residents within the development. This is as set out in S1 S3, S20, 21, S29 and S32 in Westminster's City Plan that we adopted in November 2016 and ENV6 and SS10 in our Unitary Development Plan that we adopted in January 2007.

- 44 You must use the Class D2 gym premises only as a gym. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV6 and TRANS21-26 of our Unitary Development Plan that we adopted in January 2007 and S3, S29, S32 and S41 of Westminster's City Plan that we adopted in November 2016. (R05AB)

- 45 Customers shall not be permitted within the Class D2 gym premises before 06:00 or after 23:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan adopted November 2016 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 46 Before you begin to use the new school premises, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

(a) A comprehensive survey of all users of the school;

- (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
- (c) Targets set in the Plan to reduce car journeys to the school;
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new school buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

- 47 All rooms and areas of the primary school hereby approved that are to be used for teaching shall be constructed so that they are compliant with Building Bulletin 93, Acoustic Design of Schools, published in 2003.

Reason:

To ensure that the school premises provide an acceptable teaching environment in accordance with ENV6 in the Unitary Development Plan that we adopted in January 2007 and S32 in Westminster's City Plan that we adopted in November 2016.

- 48 (A) You must carry out the development in accordance with the written scheme of archaeological investigation that we approved on 10 December 2015 (RN: 15/10116/ADFULL) unless or until we approve in writing an alternative written scheme of archaeological investigation. Thereafter the development shall be carried out in accordance with the alternative written scheme of archaeological investigation that we approve.

(B) No development or demolition 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:

Due to the proximity of the site to the Paddington and Lillestone Villages Area of Special Archaeological Priority, heritage assets of archaeological interest are expected to survive on the site and it is therefore necessary to secure the provision of appropriate archaeological investigation, including the publication of results. This is in accordance with S25 in Westminster's City Plan that we adopted in November 2016.

- 49 (A) You must apply to us for approval of details of temporary servicing arrangements to be

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implemented in advance of the completion of the permanent servicing yard and basement level servicing bays that are to be delivered as part of the hotel, serviced apartments and school block. You must not occupy the development until we have approved what you have sent us. You must then service any parts of the development occupied in advance of the occupation of the hotel, serviced apartments and school uses in accordance with the temporary servicing arrangements we agree in writing.

(B) Prior to occupation of the hotel, serviced apartments and school block, you must provide the permanent servicing arrangements for the development; namely, the ground floor service yard and basement level servicing bays as shown on drawings HOT B1 DR A (05) 121 and HOT a00 DR A (05) 122 A. Thereafter you must retain the service yard for the purpose of servicing all residential, commercial and other uses within the development and you must cease the servicing of the development via the temporary servicing arrangements that we approve under (A).

Reason:

To ensure that the development is appropriately serviced in accordance with S42 in Westminster's City Plan that we adopted in November 2016 and TRANS20 in the Unitary Development Plan we adopted in January 2007.

- 50 The loading bays within the ground floor service yard shown on drawing 16066_PDA_INR_00_DR_A_05-1002 C shall be maintained with a clearance height of 4.5 metres above each loading bay.

Reason:

To ensure that the development is appropriately serviced in accordance with S42 in Westminster's City Plan that we adopted in November 2016 and TRANS20 in the Unitary Development Plan we adopted in January 2007.

- 51 You must carry out the development in accordance with the bat investigation report we approved on 10 December 2015 (RN: 15/10116/ADFULL).

Reason:

To ensure that the existing buildings and trees identified as having potential for use as bat roosts are not demolished prior to reinspection. This is in accordance with S38 in Westminster's City Plan that we adopted in November 2016 and ENV17 in our Unitary Plan that we adopted in January 2007.

- 52 You must apply to us for approval of a revised air quality assessment that demonstrates that the development would have a neutral or better effect on air quality. You must submit the revised air quality assessment within 4 months of the date of this decision letter and you must carry out the development in accordance with the revised air quality assessment that we approve.

Reason:

To ensure the development has a neutral or better impact on air quality within the Westminster Air Quality Management Area in accordance with Policy S31 in Westminster's City Plan that we adopted in November 2016 and Policy 7.14 in the London Plan (March 2016).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a deed of variation dated the same date as this decision letter between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - i. Notice of commencement of development (3 months prior to commencement).
 - ii. Provision of 64 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to occupation of more than 50% of the market housing units and a financial contribution of £863,000 to the Affordable Housing Fund prior to commencement of development.
 - iii. Provision at a pepper corn rent of the social and community floorspace (the new primary school premises).
 - iv. A financial contribution of £599,423 (index linked) prior to commencement towards the Social and Community Fund.
 - v. A financial contribution of £836,448 (index linked) prior to commencement towards the Education Fund.
 - vi. A financial contribution of £131,541 (index linked) prior to commencement to PATS.
 - vii. A financial contribution of £457,329 (index linked) prior to commencement towards PATEMS.
 - viii. A financial contribution of £22k pa for period of construction works to the Environmental Inspectorate to monitor construction impacts (4 year construction period assumed by contribution not limited to this time period).
 - ix. A financial contribution of £6k pa for period of construction works to the Environmental Sciences Team to monitor construction impacts (4 year construction period assumed by contribution not limited to this time period).
 - x. Provision of garden space facing North Wharf Road as Public Open Space.
 - xi. Provision of public realm works in accordance with a public realm masterplan.
 - xii. Provision, maintenance and use of and access to the on-site public realm.
 - xiii. Provision of car club memberships (25 years) for 64 residential units (the affordable housing units).
 - xiv. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis and provision of affordable housing parking at nil cost.
 - xv. Provision, maintenance and access to on-site bus driver's toilet facility.
 - xvi. Provision of and adherence to an advertisement and shop front design strategy.
 - xvii. Provision and management of on-site car club spaces.

- xxiii. Provision and periodic review of a site wide travel plan.
- xix. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road and Harrow Road.
- xx. Provision of Harrow Road Traffic Island prior to occupation.
- xxi. Provision of and adherence to a Servicing Management Strategy.
- xxii. Provision of on-site space for Mayor's cycle docking station.
- xxiii. Provision and management of on-site CCTV.
- xxiv. Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.
- xxv. Demonstration of compliance with the Code of Construction Practice and signing up to the Considerate Constructors Scheme.
- xxvi. Mitigation measures for television interference.
- xxvii. Provision of and compliance with a Balcony Management Strategy.
- xxviii. Provision of development in full accordance with submitted Code for Sustainable Homes and BREEAM assessments.
- xxix. Adherence with the Council's Local Procurement Code.
- xxx. Provision of costs for monitoring of agreement (£500 per head of term).

- 3 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

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

proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

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

- 8 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 9 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

- 10 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.

- 11 You are advised that Thames Water request that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 12 You are advised that Thames Water have advised that no impact piling should take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been provided to and agreed with the water or sewerage undertaker. This is because the proposed works will be in close proximity to underground water and sewerage utility infrastructure and piling has the potential to impact on local underground water and sewerage utility infrastructure. You should contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.
- 13 You are advised that the Environment Agency require the submission of the following details in respect of Condition 36 attached to this decision letter:
- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in

network calculations and it should also show invert and cover levels of manholes., b)
Confirmation of the critical storm duration.

c) Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.

e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.

f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Please contact Environment Agency Planning Advisor Jane Wilkin on 020 3263 8052 for further advice on this matter.

- 14 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 15 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 16 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 17 For further advice on the requirements of Condition 49 (Archaeological Investigation) you should contact Archaeological Adviser Sandy Kidd of English Heritage's Greater London Archaeological Advisory Service on 020 7973 3215 or by email at sandy.kidd@english-heritage.org.uk.

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.

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Agenda Item 5

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	33 Grosvenor Place, London, SW1X 7HY,		
Proposal	Modification of S106 legal agreement dated 3 April 2017 (RN 16/08369/FULL) to amend the employment and training strategy.		
Agent	Ginny Jukes DP9		
On behalf of	33 Grosvenor Place Ltd		
Registered Number	18/01537/MOD106	Date amended/ completed	22 February 2018
Date Application Received	22 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

Agree the modification of the Section 106 legal agreement dated 3 April 2017.

2. SUMMARY

On 3 April 2017, permission was granted for the redevelopment of this building behind retained facades to create a medical clinic (Class C2), including alterations to the existing elevations, partial demolition and redevelopment of the existing western elevation along with additional alterations including the creation of a servicing and delivery bay; minor excavation at basement level and redevelopment of the existing fifth floor level; addition of roof top extension at sixth floor level for plant; infill of the existing atria; and other associated alterations.

The permission is subject to a S106 legal agreement which secures various matters including highways works, financial contributions to the carbon offset fund and a highway improvement scheme, a car parking strategy, the establishment and operation of a community liaison group and an employment and training strategy.

This application for modifications to the existing S106 agreement relates to changes to the detailed wording of the employment and training strategy. The purpose of the strategy is to promote and facilitate employment opportunities, training and apprenticeships for residents within the borough.

Paragraph 3 of Schedule 2 to the agreement requires the developer to submit its draft Employment and Training Strategy to the Director for his written approval 6 months prior to the commencement of

development. The strategy is required to include details of initiatives and opportunities for Westminster residents relating to the construction period and the operational period of the development and details of how these will be delivered.

The applicant states that the timelines set out in the original legal agreement (in terms of the submission 6 months prior to commencement) cannot be met due to changes in their programme and are seeking the following variations to the employment/training clauses:

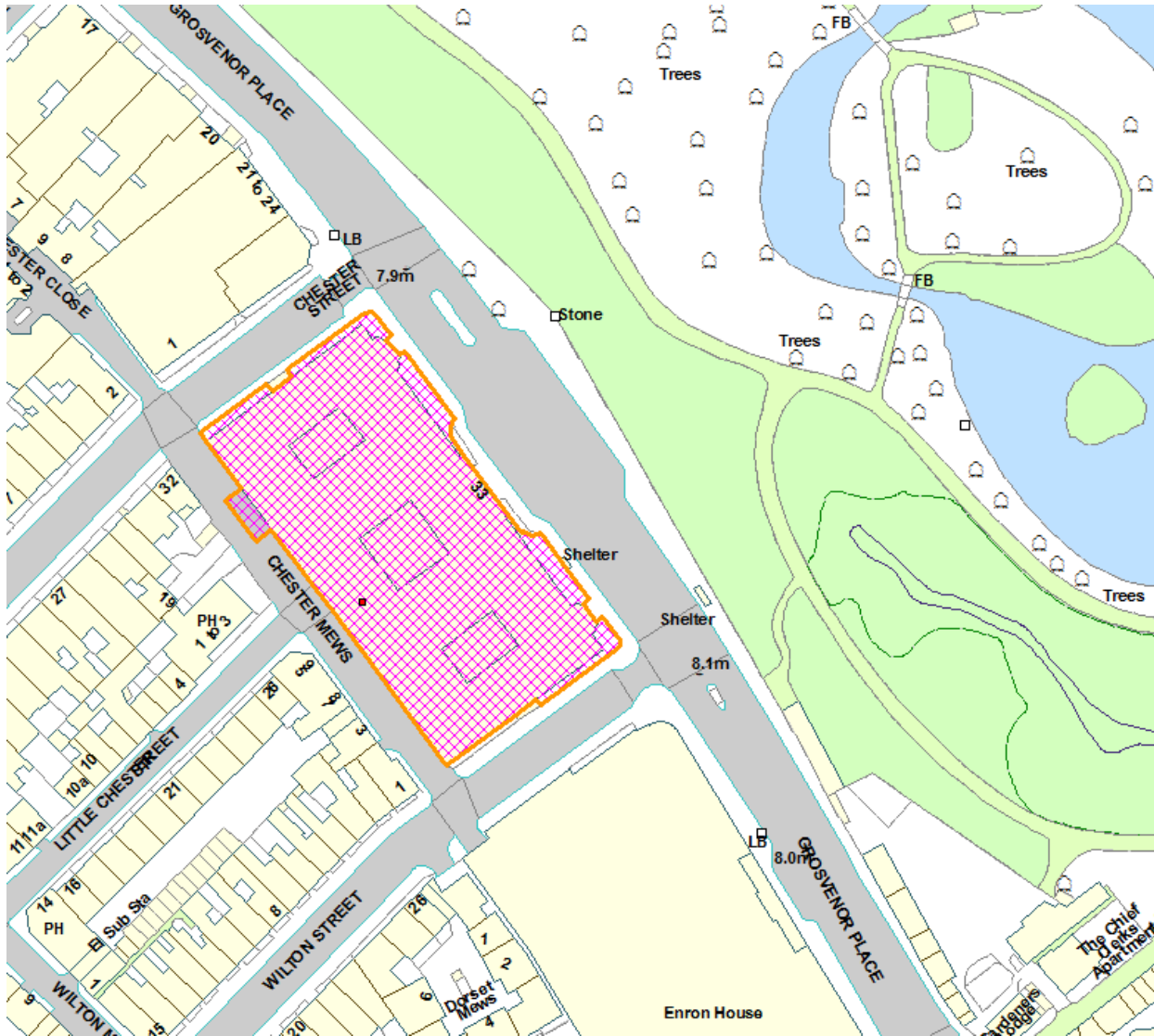
1. Split the Employment Strategy to two separate strategies – one for the construction period and another for the operational period.
2. Have different lead times for the different phases. The construction phase strategy has already been submitted and agreed, so the clause will be amended to require compliance with the agreed strategy dated 31 May 2018. The strategy for the operational period is required to be submitted 12 months prior to practical completion of the development.

In the current S106, paragraph 3.4 of Schedule 2 places the onus on the developer to use their reasonable endeavours to advertise job opportunities to Westminster residents, promote training/job opportunities to residents, and engage with local brokerage services to advertise jobs locally. Following negotiation with the Director of Economy, it is proposed that this section of the legal agreement is removed. In its place, the applicant has agreed to provide a contribution towards a "Workplace Coordinator", to be a newly created role within the City Council which will facilitate employment and training opportunities for residents within the City. The contribution totals £140,000 over three instalments. The proposed change to the agreement therefore removes the onus from the applicant to promote training and job opportunities, and shifts it to the role within the City Council.

There are also minor amendments to the requirements for the content of the employment strategy including monthly reporting back to the City Council confirming the number of Westminster residents employed via the agreed employment and training strategy.

It is considered that the proposed changes to the S106 will enable the provision of a coordinated local employment service for unemployed Westminster residents (particularly for opportunities in the operational phase of this development) and meet the necessary tests for planning obligations.

3. LOCATION PLAN



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4. PHOTOGRAPHS



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5. CONSULTATIONS

No additional consultation required.

(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: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

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