



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 23rd April, 2019

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Gotz Mohindra (Chairman)	Murad Gassanly
David Boothroyd	Jim Glen
Ruth Bush	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 a pass, issued from the ground floor reception from 6.00pm. 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, Georgina Wills: Committee and Governance Officer.

**Tel: 020 7641 7513; Email: gwills@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

Members of the public are welcome to speak on specific applications at planning committee meetings.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee.

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

1. DEVELOPMENT SITE - LAND AT HARBET ROAD, LONDON W2 1JU

(Pages 13 - 100)

2. 15-20 MANCHESTER SQUARE, LONDON, W1U 3PW

(Pages 101 - 144)

3. NATIONAL PORTRAIT GALLERY, 2 ST MARTIN'S PLACE,

(Pages 145 -

	LONDON, WC2H 0HE	188)
4.	41 ABBEY ROAD, LONDON, NW8 0AA	(Pages 189 - 226)
5.	ARMY RESERVE CENTRE, 52 - 56 DAVIES STREET, LONDON, W1K 5HR	(Pages 227 - 244)

**Stuart Love
Chief Executive
11 April 2019**

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 5th March, 2019**, Room 18.01 - 03, 18th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP.

Members Present: Councillors Gotz Mohindra (Chairman), David Boothroyd, Ruth Bush, Peter Freeman, Murad Gassanly, Jim Glen and Selina Short

1 MEMBERSHIP

- 1.1 The Sub-Committee noted that Councillor Selina Short had replaced Councillor Elizabeth Hitchcock.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Mohindra Gotz explained that a week before the meeting, all seven Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor David Boothroyd declared that he was Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. No current schemes are in Westminster; if there were he would be precluded from working on them under the company's code of conduct. With regard to item 1, he declared that some Thorncliffe clients had engaged with Montagu Evans as planning consultants, and they are also representing the applicants at the Planning Major Application Sub-Committee. However he does not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.

- 2.3 Councillor Peter Freeman declared that in respect of Item 1, he previously held the position of Deputy Cabinet Member for the Built Environment and had sat on a Planning Sub-Committee which had considered the Application previously. The application site is also located in Councillor Freeman's Ward.
- 2.4 Councillor Jim Glen declared that in respect of Item 1, he was a Trustee of the Westminster Tree Trust.
- 2.5 Councillor Ruth Bush declared that in respect of Item 1, she was a Trustee of the Westminster Tree Trust

3 MINUTES

- 3.1 That the minutes of the meeting held on 5 February 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 87A ST JOHN'S WOOD TERRACE, LONDON, NW8 6PP

Alterations and extensions, including demolition and reconstruction of rear extensions, excavation of basement floor, removal of tree, alterations to front boundary wall, installation of mechanical plant, erection of cupola at roof level, use of part of garden to rear of No.8 Ordnance Hill, and internal works to all floor levels in connection with the use of the building as five residential apartments (2x3 bed, 2x2 bed, and 1x1 bed flats)

An additional representation were received from Edge Asset Management (26.02.19)

Late representations were received from St John's Wood Society (02.03.19), Fletcher Day Solicitors (04.03.19) and Montagu Evans (Unknown)

The Presenting Officer tabled the following amendments to the report and additional Condition.

Item 1 – 87A St. John's Wood Terrace

Site Location Plan

The site location plan reproduced on page 13 of the committee report is incorrect and does not include part of the rear garden of No.8 Ordnance Hill. The corrected site location plan is appended.

Amendment to Report No.1 – Projecting Balconies (Page 21 – Section 8.7.1)

The projecting balconies above the car park entrance do not form part of this scheme and were referred to in error in the committee report.

Amendment to Report No.2 – Window to South West Elevation (Page 21 – Section 8.7.1)

The reference to the introduction of a new window in the south west elevation is incorrect. Whilst the schemes approved in 2011 and 2014 introduced a second

window at first floor level, the current scheme proposes only the retention of the existing window, which is to be obscure glazed and fixed shut.

Amendment to Report No.3 – Supplementary Noise Report (Page 22 – Section 8.7.1)

A revised acoustic report has been submitted demonstrating compliance with the Council's mechanical plant noise policies and therefore Condition 27, requiring a supplementary acoustic report is no longer required and will be omitted from the draft decision letter.

Amended Condition 17 (Amended/ additional text in red and struck through where deleted)

For the avoidance of doubt, the glass that you put in the windows in the side elevation facing 88 St Johns Wood Terrace at first floor level must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). 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 we have approved and must not change it without our permission.

Additional Condition – Full North Eastern Elevation

Condition

You must apply to us for approval of a full north eastern elevation of the proposed development. 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 this detailed drawing.

Reason

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted, as amended, subject to an additional Condition as set out above and the completion of a section 106 legal agreement to secure the following
 - a) Financial contribution of £70,000 towards the Affordable Housing Fund (payable on commencement of development and index linked)
 - b) Monitoring cost of £500 for the above clause
2. That If the Section 106 legal agreement has not been completed within four weeks of the Committee resolution then:
 - a) The Executive Director for Growth, Planning and Housing shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive

Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers,; however, if not
b) The Executive Director for Growth, Planning and Housing shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

3. That conditional listed building consent be granted
4. That the reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter be agreed subject to an additional Informative being included which states that permission is granted only due to the fall-back position established by the extant permission.

The Meeting ended at 7.10 pm

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING MAJOR APPLICATIONS SUB COMMITTEE – 23rd April 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s): 18/05018/FULL Hyde Park	Development Site - Land at Harbet Road London W2 1JU	Redevelopment comprising the erection of a 42 storey building (Building 1) and a 21 storey building (Building 6) above three basement levels. Use of buildings as 426 residential units (Class C3) (including 67 affordable housing units in Building 6), retail floorspace (Classes A1/ A2/ A3/ A4/ A5) and retail/leisure floorspace (Classes A1/ A2/ A3/ A4/ A5/ D2); provision of car parking, cycle parking, ancillary space, plant, servicing, highway works, hard and soft landscaping and other associated development.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to:</p> <p>a) the completion of a S106 legal agreement and a deed of variation to the Overarching Agreement dated 4 August 2011 (as previously varied on 27 March 2012) on to secure the following planning obligations:</p> <p>New Buildings 1 and 6 S106 Agreement</p> <ul style="list-style-type: none"> i. Notice of commencement of development. ii. Provision of on-site affordable housing to the quantum, mix, tenure and affordability set out in Section 8.1 with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG (prior to occupation of more than 50% of the market residential units in Building 6 and prior to occupation of more than 111 units in Building 1). iii. Provision and management of CCTV. iv. Provision and adherence with an advertisement and shopfront strategy for retail uses and 'sky bar'. v. Provision of public realm areas prior to occupation. vi. Provision of maintenance, use of and access to the on-site public realm. vii. Provision of cycle parking within shared basement. viii. Provision of land for installation of Mayor's Cycle Hire docking station. ix. Provision and periodic review of a workplace and residential travel plans. x. Provision and maintenance of public access to the Sky Bar in Building 1. xi. Financial contribution of £522,749 (index linked) to the Carbon Off-set Fund (payable on commencement). xii. Provision of lifetime car club membership for each affordable housing unit within the development. xiii. Provision of skills and employment opportunities for local residents. xiv. Costs of monitoring the agreement (£500 per head of term). <p>Deed of Variation to Overarching Agreement</p> <ul style="list-style-type: none"> i. Highway works to the public highway to the perimeter of the site to improve footways and carriageways including temporary road finishes repairing and resurfacing works. ii. Improvement works to Harbet Road (these were delivered prior to occupation of Building 3). iii. A financial contribution of £360,000 (index linked from August 2011) towards Harrow Road subway works (prior to occupation of the earlier of Building 1 or Building 2). iv. Provision of Kayak Store and bridge across the canal basin (these have been delivered in conjunction with Building 3). v. Provision of towpath works (these have been delivered in conjunction with Building 3). vi. Building 3 Affordable Housing Underprovision Sum (£2.59m index linked) (payable where more than 80 market units are provided in Building 3 without provision of the affordable 				

CITY OF WESTMINSTER
 PLANNING MAJOR APPLICATIONS SUB COMMITTEE – 23rd April 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

		<p>housing in Building 6 and returnable to the developer where the affordable housing units in Building 6 are completed within 6 years of the date of the payment of the sum).</p> <p>vii. Off-site provision of a waterways facilities building incorporating the listed canopy.</p> <p>viii. Delivery of public realm areas in accordance with landscape masterplan prior to occupation.</p> <p>ix. Connection of development to Energy Centre within 3 Merchant Square and provision of amended CHP equipment within Building 3 Energy Centre.</p> <p>x. Provision and management of on-site car club spaces.</p> <p>xi. Provision and management of on-site residential car parking provision within shared basement.</p> <p>xii. Provision of electric car charging facilities.</p> <p>xiii. Provision and adherence with a servicing management strategy.</p> <p>xiv. Provision of a green waste composting scheme.</p> <p>xv. Completion of vehicle access ramp below Building 2 before first occupation of Buildings 1, 2 or 6.</p> <p>xvi. Mitigation measures for television signal interference.</p> <p>xvii. Compliance with the Code of Construction Practice (amended to Buildings 2 and 3 only).</p> <p>xviii. Compliance with the Local Procurement Code.</p> <p>b) the concurrence of the Mayor of London.</p> <p>2. If the legal agreement and deed of variation to secure the planning obligations has not been completed by 1 August 2019 then:</p> <p>a) The Executive Director Growth, Planning and Housing 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 Executive Director Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p> <p>b) The Executive Director Growth, Planning and Housing 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 Executive Director Growth, Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. That Sub-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 in North Wharf Road to enable this development (Building 6) to take place.</p> <p>4. That the Director Place Shaping and Town Planning be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p>
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Item No	References	Site Address	Proposal	Resolution
2.	<p>RN(s) : 18/10640/FULL</p> <p>Marylebone High Street</p>	<p>15-20 Manchester Square London W1U 3PW</p>	<p>Demolition and replacement of existing fourth floor, demolition of existing plant room, and erection of single storey roof extension at fifth floor and rear extension at second to fifth floor levels in connection with existing office (Class B1) use, provision of new main office entrance, flexible use of part ground and basement floor for either retail or office use (Class A1/B1), creation of roof terrace at fifth floor level, provision of cycle parking spaces and facilities, roof plant and associated external alterations, including replacement windows.</p>	

CITY OF WESTMINSTER
 PLANNING MAJOR APPLICATIONS SUB COMMITTEE – 23rd April 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>Recommendation</p> <p>1. Grant conditional permission, subject to a Section 106 legal agreement to secure the following planning obligations:</p> <p>i) Employment and Training Strategy for the construction and operational phases of the development.</p> <p>ii) Payment of cost of monitoring the agreement (£500 per head of term).</p> <p>2. If the legal agreement has not been completed within 3 months from the date of the Committee's resolution then:</p> <p>a) The Executive Director for Growth Planning and Housing shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth Planning and Housing is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Executive Director for Growth Planning and Housing shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Executive Director for Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>			
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Item No	References	Site Address	Proposal	Resolution
3.	<p>RN(s): 19/00456/FULL 19/00457/LBC</p> <p>St James's</p>	<p>National Portrait Gallery 2 St Martin's Place London WC2H 0HE</p>	<p>External and internal alterations and extensions to the National Portrait Gallery; including the creation of a new entrance to the north façade and associated works to the public realm involving repositioning of the Henry Irving Statue; erection of a bridge over northern lightwell, an extension within lightwell, and an extension to a lift shaft; alterations to eastern entrance, to gate and railings, to northern lightwell, to service yard, to rooftop plant and structures, to Duveen wing façade following the removal of the Orange Street ramp and other associated alterations, including extensive internal alterations on all floors.</p>	

<p>Recommendation</p> <p>1. Grant conditional permission including a condition to secure the following benefit:</p> <p>a) arrangements to facilitate and fund the public realm works.</p> <p>2. Grant conditional listed building consent.</p> <p>3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision notice.</p>				
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Item No	References	Site Address	Proposal	Resolution
4.	<p>RN(s): 18/08414/FULL</p> <p>Abbey Road</p>	<p>41 Abbey Road London NW8 0AA</p>	<p>Demolition behind retained central bay facade and redevelopment to provide a new building comprising basement, lower ground, raised ground and three upper floors to provide an elderly care facility (Use Class C2) communal and welfare/medical areas, cycle storage, landscaping and tree works and associated works.</p>	

<p>Recommendation</p> <p>Grant conditional permission.</p>				
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CITY OF WESTMINSTER
 PLANNING MAJOR APPLICATIONS SUB COMMITTEE – 23rd April 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
5.	RN(s): 19/00733/FULL West End	Army Reserve Centre 52 - 56 Davies Street London W1K 5HR	Use of part basement, ground, first, part second and part third floors of 56 Davies Street as event space (sui generis) for a temporary period of 36 months.	
Recommendation Grant conditional permission for a period of 36 months.				

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 23 April 2019	Classification For General Release	
Report of Executive Director of Growth, Planning and Housing		Ward(s) involved Hyde Park	
Subject of Report	Development Site - Land At, Harbet Road, London, W2 1JU,		
Proposal	Redevelopment comprising the erection of a 42 storey building (Building 1) and a 21 storey building (Building 6) above three basement levels. Use of buildings as 426 residential units (Class C3) (including 67 affordable housing units in Building 6), retail floorspace (Classes A1/ A2/ A3/ A4) and retail/leisure floorspace (Classes A1/ A2/ A3/ A4/ D2); provision of car parking, cycle parking, ancillary space, plant, servicing, highway works, hard and soft landscaping and other associated development.		
Agent	DP9		
On behalf of	Merchant Square Residential (Buildings A&F) Limited		
Registered Number	18/05018/FULL	Date amended/ completed	27 June 2018
Date Application Received	14 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to:</p> <p>a) the completion of a S106 legal agreement and a deed of variation to the Overarching Agreement dated 4 August 2011 (as previously varied on 27 March 2012) on to secure the following planning obligations:</p> <p>New Buildings 1 and 6 S106 Agreement</p> <ul style="list-style-type: none"> i. Notice of commencement of development. ii. Provision of on-site affordable housing to the quantum, mix, tenure and affordability set out in Section 8.1 with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG (prior to occupation of more than 50% of the market residential units in Building 6 and prior to occupation of more than 111 units in Building 1). iii. Provision and management of CCTV. iv. Provision and adherence with an advertisement and shopfront strategy for retail uses and 'sky bar'.

- v. Provision of public realm areas prior to occupation.
- vi. Provision of maintenance, use of and access to the on-site public realm.
- vii. Provision of cycle parking within shared basement.
- viii. Provision of lifetime (25 year) car club membership for all market and affordable units.
- ix. Provision of land for installation of Mayor's Cycle Hire docking station.
- x. Provision and periodic review of a workplace and residential travel plans.
- xi. Provision and maintenance of public access to the Sky Bar in Building 1.
- xii. Financial contribution of £522,749 (index linked) to the Carbon Off-set Fund (payable on commencement).
- xiii. Provision of lifetime car club membership for each affordable housing unit within the development.
- xiv. Provision of skills and employment opportunities for local residents.
- xv. Costs of monitoring the agreement (£500 per head of term).

Deed of Variation to Overarching Agreement

- i. Highway works to the public highway to the perimeter of the site to improve footways and carriageways including temporary road finishes repairing and resurfacing works.
- ii. Improvement works to Harbet Road (these were delivered prior to occupation of Building 3).
- iii. A financial contribution of £360,000 (index linked from August 2011) towards Harrow Road subway works (prior to occupation of the earlier of Building 1 or Building 2).
- iv. Provision of Kayak Store and bridge across the canal basin (these have been delivered in conjunction with Building 3).
- v. Provision of towpath works (these have been delivered in conjunction with Building 3).
- vi. Building 3 Affordable Housing Underprovision Sum (£2.59m index linked) (payable where more than 80 market units are provided in Building 3 without provision of the affordable housing in Building 6 and returnable to the developer where the affordable housing units in Building 6 are completed within 6 years of the date of the payment of the sum).
- vii. Off-site provision of a waterways facilities building incorporating the listed canopy.
- viii. Delivery of public realm areas in accordance with landscape masterplan prior to occupation.
- ix. Provision of, and connection to, the Energy Centre within 3 Merchant Square and provision of amended CHP equipment to deliver greater reductions in NOx emissions.
- x. Provision and management of on-site car club spaces.
- xi. Provision and management of on-site residential car parking provision within shared basement.
- xii. Provision of electric car charging facilities.
- xiii. Provision and adherence with a servicing management strategy.
- xiv. Provision of a green waste composting scheme.
- xv. Completion of vehicle access ramp below Building 2 before first occupation of Buildings 1, 2 or 6.
- xvi. Mitigation measures for television signal interference.
- xvii. Compliance with the Code of Construction Practice (amended to Buildings 2 and 3 only).
- xviii. Compliance with the Local Procurement Code.

b) the concurrence of the Mayor of London.

2. If the legal agreement and deed of variation to secure the planning obligations has not been completed by 1 August 2019 then:

- a) The Executive Director Growth, Planning and Housing 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 Executive Director Growth, Planning and Housing 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 Place Making and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Sub-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 in North Wharf Road to enable this development (Building 6) to take place.
 4. That the Director Place Shaping and Town Planning be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

The application proposes site wide redevelopment of this currently vacant site within the Central Activities Zone (CAZ), Paddington Opportunity Area (POA) and North Westminster Economic Development Area (NWEDA) to provide a 42 storey building (Building 1) and a 21 storey building (Building 6), with three basement levels. It is proposed to use the buildings as 426 residential units (Class C3), including 67 on-site affordable housing units in Building 6, with retail and leisure floorspace (Classes A1/ A2/ A3/ A4/ A5/ D2) at ground floor level and a two storey 'sky bar' at the top of Building 1. The proposed basement levels would be utilised to provide residential car parking, cycle storage and ancillary space for mechanical plant and servicing activities. In association with the buildings hard and soft landscaping is proposed to complete the delivery of Merchant Square, a publicly accessible open space between the Buildings 1, 2, 3 and 6 and the canal basin. Works area also proposed to enhance the public highway around the perimeter of the site.

The current scheme for redevelopment of this site follows approval of earlier schemes for redevelopment of the site dated 4 August 2011 (RN: 10/09756/FULL) and 27 March 2012 (RN: 11/10445/FULL). These permissions allowed the erection of a 42 storey building and a 15 storey building to provide a total of 341 residential units, a hotel, 'sky bar' and retail uses on the ground and first floor levels. These previously approved schemes were lawfully implemented in 2016 prior to the expiry of these 5 year permissions (see Section 5). They therefore remain extant and are a material consideration in the determination of the current application.

The key issues in this case are:

- The acceptability of the proposed mix of uses within the POA.
- The acceptability of the proposed on-site affordable housing provision in terms of the quantum, mix and tenure of the units proposed.

- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the setting of the neighbouring Paddington Green Conservation Area; the grade II* listed St. Mary's Church; and other designated heritage assets.
- The impact on the amenity of neighbouring residential properties.
- The impact of the proposed development on the environment in this part of the City.
- The acceptability of the quantum of car parking proposed.

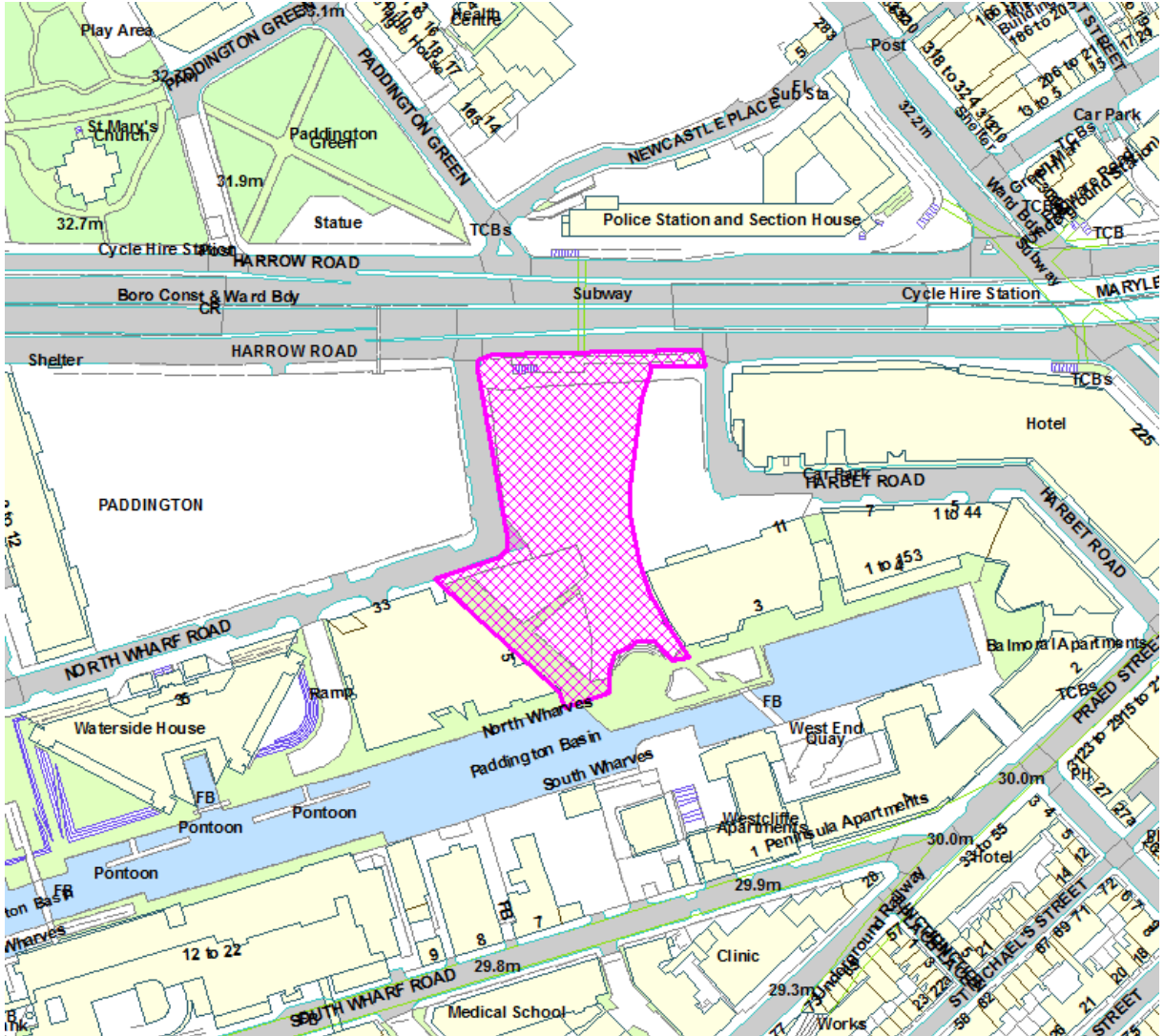
As set out in Section 8.13 of this report the application is of a significant scale necessitating the undertaking of an Environmental Impact Assessment. This assessment has identified a number of areas where significant environmental effects could occur. However, for the reasons set out in detail in the report, it has been established through independent review of the submitted Environmental Statement that these effects can either be suitably mitigated through measures secured via the S106 agreement or by condition or, in the case of the amenity impact of the scheme, the adverse effect is outweighed by the wider beneficial effects of the development.

The planning benefits of the scheme include, but are not limited to, the provision of 67 on-site affordable housing units and whilst this quantum of affordable housing falls below the quantum expected by adopted and emerging development plan policies, it has been concluded through robust independent review of the applicant's viability assessment that this is the maximum provision that can viably be achieved, having regard to the constraints upon the viability of the development, which includes a significant Mayoral and Westminster CIL liability (see Section 8.12). Early and late stage viability review mechanisms are to be secured via the S106 agreement and will enable any improvements in the viability of the scheme to be captured to deliver additional affordable housing.

The proposals include the provision of a tall building; however, the site is the one site in Westminster identified in Policy DES3 in the UDP as being appropriate for a tall building and the height and form of this building remain as previously approved. The minor repositioning of the building on the site would not have an adverse impact on the significance of neighbouring heritage assets, nor would it have a materially greater impact on townscape views than the scheme previously approved in 2011, which remains extant.

In summary, whilst the proposed development would result in some limited adverse effects, the planning benefits of the scheme, particularly the delivery of a significant quantum of market and affordable housing, provision of employment generating uses within the POA and NWEDA, provision of a new publicly accessible open space and the wider enhancement to the public realm and townscape within this part of the City, outweigh the harm that has been identified. In this context, the proposed development considered to be acceptable in land use, design, amenity, transportation and environmental terms and, having regard to the particular constraints of the site, would accord with the relevant Policies in the City Plan adopted in November 2016 (the City Plan), the Unitary Development Plan adopted in January 2007 (the UDP), the London Plan adopted in March 2016. Consideration has also been given to the compliance of the scheme with the draft new London Plan; albeit as it has not yet been adopted, full weight has not been attributed to the policies within this emerging plan (see advice in Section 8.10). As such, it is recommended that conditional permission is granted subject to completion of legal agreements to secure planning obligations and the concurrence of the Mayor, as set out in full in Section 1.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site from the south (site comprises land backward of the hard paved area in front of the two storey temporary marketing suite structure and between Building 5 on the left and Building 3 on the right).



View of site from the Westway (A40)/ Harrow Road (top) and from North Wharf Road, looking east (bottom).

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme and EIA (July 2018)

SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

No comment.

GREATER LONDON AUTHORITY

Development does not yet comply with the London Plan and the draft London Plan. Prior to full assessment of the viability of the scheme, the provision of 16% affordable housing by habitable rooms is unacceptable. Early and late stage review mechanisms will be required if affordable provision remains below 35% following viability review. The Council must publish the financial viability assessment if the provision remains below 35%. Concern that the scheme does not meet the standards set out in the Mayor's Housing Supplementary Planning Guidance in terms of provision of private amenity space. Carbon dioxide savings fall short of the London Plan target and additional measures for carbon reductions should be explored. Further information is required in respect of the sustainable drainage measures proposed before London Plan compliance can be determined. Amended trip generation assessment with a more accurate mode split must be provided and CLoS and Healthy Streets check undertaken. A detailed construction logistics plan and car parking management plan should also be secured via the S106 agreement.

WARD COUNCILLORS (HYDE PARK, LITTLE VENICE, CHURCH STREET & BRYANSTON AND DORSET SQUEEN

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Supportive the application. Appreciate the efforts the applicant has made to include affordable housing within the development. Welcome the retail and leisure spaces planned and believe they will be valuable additions to community facilities in the area. The development has been designed and planned with sensitive consideration to the neighbouring buildings and appropriate concern for the public realm. It is also apparent that this development will create a beneficial and lasting addition to our neighbourhood and community.

NORTH PADDINGTON SOCIETY

Consider that the development is in the right area; however, given that the proposal includes 426 residential units, would like to see at least 85 units (20%) made available to Registered Social Landlords (RSL's) at genuinely affordable rents.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objection. Can see no reason why the proposal does not deliver 35% affordable housing. The amount of affordable housing offered by the developer is wholly inadequate.

PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT

Any response to be reported verbally.

Item No.
1

ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Given the replacement of the previously approved hotel in Building 1 with private housing, consider that the overall proportion of on-site affordable in the two buildings should be increased, if this change is shown to be viable. Therefore, objection is raised on this basis on grounds that insufficient affordable housing would be provided. Note that there will be a school at each end of North Wharf Road. Welcome the reorientation of Building 6, which would improve vistas. Request that CIL money stemming from this and other nearby developments should be used as soon as possible to improve the public realm in and around North Wharf Road.

HEAD OF AFFORDABLE HOUSING AND STRATEGY

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Ask that further details of soil depths and volumes are provided for tree pits and planters. Concerned that soil volumes within planted areas should be maximised. Further details of landscaping should be secured by condition. Asks that the applicant reconsiders the use of beech trees as they are intolerant of drought and hard surfaces and would prefer the use of an alternative tree species to birch.

BUILDING CONTROL

Any response to be reported verbally.

CANAL & RIVER TRUST

No objection. Ask that the applicant refer to the Canal and River Trust's guidance document '*Code of Practice for Works affecting the Canal and River Trust*'.

CHILDREN'S SERVICES

Any response to be reported verbally.

CHURCH ST. LARP

Any response to be reported verbally.

CITY PLANNING

Any response to be reported verbally.

CORPORATE PROPERTY

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Initial response asking that the applicant meets with the Designing Out Crime Officer noting that the recommendations made in September 2017 don't appear to have been addressed. Subsequent confirmation of meeting with the applicant in December 2018. Suggests a condition to reserve details of compliance with Secure by Design Residential and Commercial 2016.

ENVIRONMENTAL SCIENCES

Following amendments/ clarifying information no objection is raised, with the exception to the termination point and design of the proposed kitchen extract system. Request that drawings of the proposed kitchen extract ducting and extraction points on the roof of Building 6 are provided. Conditions are recommended to secure a contaminated land assessment, compliance with the Code of Construction Practice, to control noise and vibration from mechanical plant and construction works, protect new residential accommodation from noise sources, secure further details of the energy centre flue, secure a Deliveries and Servicing Plan and control the hours of servicing.

HIGHWAYS PLANNING MANAGER

Raises the following issues/ comments:

- Supports provision of electric charging points in basement parking. These should be secured via the legal agreement.
- Removal of hotel drop off that was in the approved scheme in North Wharf Road is welcomed.
- Provision of off-street servicing in basement is supported.
- Provision of space within the development for a Mayors Cycle Hire docking station is supported, as is short stay cycle parking within the public realm.
- No objection raised to likely trip generation from the proposed development and content that modelling is sufficiently accurate.
- Public realm on site would provide a suitable pedestrian environment subject to access being secured via a walkways agreement in the legal agreement.
- Does not consider the provision of travel plans necessary given the location of the site but supports the continued provision of car club spaces as per the approved scheme.
- Notes that on-street residents parking in the vicinity of the site has reached 112% occupancy overnight, whilst daytime occupancy is 85%. In light of this would prefer to see a higher parking ratio than 15 spaces for affordable units and 191 spaces for the market units. Notes this leaves 168 units without access to car parking, but that if provided on a 'right to park' basis the number of spaces proposed may be sufficient to meet demand based on the car ownership data within the Hyde Park Ward from the 2011 Census.
- Considers that the affordable housing should be provided with 25 spaces on right to park basis to address likely demand from 67 affordable units.
- Notes that the applicant has offered the provision of 6 bays in the development for car club vehicles and car club membership for each residential unit to seek to address shortfall in residential parking.
- The stopping up in relation to the provision of Building 6 is not objectionable.
- Stopping up to provide landscaping/ planters around the base of Building 1 is not supported and these should be removed from the public highway.
- Hostile vehicle mitigation measures should not be located on the highway and should be relocated off the highway.
- A servicing management plan should be secured.
- Conditions, informatives and legal agreement heads of terms recommended in the event that permission is recommended.

HISTORIC ENGLAND

No comment.

Item No.
1

HISTORIC ENGLAND (ARCHEAOLGY)

Note that the site is close to the Tier 2 Archaeological Priority Areas (APAs) of Watling Street and Paddington. Given the proximity of these APAs and the scale of development a condition is recommended to secure a written scheme of investigation and on-site evaluation of archaeology.

INLAND WATERWAYS ASSOCIATION

Any response to be reported verbally.

LONDON UNDERGROUND LIMITED

No object to principle of proposed development, subject to a condition to secure details of the structural design of all structures and measures to accommodate all London Underground infrastructure.

LEAD LOCAL FLOOD AUTHORITY

Any response to be reported verbally.

NATURAL ENGLAND

No comment.

PADDINGTON BID

Support proposed development. Note that since 2003 the applicant has delivered a mixed community of commercial and residential properties, with considerable levels of affordable housing already delivered, and well managed, on site. Consider that the proposed scheme will be an improvement on the approved scheme in terms making the arrival via North Wharf Road more attractive and creating a real destination in Paddington with a superior roof top bar/ restaurant. Also welcome more residential units given other recent hotel consents in the local area. The possibility of provision of a cinema is supported as this use is lacking at present in Paddington. Adding to the cultural offer locally is critical if Paddington is to continue to compete with other Opportunity Areas in London. Also, extremely important to recognise the Community Infrastructure Levy that will be delivered to the City Council by the application will be circa £20m, which could deliver wholesale improvements to Praed Street and North Wharf Road, both of which are in need of considerable place-making investment.

PLACESHAPING (PUBLIC REALM)

Any response to be reported verbally.

PROJECT OFFICER (WASTE)

A full waste management strategy modelling waste generation and bin capacities should be submitted. The use of a chute system for waste disposal should not be permitted. Chute systems are not permitted for dry mix recyclables as they lead to contamination of recyclable materials. An alternative system should be considered in accordance with the Recycling and Waste Storage Requirements guidance document. The use of the bins should be labelled on the submitted drawings. Concern that the retail waste store may be too small to accommodate retail waste as there is no space for storage of food waste or waste cooking oil. The retail waste store should be amended to address these concerns. The applicant should demonstrate that there will be clear head room of 4.5m to Basement -2 level to ensure refuse collection vehicles can be accommodated. Notes

that it appears the floor to ceiling height within the basement is circa 3.5m. Applicant should confirm that storage for waste and recycling will be provided within each flat.

ROYAL PARKS

Any response to be reported verbally.

SPORT & LEISURE

Any response to be reported verbally.

THAMES WATER

Note that there is an inability of the existing combined waste water infrastructure to accommodate the needs of the development. Ask that a condition is imposed to require all necessary water network upgrades required to accommodate additional flows to be carried out prior to occupation. A positively pumped device should be installed to prevent sewer flooding. Condition requested to secure details of piling within 15m of the sewer main and also to require the water main to be diverted so that the development would not be within 5m of it so that water infrastructure would not be damaged. Note that there is an inability of the existing combined water infrastructure to accommodate the needs of the development. Request a condition to prevent occupation of the development until such a time as all water upgrades required to accommodate the additional flows generated by the development have been accommodated. Note that it is expected that surface water run-off will be attenuated to greenfield run-off rates.

TRANSPORT FOR LONDON

Objections raised. The level of car parking proposed is excessive and an overprovision relative to car ownership levels in the surrounding area. Car parking should be for blue badge holders only in accordance with the draft London Plan. Cycle parking provision is not in accordance with the draft London Plan and it is not clear if GEA or GIA floorspace figures were used to calculate commercial cycle parking provision (GEA floorspace figures should have been used). The multi-modal trip generation for the residential element of the scheme is based on outdated 2011 census data and should be re-done using more accurate, recent source of mode split information. Consider the increased retail element (relative to the approved scheme) to now be a destination in its own right and therefore it should be subject to its own multi-modal trip generation assessment. The provision of a cycle hire docking station should be secured via the S106 agreement and should include provision of the cost of providing the docking station. A Delivery and Servicing Management Plan, Construction Logistics Plan and workplace and residential travel plans should be secured by conditions or via the S106 agreement. Request contribution towards provision of additional bus capacity on local routes. Car parking management plan and electric charging points should be secured by condition.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1257.

Total No. of replies: 5.

No. of objections: 4.

No. in support: 1.

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

Design

- Development is far too large for the Paddington Basin site and would be double the height of surrounding buildings.
- Tall building would tower over the Maida Vale Conservation Area.
- Building will not be a good fit and will look like a monster.
- Building is too tall compared to the surrounding area and the architectural style is not in keeping with the surrounding area and is of little merit.

Amenity

- Due to its size the development would have an adverse impact on the amenity of residents in the surrounding area.
- Residents in 3 Merchant Square will be eclipsed by the development and buildings are far too tight together.

Transportation

- In combination with 'the Cube' development this will swamp the local area in terms of car traffic and the use of public transport.
- Size of the building will cause an influx of people.
- Public realm is already very busy and dirty.

Other Matters

- Increased pressure on local facilities and shops.
- Welcome that construction of Building 2 at Merchant Square has currently stopped.
- There are already insufficient schools and doctor's surgeries in the vicinity.

One email in support of the application from Derwent London noting that the applicant (European Land) has been at the forefront of the regeneration of Paddington Basin and have created superb office spaces attracting global office tenants to Paddington and have also delivered new homes for Londoners with a high percentage of affordable units provided on site.

ADVERTISEMENT/ SITE NOTICE (x3)

Yes.

5.2 Consultation on Further Information (Pursuant to Regulation 22) Submitted to Supplement the Initially Submitted EIA (January 2019)

SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

No comment.

ENVIRONMENT AGENCY

No comments.

HIGHWAYS PLANNING MANAGER

Comments as in response to initial consultation, but welcomes the omission of the planters and other structures extending on to the public highway.

NATURAL ENGLAND

No objection.

THAMES WATER

Objection on same grounds as raised in response to consultation on initially submitted scheme.

ADVERTISEMENT/ SITE NOTICE (x3)
Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application comprises a 0.63ha site located within the Central Activities Zone (CAZ), the Paddington Opportunity Area (POA) and the North Westminster Economic Development Area (NWEDA), to the north of Paddington Basin, which forms the termination of the Grand Union Canal.

The site is well served by public transport with Paddington Station, with links to the London Underground, Crossrail/ the Elizabeth Line, national rail and the Heathrow Express 400m to the south west and Edgware Road Underground Stations a short distance to the north east. The site is also well served by a significant number of bus routes along Harrow Road, Edgware Road and Praed Street.

The site is vacant and was cleared in the 1990's/ early 2000's such that it does not contain any existing buildings or floorspace. It is not within a conservation area, nor does it contain any listed buildings. However, the Paddington Green Conservation Area is located immediately to the north of the site, beyond the Westway (A40) and Harrow Road. The Grade II* listed St. Mary's church is located to the north west of the site, also on the opposite side of the Westway (A40) and Harrow Road.

The setting of the site within the POA generally comprises buildings of circa 50m in height or greater. The buildings constructed to date on the Merchant Square site immediately around the application site are higher at approximately 65m in height. These heights are mirrored on the eastern end of the neighbouring Former North Westminster Community School site to the west of the application site. To the south of the site St. Mary's Hospital is located on the southern side of Paddington Basin. To the north, beyond the Westway (A40) and Harrow Road, the townscape is generally much lower in height and finer in scale than within the POA; albeit the change in scale between the POA and this smaller scale townscape has already been established by neighbouring development to the east and west within the POA.

The site has been the subject of a number of iterations of redevelopment proposals over the last 15-20 years, as summarised in Section 6.2. The most recently approved schemes for the site, which would see it redeveloped to provide a 42 storey building and a 15 storey building (10/09756/FULL and 11/10445/FULL), were implemented in 2016; albeit only minor works sufficient to implement these permissions have been carried out to date. Nevertheless, these schemes remain extant and could continue to be carried out at any time.

6.2 Recent Relevant History

The application site and the now developed neighbouring plots that make up the wider Merchant Square site have been the subject of a number of planning permissions since the mid 1990's when the context for development of the site was first set out. Of greatest relevance though are the previous planning permissions granted in 2007, 2008, 2011 and 2012 for the redevelopment of the wider Merchant Square site to provide six building ranging in height between 16 and 42 storeys. These permissions were the subject of detailed legal agreements to provide a wide range of planning obligations.

10/09756/FULL (Building 1)

Redevelopment comprising the erection of a 42 storey building to provide a maximum of 222 market residential units (and no less than 213 residential units) (Class C3), hotel (Class C1), provision of basement parking, servicing and ancillary space, highway works, new vehicular and pedestrian access and associated hard and soft landscaping
Application Permitted 4 August 2011

This permission for the erection of a tall building on the current application site remains extant as the permission was lawfully implemented prior to its expiry in 2016. The City Council confirmed that it agreed that the permission had been lawfully implemented via a Certificate of Lawful Existing Use or Development (CLEUD) application which was issued on 31 May 2016 (RN: 16/01468/CLEUD).

10/09757/FULL (Building 2)

Redevelopment comprising a 17 storey building to provide offices (Class B1), retail uses (Class A1/A2/A3/A4/A5), provision of basement parking, servicing and ancillary space, highway works, new vehicular and pedestrian access and associated hard and soft landscaping (Building 2).
Application Permitted 4 August 2011

This permission for the erection of an office building at the corner of Harrow Road and Harbet Road on the north western corner of the wider Merchant Square site. The permission remains extant as it was lawfully implemented prior to its expiry in 2016. The City Council confirmed that it agreed that the permission had been lawfully implemented via a Certificate of Lawful Existing Use or Development (CLEUD) application which was issued on 31 May 2016 (RN: 16/01467/CLEUD). To date basement excavation works and basement construction works have been undertaken but work on the building above ground floor level has not commenced.

10/09758/FULL (Building 3)

Redevelopment comprising the erection of a 21 storey building to provide a maximum of 201 market and affordable residential flats (and no less than 195 residential flats) (Class C3), retail uses (A1/A2/A3/A4/A5), nursery and community space, provision of basement parking, servicing and ancillary space, highway works, new vehicular and pedestrian access and associated hard and soft landscaping.
Application Permitted 4 August 2011

This building has been completed and is located to the east of the current application between Harbet Road and facing Paddington Basin. The western elevation of Building 3

Item No.
1

forms the façade to the eastern side of the publicly accessible open space at Merchant Square.

06/00944/FULL (Building 4)

Redevelopment by the erection of a 16-storey residential building, comprising 196 residential units, with ground floor Class A1/A2/A3/A4/A5 units, ancillary basement parking, ground floor Class B1 small office suites, estate management office, Business Opportunities Centre highways works, new vehicular and pedestrian accesses, new bridge and associated works to Paddington Basin and associated hard and soft landscaping.

Application Permitted 18 March 2008

This building has been completed and is located to the east of the current application site beyond Building 3 between Harbet Road and facing Paddington Basin.

06/00948/FULL (Building 5)

Redevelopment by the erection of a 15-storey Class B1 office building, with ground floor Class A1/A2/A3/A4/A5 units, ground floor and basement health club, ancillary basement parking, highways works, new vehicular and pedestrian accesses, and associated hard and soft landscaping.

Application Permitted 3 December 2007

This building has been completed and is located immediately to the east of the current application site between North Wharf Road and Paddington Basin.

11/10445/FULL (Building 6)

Redevelopment to provide a 15 storey building (Building 6) comprising 57 market residential flats and 62 affordable residential flats (Class C3), retail uses (Class A1/A2/A3/A4/A5), medical centre (Class D1), basement parking including 23 spaces at basement -3 level, servicing and ancillary space, highway works, new vehicular and pedestrian access and associated hard and soft landscaping.

Application Permitted 27 March 2012

This permission for the erection of a building on the southern half of the current application site remains extant as the permission was lawfully implemented prior to its expiry in 2016. The City Council confirmed that it agreed that the permission had been lawfully implemented via a Certificate of Lawful Existing Use or Development (CLEUD) application which was issued on 31 May 2016 (RN: 16/01468/CLEUD).

16/09963/FULL (Floating Garden in Paddington Basin)

Erection of two floating pontoon structures with a total area of 729m² at the head of Paddington Basin between Merchant Square and West End Quay comprising hard and soft landscaping, two mooring points and associated works, in association with the change in use of land over which water flows from a navigable waterway to open space for a temporary period of five years.

Application Approved 7 December 2016

The floating garden has been installed within Paddington Basin by the applicants for the current application and provides a mix of hard and soft landscaped areas along with temporary events space and moorings.

17/03831/EIASCO (for Building 1 and Building 6 sites)

Request for scoping opinion for erection of a 42 storey building to provide approximately 271 residential units, with retail uses at ground floor level and a sky bar at roof level (Buildings 1) and erection of a 21 storey building to provide approximately 155 residential units with commercial/ retail uses at ground floor level, with associated basement and ground level landscaping pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).
Scoping Opinion Issued 3 July 2017

7. THE PROPOSAL

The application proposes site wide redevelopment of this currently vacant site to provide a 42 storey building (Building 1) and a 21 storey building (Building 6). Below both buildings would be a single conjoined three level basement, which would also link to the existing basements of adjoining buildings at Buildings 2 and 3 at Merchant Square (as per the previously approved scheme).

Building 1 would be a cylindrical form that is tapered to its top and bottom, finished in dark blue glazed terracotta cladding, with white faience vertical 'fins' or 'tusks' running the full height of the building, providing the building with visual support, from which canopies over the double height ground floor level would project. Whilst the detailed design of this building has been amended to allow for the omission of the hotel from the lowest floors (2 to 8), the architectural concept, prevailing form and design and palette of materials for the building remains as per the extant scheme approved in 2011.

Building 6 has been wholly redesigned relative to the extant scheme approved in 2012. The footprint of the building has been reduced, particularly at its northern end to open up Merchant Square to North Wharf Road, to seek to integrate the square more successfully into the surrounding network of streets and public realm. The building has been increased in height from 15 to 21 storeys and its form has a more vertical emphasis; albeit with a stepped form down towards the lower and more squat form of 5 Merchant Square to the west. The palette of materials has also been amended to comprise cast masonry panels with a combination of dark grey and silver metal cladding panels. This choice of materials would be integrated into the wider group of buildings around Merchant Square (particularly Buildings 1, 2 and 3) by the use of a similar 'layered' approach to the facades of the building in terms of the arrangement of the glazing, solar shading and outer cladding elements of the facades.

It is proposed to use both the buildings principally to provide residential units, with 426 units (Class C3) proposed across the two buildings. This includes 67 on-site affordable housing units in Building 6.

At ground floor level retail and leisure floorspace (Classes A1/ A2/ A3/ A4/ D2) is proposed. The base of both buildings would provide active frontages through use as retail units, with the option of the introduction of a cinema in the base of Building 6. Within Building 1 a two storey 'sky bar' is proposed at the top of the building (floors 41 and 42) and this would have a linked restaurant offer at ground level.

As per the approved and extant scheme, the three basement levels proposed would be utilised to provide residential car parking, cycle storage and ancillary space for mechanical plant and servicing activities.

At ground level around the buildings hard and soft landscaping is proposed, which would complete the delivery of Merchant Square, a significant publicly accessible open space between the buildings and the canal basin to the south. Works are also proposed to enhance the public highway around the perimeter of the site.

Table 1 – Existing and Proposed Floorspace.

Use	Existing GIA (m2)	Previously Approved GIA (m2)	Proposed GIA (m2)	+/-
Residential	0	39,037	48,664	+9,627
Non-Residential (including hotel in approved scheme)	0	7,853	1,140	-6,176
Above Ground Total	0	46,890	50,341	+3,451
Ancillary Basement Floorspace	0	Not available for direct comparison as approved scheme for Buildings 1, 2, 3 & 6	6,965 (6,067 Residential, 303 Retail & 595 Retail/ Leisure)	N/A
Total Scheme (above and below ground level)	0	Not available for direct comparison	57,306	N/A

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Land Use Principles

Policy S1 encourages mixed use development within the CAZ which is consistent with and promotes its existing vitality, function and character. Within the POA Policy S3 in the City Plan also seeks the delivery of a mix of uses. Whilst the current scheme would deliver two predominantly residential buildings, the wider Merchant Square site, which is also in the applicant's ownership and forms part of the original mixed use masterplan for the Merchant Square site, includes two office buildings (Nos.2 and 5 Merchant Square), one of which has been delivered already and the other is currently under construction. Given this, the delivery of Buildings 1 and 6 as predominantly residential buildings; albeit with retail and leisure uses at ground level and at the top of Building 1, is acceptable in land use terms and would accord with the aims and objectives of Policies S1 and S3 in terms of establishing a diverse mix of uses within the POA and this part of the CAZ.

In terms of Policy S12, which is relevant given the location of the site within the NWEDA, the scheme would accord with this policy as it would improve the quality and tenure mix of housing within the NWEDA and would provide retail and leisure uses that contribute to increasing economic activity (see further consideration of these issues in Sections 8.1.2 to 8.1.4).

8.1.2 Residential Accommodation

The application proposes the provision of 48,664m² of GIA residential floorspace above ground level. The floorspace is to be utilised to deliver 426 residential units. The units proposed would all comply with the minimum size standards set out in the Government's Technical Housing Standards and Policy 3.5 of the London Plan in terms of their internal floor area. All units would also meet Lifetime Homes requirements. The proposed number of units would optimise the residential use of the site in accordance with Policy S14 in the City Plan. The above ground floorspace would deliver one residential unit (including associated common parts) for every 114m².

The units proposed would comprise a mix as set out in Table 2 below, which would deliver 27.2% of the units as 'family sized' units with 3 or more bedrooms.

Table 2 – Proposed Mix of Units.

Tenure	Studio	1 Bed	2 Bed	3 Bed	4 Bed	Total Units	Total hr	hr by %
Market	-	139	127	89	4	359	1,394	84%
Affordable/ Social Rent	1	-	15	15	8	39	174	16%
Intermediate	-	20	8	-	-	20	92	
Total	1 (0.3%)	159 (37.3%)	150 (35.2%)	104 (24.4%)	12 (2.8%)	426 (100%)	1,660	100%

The number of family sized three or more bedroom units falls below the expectation in Policy H5 in the UDP for 33% or more of the units to contain 3 or more bedrooms; albeit it is acknowledged in the supporting text for this policy that it should be applied with some flexibility, for example in locations where a site is in a very busy or noisy environment. In this context, in this instance it is considered that there is an exceptional circumstance that justify the mix proposed. This is namely that many of the additional units would be located at the base of Building 1 on Floors 2 to 8 in place of the previously approved hotel use, immediately adjacent to the busy Westway (A40)/ Harrow Road corridor, where it is more difficult to provide good quality external amenity space due to noise and air quality impacts. Having regard to this significant environmental factor, the proposed mix of units is considered to be acceptable.

In terms of external amenity space, as noted by the Mayor in the GLA Stage 1 response, the scheme would not provide external amenity space for all of the residential units in Building 1 in accordance with 'Standard 12' of the Mayor's Housing SPG (2016) and the external amenity spaces proposed would fall below the size recommended by 'Standard 12'. However, given the adverse external environment close to the base of the building in terms of the noise and air quality environment along the Westway (A40)/ Harrow Road corridor and the height of the building, this is not considered to be objectionable. Of the 271 units in the building 183 would have a small terrace measuring 600mm in depth, with an area between 2m² and 4.3m², and this includes all 71 of the 3 and 4 bedroom family size units in the building. All other units would have a Juliet balcony. Furthermore,

it is noted that these small external amenity spaces are similar to those provided in the previously approved scheme for Building 1, which remains extant. In this context, the approach to provision of external amenity space within Building 1, which is wholly market residential housing, is considered to be acceptable.

The external amenity space provided for all of the market and affordable housing units in Building 6 would comprise a mix of balconies, terraces and winter gardens and these would all be compliant with the Mayor's Housing SPG.

8.1.3 Affordable Housing

Policy H4 in the UDP, Policy S16 in the City Plan and the Interim Guidance Note on Affordable Housing Policy are relevant to the assessment of the applicant's affordable housing offer. Policy S16 sets out that the City Council will aim to exceed 30% of new homes as affordable homes. The interim guidance note sets out how this overarching threshold will be achieved by specifying varying affordable housing thresholds for different parts of the City. In the case of the application site, it is located within the CAZ and POA and the interim guidance note specifies that new developments should provide 25% of their residential floorspace (GIA) as affordable housing. Policy S16 in the City Plan sets out that the expected tenure split will be 60%.

Policies 3.11 and 3.12 in the London Plan are also relevant. Policy 3.11 sets out that affordable housing should be provided as a mix of tenures with 60% for social or affordable rent and 40% for intermediate rent or sale, although the Mayor's Affordable Housing and Viability SPG (2017) does allow for flexibility in terms of the precise tenure mix to meet local needs. Policy 3.12 sets out the Mayor's expectation that the maximum reasonable amount of affordable housing should be sought in respect of each development having regard to a range of factors including development viability and affordable housing need. As per the City Plan and UDP policies, Policy 3.12 reaffirms that affordable housing should normally be provided on site.

The Mayor's Affordable Housing and Viability SPG (2017) and Policies H5, H6 and H7 in the draft new London Plan are also material considerations in the assessment of the applicant's affordable housing offer. The SPG sets out the Mayor's preferred approach to implementing the affordable housing delivery policies in the adopted London Plan and is consistent with the detailed approach to securing the delivery of affordable housing in the draft new London Plan. The Mayor's long term strategic aim is for 50% of new homes to be affordable. The SPG and draft new London Plan set out a 'threshold approach' aimed at achieving this. Where scheme would deliver 35% affordable housing without public subsidy (by habitable rooms) they do not need to be viability tested (the 'Fast Track Route'). Such schemes are only subject to early stage review of viability post application stage to incentivise the delivery of the development. Those schemes, such as this application, which do not meet this threshold are assessed using the 'Viability Tested Route', which requires the scheme to be viability tested. Additionally, the SPG sets out that the Mayor will expect such schemes to be subject to both early and late stage reviews post determination of the application. The late stage review ensures that affordable housing contributions are increased if viability improves over time.

The Mayor's SPG sets out that when considering development proposals in Opportunity Areas, local planning authorities may apply a fixed affordable housing requirement that

Item No.
1

maximises affordable housing delivery. In the POA the City Council has a fixed 25% requirement for affordable housing in the POA, as set out in the Interim Guidance Note on Affordable Housing Policy. It is though noted that the Mayor's SPG identifies that where localised fixed affordable housing requirements are in place, these '*...should increase the affordable housing provision beyond 35% where possible*'.

The application proposes the provision 6,581m² of the on-site GIA residential floorspace as affordable housing and this is 14% of the residential floorspace and 16.5% of the habitable rooms. The 67 affordable housing units would be located within Building 6 on floors 2 to 9. The applicant proposes an affordable tenure mix of 58% affordable/ social rent (39 units on floors 2 to 6) and 42% intermediate rent/ sale (28 units on floors 7 to 9).

In terms of affordability, the affordable/ social rent units would be provided at target rent levels, as per the those in the previously approved scheme. In respect of the intermediate rent units, 50% would be provided at the rent levels prescribed in the S106 agreement accompanying the scheme approved in 2012 and provided to those with a household income under £60,000, whilst the other 50% would be provided at the London Living Rent rates for the Hyde Park Ward. The rent levels for the affordable/ social rented and intermediate rent units would accord with London Affordable Rent and London Living Rent respectively, and the intermediate units would comply with the household income cap eligibility criteria for intermediate rent set out in the London Plan. Subject to any representations that may be received from Head of Affordable Housing and Strategy, it is recommended that the affordability, and eligibility criteria described are secured in the S106 agreement.

Given the affordable housing package falls below both the City Council's 25% floorspace threshold for the POA and below the Mayor's 35% habitable room threshold, the viability of the scheme must be assessed under the Mayor's 'Viability Tested Route' as set out in the Mayor's Housing and Viability SPG. The applicant has submitted a detailed viability assessment and this has been independently assessed on behalf of the City Council by development viability consultants Daniel Watney. Following their detailed assessment, they conclude that the viability of the scheme is genuinely constrained such that it would result in a small deficit, which would reduce the developers reasonable profit. This is in part due to the current scheme being Westminster and Mayoral CIL liable (whereas the approved and extant scheme was not) and partly due to changing market conditions. Therefore, at the current time it is concluded that the on-site affordable housing package that has been offered is the maximum that can be viably be provided.

The GLA have undertaken their own viability assessment of the proposed development. They conclude that the current scheme would be delivered to enhanced standards in terms of its design, landscaping and energy sustainability (relative to the previously approved scheme) and that this should enable the development to realise a higher return than is set out in the submitted viability report (potentially up to 5% higher than currently forecast by the applicant). Nevertheless, the GLA accept that the scheme would not generate any additional surplus profit after consideration of development costs and reasonable developer profit, although they consider that amendments that they are seeking in their Stage 1 response could have the potential to increase the value of the scheme, thus reducing or eliminating the deficit the scheme is currently projected to generate. However, the suggestion that the amendments proposed by the GLA would

have such a pronounced impact on the value of the proposed development is considered to be ambitious.

Given the conclusions reached by the City Council's independent viability assessor and the GLA's viability team and having regard to the acceptability of the scheme in all other regards, as set out in this report, it is considered that the proposed affordable housing package accords with the UDP, City Plan and adopted and emerging London Plan affordable housing policies, provided early and late stage review mechanisms are secured via the S106 agreement to ensure that the delivery of the scheme is incentivised and the quantum of affordable housing is maximised post the planning application phase.

8.1.4 Retail and Leisure Uses

The application proposes the provision of up to 2,575m² of retail floorspace (Classes A1 to A4) at ground level with ancillary floorspace at basement level and at the top of Building 1 in the form of the proposed sky bar, which also formed part of the approved scheme; albeit in that scheme it formed part of a hotel use, whereas in the current scheme it would be operated in conjunction with an associated restaurant at ground level. Of the 2,575m² of retail floorspace proposed, the applicant is seeking further flexibility in respect of 537m² so that there is an option to provide a small cinema (Class D2) within the ground and basement of Building 6.

The applicant initially proposed that the retail floorspace could be used flexibly for uses within Classes A1 (retail shops), A2 (financial and professional services), A3 (cafes and restaurants), A4 (pubs/ bars) and A5 (hot food takeaways). However, following concerns raised by officers regarding the potential adverse amenity impact of Class A5 uses, this has been omitted from the proposed mix of potential retail uses.

The provision of retail (Classes A1 to A4) floorspace at ground floor level across the two buildings would provide active frontages and assist in animating the public realm areas around the base of the buildings in accordance with S3 in the City Plan. The provision of a range of retail uses would provide an appropriate range of shops and services to serve the occupiers of the development and the wider residential population of Paddington. They would also serve the workers and visitors to this part of the City and as such the proposed retail floorspace would be consistent with Policy SS4 in the UDP and Policy S1, S12, S18 and S21 in the City Plan.

A condition is recommended to control the disposition of retail use across the retail floorspace (Classes A1 to A4) that is proposed to ensure that a mix of shops, services and leisure uses are delivered. This condition will also reserve details of the hours of opening of the retail units to ensure these do not harm the amenity of neighbouring residents. Additionally, further details of kitchen extraction equipment and associated mechanical plant for any units to be used for Class A3 and A4 purposes are to be secured by condition.

The provision of some of the retail floorspace as Class A3 or A4 uses would introduce entertainment uses which also require assessment against Policies TACE8-10 in the UDP and Policy S23 in the City Plan. A condition is recommended to ensure that any Class A3 or A4 units created within the retail floorspace proposed would not be of

excessive size and would remain less than 500m² as entertainment uses of 500m² or larger are only acceptable under TACE10 in exceptional circumstances. This cap on the size of any Class A3 and A4 uses would prevent them from having an adverse impact on the amenity of future occupiers of the development or occupiers of neighbouring buildings, particularly in respect of noise generated from customers arriving at and leaving the premises. Subject to conditions to secure these controls, any Class A3 and A4 uses would accord with Policies TACE8-10 in the UDP and S24 in the City Plan. A further condition is recommended to control external tables and chairs outside any of the retail premises so as to ensure they accord with the requirements of TACE11 in the UDP.

The aspiration to introduce a 'boutique' cinema into the range of ground floor entertainment uses is welcomed and would significantly enhance the leisure offer in Paddington Basin by diversifying the existing range of leisure uses. Provision of a cinema would be in accordance with Policy S22 which directs new arts and cultural uses (including cinemas) to the NWEDA, within which the site is located. Therefore, to facilitate the option of providing a cinema within the ground and basement of Building 6, it is recommended that a condition is imposed allowing the flexible use of 537m² of the retail floorspace as a Class D2 cinema.

8.2 Townscape and Design

8.2.1 Design Overview

The latest proposal for Buildings 1 and 6 at Merchant Square form part of a wider masterplan for the redevelopment of this site, which has been partially implemented to date with the completion of Buildings 3, 4 and 5 and the partial completion of Building 2 to date. See Sections 5 and 6 for further detail of the previously approved schemes and the site context. The established principles of the approved masterplan would not be altered or undermined by the currently proposed buildings, which continue to be arranged around a central open space running from the canal basin at the southern end to the tall building on the site (Building 1) at the northern end.

Building 1 remains largely as previously approved, albeit the façade treatment has been amended to accommodate the removal of the previously approved and now omitted hotel from the lowest floors and its replacement by residential accommodation. The other significant amendment to Building 1 in design terms is the proposal to move it 6.5 metres to the west on the site so that it sits more equidistantly between the western façade of Building 2 and the eastern façade of the adjacent hotel block on the Former North Westminster Community School site, which is now under construction, but which had not permitted at the time of the previously approved scheme for Building 1 in 2011. The height of Building 1 would remain as previously approved, measuring 140m in height to the top of the highest habitable floor and 150m in height to the top of its highest 'fin'.

The current proposals for Building 6 are significantly different from those previously approved, with the building increased in height from 15 storeys to 21 storeys and the footprint of the building has been reduced at its northern end to 'open up' the Merchant Square site to North Wharf Road to a greater degree than in the approved scheme. The

detailed design and palette of materials for Building 6 has also been wholly reconsidered.

8.2.2 Building 1 Design Considerations

In design terms the current scheme represents an evolution of the scheme for Building 1 that was previously approved in 2011, which remains extant. Building 1 is located to the north west corner of the wider Merchant Square site. The principle of providing a tall building in this location within the POA has been accepted by previous approvals for tall buildings on this part of the site. The building proposed remains the same bulk, height and form as the approved scheme and therefore these aspects of the current scheme are considered to remain acceptable in design terms.

The repositioning of the building 6.5m to the west is supported in the application by a series of verified views, which demonstrate that the relocation of the building would not have a materially greater impact than the approved scheme on the setting of nearby heritage assets, such as in mid to long range views from neighbouring conservation areas, views of St. Mary's Church and from the Royal Parks. In such views the building would be positioned such that its impact would not detract from the quality of the townscape or the skyline, as the building would not appear overly bulky due to its relatively slender form and as it would be located such that it would be seen in combination with other larger buildings that have already been completed within the POA.

In terms of detailed design, the building detailing would remain as previously approved and would have a predominantly solid appearance with windows formed as openings, rather than being a building of predominantly glazed appearance. The proposed façade would be layered such that glazing would be set in from the outer rain screen layer with solar shading forming an intermediary layer to provide the impression of greater façade depth. The predominant facing material is proposed to be 'midnight blue' faience, which will lessen the distinction between the colour of the tinted glazing to the windows (during daytime) and the façade. This will provide the building with a more refined appearance and avoid the significant disparity between the glazed elements and the facades that can occur in some tall buildings that have a predominantly solid design.

The omission of the hotel from the lowest nine floors allows for more irregularity in the façade detailing to these floors than in the approved scheme and this increased playfulness to the façade of the lower floors of the building tie them into the overall building composition better than in the previously approved scheme. The omission of the hotel from the building therefore has a positive impact on the overall design of the building by allowing the fenestration to the lower floors to relate to the upper floors better and by allowing the omission of the plant rooms and louvres that were proposed at ninth floor level in the approved scheme. To the lower floors balconies are not proposed, but on the upper floors balconies and Juliet balconies are used to afford the facades a greater articulation of depth and variation.

White vertical faience fins are proposed running the full height of the building and these would 'hold' the main dark blue faience façade of the building, providing the upper floors with appreciable visual support at ground level, where the façades of the building are otherwise predominantly glazed. At roof level the fins would be taller to the northern side

Item No.
1

of the building forming a 'crown' like arrangement around and above the two storey glazed sky bar. This arrangement affords the building an appropriately scaled visual termination, which also relates comfortably with the detailed design of the lower floors of the building.

The glazing to the sky bar is set back 1 metre from the main façade below, making it subservient in appearance, and is designed such that it will extend above the highest habitable floor of the building to screen an area at roof level for plant and to store a building maintenance unit for façade cleaning and maintenance. The provision of a publicly accessible 'sky bar' at the top of the building offering 360 degree views across the City is consistent with Policy DES3, which seeks public access to the top of tall buildings.

The base of the building comprises a double height space, which is appropriate given the buildings large scale. To the ground and first floor levels the façade of the building would therefore be predominantly glazed with a residential entrance and lobby to the south west façade at ground floor level and residents' facilities to much of the first floor. To the remainder of the ground floor and the north west of the first floor it is proposed to provide ground floor restaurant space that can be used in conjunction with the sky bar at the top of the building. Large extended canopies are proposed to provide shelter over the ground floor user and help to 'root' the building to the floor. The canopies also help to create a human scale at the base of the building.

In summary, the amended proposals for Building 1 are supported and where amendments are proposed to the previously approved scheme in the current application, these enhance its design quality and its relationship to its immediate surroundings. The relocation of the building to the west would not have an adverse impact on longer townscape views, nor have an adverse impact on the setting of surrounding heritage assets. The Mayor does not raise any concerns regarding the design of Building 1 or its impact on heritage assets in his Stage 1 response.

8.2.3 Building 6 Design Considerations

The height of Building 6 is proposed to be increased from 47.73m in the approved scheme to 67.2m in the current scheme (an increase from 15 to 21 storeys). Whilst this appears significant, when seen in the context of surrounding development, which is typically around 65m in height, the additional height proposed would not have as significant an impact on townscape and longer views as would normally be the case. Furthermore, the proposed building would often be screened in townscape views by built or approved buildings within the POA, such that the submitted verified views demonstrate that the proposed additional height would not have an adverse impact on the setting of surrounding heritage assets or townscape.

In shorter views around Paddington Basin, the building has been modelled, particularly to its western façade to provide it with a stepped form at 18th floor level and above to enable a softer transition between the height of the proposed building and the lower height of the south east corner of 5 Merchant Square.

The form of the building would remain relatively slender, as per the approved scheme, and the reduction in the footprint of the building to enable the northern end of Merchant

Item No.
1

Square to interact with North Wharf Road to a greater degree and afford views into and out of Merchant Square along the east/ west section of North Wharf Road is welcomed and is a positive step relative to the approved scheme in townscape terms within the POA.

The detailed design of Building 6 would differ to its east and west facades which face markedly different spaces. The proposed east comprises a two storey grid with a strongly expressed structure. The expression of the structure will accentuate the curve of the eastern façade which faces Merchant Square itself, whilst an overall verticality will be maintained to this elevation by the vertical cast masonry panels and fins which run across two storeys at a time, providing them with a scale that more comfortably relates to the overall scale of the building. Like Building 1, the eastern elevation will have an apparent depth derived from the layering of the glazing, cladding panels and fins, which act as solar shades and project in front of the glazing.

Unlike Building 1, the base of the building is proposed to comprise a single predominantly glazed storey within which retail/ leisure uses would be located to provide animation to the public realm. However, this is considered acceptable given the smaller scale of Building 6. The visual weight of the upper floors would be brought successfully to ground level by the vertical masonry columns that form part of the composition of the upper floors.

The western elevation of Building 6 faces immediately onto the east elevation of 5 Merchant Square, which provides large floor plate office space. The proposals for Building 6 respond to this very different context by comprising a stronger vertical emphasis to the western façade with the vertical columns finished in cast masonry with a textured finish to the corners of the building. Within this strong vertical 'frame' the building is detailed on a single storey grid, which reflects the secondary nature of this façade, relative to the front façade to the east, and also allows for more residential privacy to be provided through the use of lesser amounts of glazing, which is necessary given the proximity of 5 Merchant Square.

As per the approved scheme, the southern façade facing the canal would comprise a slender 'nose', which would predominantly consist of glazed winter gardens and recessed balconies to take advantage of the southerly aspect, whilst also providing for solar shading. The northern façade would be stepped and due to the amended form of the building now proposed, it would present itself more coherently as a building form to North Wharf Road than the approved scheme, where Building 6 appears to present its rear elevation to the street. Furthermore, the retail unit to the northern end of the building at ground floor level and the market residential entrance would be located in this façade, providing significant animation to this street elevation.

The palette of materials to both facades of the building and the two smaller end facades would be consistent, thereby tying the differing façade approaches together as a coherent whole. The 'frame' of the building would be formed in cast masonry (smooth to the east and textured to the western façade), with cast masonry panels and spandrel panels, anodised aluminium framing elements and dark grey metal fins. The overall palette of materials is relatively limited, but this is considered to be acceptable in this instance as the building is designed to be a foil to other buildings around Merchant Square and furthermore, the quality of the façade is intended to be derived from the

finish of the materials, such as the rough finish proposed to the cast masonry to the western façade. A condition is recommended to reserve full details of the façade materials.

In summary, the revised scheme for Building 6 is supported in design terms and although the building is significantly higher than previously approved, the building now proposed is considered to be more appropriately designed in terms of the context of the site within this part of the POA. It is noted that the Mayor does not raise any concerns regarding the design of Building 6 or its impact on heritage assets in his Stage 1 response.

8.2.4 Landscaping and Public Realm

The landscaping proposed to the public realm has been evolved from that previously approved. The proposals maintain the provision of a predominantly soft landscaped public open space and this is supported. The landscaping has now been amended and extended to follow the desire lines of pedestrians across the site and seek to entice pedestrians into the site from North Wharf Road by presenting a more open and welcoming frontage to the site to its western edge. This has been achieved by increasing soft landscaping to this part of the site, and around the base of Building 1 more generally, and by omission of the hotel taxi drop off in North Wharf Road, the omission of which in the current scheme delivers significant public realm enhancements relative to the approved scheme.

The hard landscaping proposed would predominantly consist of smooth granite pavers with cast iron detailing to the curbs, planters and street furniture, and timber benches, as has been successfully used in the limited areas of landscaping that have been installed to date around Buildings 3, 4 and 5 at Merchant Square. Continued use of this palette of materials across the site is welcomed and will provide the public realm on the Merchant Square site with a distinctive and visually interesting character, but not one that clashes with the character of the public realm found along the public highway in North Wharf Road or on neighbouring development sites.

The design of the landscaping will deliver opportunities for informal play for children by the use of differing heights of landscaping and contrasting surfaces throughout the public realm.

The Arboricultural Manager has raised some concerns regarding the depth and volume of planters and the choice of tree species. However, given the depth of the proposed basement and its prevailing design has been 'fixed' by the prior construction of the earlier phases of Merchant Square (Buildings 2 and 3), there is not scope now to increase soil volumes for tree and soft landscape planting above the basement. Furthermore, given that the use of beach and birch trees has previously been approved and as these are already in the process of being grown off site for provision on site in conjunction with the approved scheme, it is not considered that their continued provision within the latest iteration of the scheme is objectionable.

It is recommended that full details of the hard and soft landscaping are reserved by condition to ensure the detailing and planting is appropriate and that it is consistent with

the landscaping work carried out across the southern and eastern parts of the site to date in conjunction with Buildings 3, 4 and 5.

8.2.5 Design Summary

The proposed scheme is considered to be well considered and responds positively and coherently to the emerging context of the site in terms of its layout, size and scale. The amendments proposed to the previously approved scheme would deliver a scheme that is less 'introverted' in terms of its relationship to the emerging townscape to the northern side of the canal basin and this would enhance the appearance of this part of the POA. The architecture proposed would be consistent with that found within the Merchant Square site, but with sufficient differences within the palette of materials to provide the wider Merchant Square site, when complete, with a dynamic and varied appearance.

In terms of the impact of the development on heritage assets, the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to conservation areas, for all planning decisions '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'. In terms of listed buildings, all planning decisions should '*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*'. The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

As set out in Sections 8.2.2 and 8.2.3, the site is in proximity of listed buildings and conservation areas. Having regard to the statutory duty in respect of listed building and conservation areas, as set out in the preceding paragraph, it is not considered that the proposed development would harm the setting of the nearby heritage assets. The proposed development therefore accords with the NPPF, the relevant policies in Chapter 7 of the London Plan, Policies DES1, DES3, DES9, DES10, DES13, DES14 and DES15 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

The impact of the proposed development on daylight and sunlight reaching windows of neighbouring residential developments, both built and those approved but as yet un-built, have been assessed in detail by the applicant. The results of these assessments reveal that against the baseline of a cleared site, the proposed development by virtue of its density and the height of the buildings proposed, would have a material impact on daylight received by a significant number of neighbouring residential windows as summarised in Tables 3 and 4 below.

Table 3 sets out the material losses of daylight that would occur using the Vertical Sky Component (VSC) method of assessment. The Building Research Establishment (BRE) Guidelines (2011) states that a VSC loss of 20% or more of the existing VSC value for a

window would result in a loss of daylight that is capable of being noticed by the occupier of the property served by the affected window.

Table 4 sets out the material losses of daylight that would occur using the No Sky Line (NSL) method of assessment. The BRE Guidelines (2011) states that a NSL loss of 20% or more of the existing NSL value for a room (i.e. the proportion of the working plane within a room that receives daylight) would result in a loss of daylight that is capable of being noticed by the occupier of the property served by the affected window.

Table 3 – Material Losses of Daylight Using Vertical Sky Component (VSC) Method of Assessment

Surrounding Buildings	Total No. of Windows	Total no. of windows that achieve VSC levels in excess of 27% or a reduction of less than 20% from the baseline level	Total no. of windows that see VSC reductions beyond the BRE Guidelines			Total
			20% to 29.9% reduction	30% to 39.9% reduction	40% reduction	
Westcliffe Apartments	292	246 (84%)	27	13	6	46
Former NWCS site (school)	15	1 (7%)	1	2	11	14
Former NWCS site Residential Block D	150	97 (65%)	21	14	18	53
West End Green – Residential Block A	701	701 (100%)	0	0	0	0
3 Merchant Square	1198	827 (69%)	118	55	198	371
4 Merchant Square	175	173 (99%)	2	0	0	2
Total	2531	2045	169	84	233	486

Table 4 – Material Losses of Daylight Using No Sky Line (NSL) Method of Assessment

Surrounding Buildings	Total No. of Rooms	Total no. of rooms that see a reduction of less than 20% from the baseline level	Total no. of rooms that see NSC reductions in excess of the BRE Guidelines			Total
			20% to 29.9% reduction	30% to 39.9% reduction	40% reduction	
Westcliffe Apartments	234	230 (98%)	4	0	0	4
Former NWCS site (school)	7	5 (71%)	0	2	0	2
Former NWCS site Residential Block D	67	40 (60%)	9	4	14	27
West End Green – Residential Block A	490	489 (100%)	1	0	0	1
3 Merchant Square	425	364 (86%)	27	22	12	61
4 Merchant Square	115	92 (80%)	12	7	4	23

Total	1338	1220	53	35	30	118
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The impact on neighbouring light sensitive windows would, with the exception of 3 Merchant Square, be relatively limited, with the majority of losses restricted to between 20% and 29.9% of existing VSC values. This, combined with the relatively limited number of rooms that would suffer a material loss of light using the 'No Sky Line' method of assessment demonstrates that the development would not have a disproportionate impact on the daylight reaching neighbouring residential windows. This is particularly the case when it is considered that the 'baseline level' is a cleared site and as the site is within the Paddington Opportunity Area (POA), where the Policy S3 in the City Plan encourages development of the scale proposed by the current application. Consequently, within the POA it is accepted that lower daylight levels are likely to be achieved within residential accommodation in new and existing developments than in other established parts of the City due to the density of development that is encouraged by Policy S3.

In terms of 3 Merchant Square, the losses of daylight are more significant than in the case of other neighbouring buildings; however, it is important to note that this neighbouring building forms part of the wider masterplan for Merchant Square and was always intended to receive lower levels of daylight than it currently enjoys. Whilst the current scheme for Building 6 would result in some additional losses of daylight relative to the approved scheme for Building 6, which was lower in height, the additional impact would not be so significant as to warrant withholding permission, given the location of the development within the POA.

With regards to sunlight losses, the applicant has assessed the impact of the proposed development using the Annual Probable Sunlight Hours (APSH) method of assessment that is set out in the BRE Guidelines.

Table 5 - Material Losses of Sunlight Using APSH Method of Assessment

Surrounding Buildings	Total no. of windows facing the site and within 90 degrees of due south	Total no. of windows above BRE Guidelines for annual and winter APSH	Total no of windows below BRE Guidelines for total and winter APSH
Westcliffe Apartments	76	76 (100%)	0
Former NWCS site (school)	4	4 (100%)	0
Former NWCS site – Residential Block D	100	79 (79%)	21
West End Green – Block A	516	516 (100%)	0
3 Merchant Square	616	486 (79%)	130
4 Merchant Square	126	126 (100%)	0
Total	1438	1287	151

The instances of material losses of sunlight would be limited to 21 neighbouring windows, when 3 Merchant Square is discounted. These losses would occur to the residential accommodation within Block D of the residential part of the redevelopment of the neighbouring former North Westminster Community School (NWCS) site, to the west of Merchant Square. It is notable that these as yet unoccupied units were approved in light of the approved scheme for redevelopment of the Merchant Square site and that the redevelopment scheme for the former NWCS site will have a similar impact on the

Item No.
1

daylight and sunlight reaching the flats within Buildings 1 and 6. As such, the impact in this case is mutual and not a ground on which to reasonably withhold permission.

As above in respect of the impact on daylight reaching the windows of 3 Merchant Square, this neighbouring building within the wider Merchant Square masterplan was always intended to receive a lesser amount of sunlight than it currently enjoys and as such, the impact of the proposed development, whilst material, is not considered to result in such a significant loss of sunlight so as to warrant withholding permission. Again, as per the considerations in respect of daylight losses, within the POA the density of development required to fulfil the policy objectives are such that lower levels of sunlight to residential windows and other light sensitive uses are considered to be acceptable.

In summary, whilst material daylight and sunlight losses would occur, these are not significantly in excess of those accepted as part of the approved and extant scheme. Furthermore, the material losses are consistent with those accepted throughout the POA to enable the delivery of the density of development required to optimise the use of land for residential and commercial use in this highly accessible location. In this context, the daylight and sunlight impact is considered to be acceptable and consistent with Policy ENV13 in the UDP and S29 in the City Plan.

8.3.2 Sense of Enclosure

The proposed buildings, whilst large in scale, would be sufficiently distant from neighbouring properties so as not to cause a significant increase in enclosure. The nearest neighbouring residential building 3 Merchant Square and windows serving properties in this block would retain good outlook over the central landscaped space between the buildings and longer outlook to the north and south in more oblique views. Other residential buildings, such as those being constructed on the former North Westminster Community School site to the west and at West End Quay to the south on the south side of the canal basin are further from the two proposed buildings and would retain relatively unhindered outlook such that they would not suffer a materially increased sense of enclosure.

A new school is under construction on the lower floors of the new hotel and serviced apartments block at the eastern end of the former North Westminster Community School site. This would have a more enclosed outlook than would currently be the case. However, the new school was designed in the context of the approved scheme for redevelopment of the Merchant Square site in which Building 6 extends further to the north. Whilst Building 1 would move to the west in the current scheme, this is slightly to the north of the location of the school on the neighbouring site and therefore the extent of enclosure to the new school would overall be less than in the approved scheme, which remains extant.

To the north, the nearest properties are beyond the Westway/ Harrow Road and would therefore not suffer a significant increase in enclosure, despite the scale of the proposed buildings.

In the context of the above considerations, the proposed development accords with Policy ENV13 in the UDP and Policy S29 in the City Plan in terms of sense of enclosure.

8.3.3 Privacy/ Overlooking

Building 1 remains largely as previously approved in terms of the ratio of glazing and balconies to façade area; albeit the base of the building will now be occupied as residential accommodation, rather than as hotel accommodation. However, despite this and the repositioning of the building to the west by 6.5m, it would not result in additional overlooking as it is neighboured by a hotel block to the west (under construction), the Westway/ Harrow Road to the north and an office building (2 Merchant Square) to the east. To the south, windows in Building 1 would overlook the central landscaped open space of Merchant Square and whilst Building 6 and 3 Merchant Square would be visible across this landscaped space, they would be sufficiently distant so as not to suffer a material loss of privacy.

Building 6 faces 3 Merchant Square across the landscaped central open space, but the distance between the two buildings is sufficient to limit the extent of overlooking that would be caused from the windows and balconies of Building 6. Furthermore, this is the same planned relationship between these buildings, which 'frame' the central landscaped open space, as in the approved scheme. The west elevation of Building 6 has been designed to contain smaller window openings, with many of them angled away from the neighbouring office building at 5 Merchant Square, to afford the occupiers of Building 6 with greater privacy than would otherwise be the case. Again, this close relationship between the buildings is consistent with that in the approved scheme. In this context the relationship between the two buildings in the current scheme remains acceptable, indeed the aforementioned detailing to the form of the western elevation and the size of windows will afford occupiers of the development greater privacy than in the approved scheme.

Windows and balconies (south only) to the north and south elevations would be sufficiently distant from neighbouring residential blocks so as not to cause any material increase in overlooking.

In summary, the proposals are acceptable in privacy terms and in accordance with Policy ENV13 in the UDP and S29 in the City Plan.

8.3.4 Other Amenity Impacts

The impact of the proposed development in terms of overshadowing has been considered and modelling undertaken to indicate the impact of the development. The scheme would have a similar impact to the approved scheme, with the tall building (Building 1) casting a transient shadow across the southern part of Paddington Green. However, given the transient nature of the shadow and as it would not shadow a significant part of the neighbouring green space, it is not considered that it would have such a significant impact as to warrant withholding permission.

The application includes the provision of mechanical plant to serve the proposed development, which would principally be located at roof level, within appropriately designed enclosures. Environmental Sciences have advised that the mechanical plant strategy is acceptable and would not cause noise or vibration disturbance to neighbouring residents or residents within the development. However, given the

specification of the mechanical plant equipment has yet to be determined, a condition is recommended requiring a supplementary acoustic report. Conditions are also recommended to ensure the plant continues to comply with the requirements of Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan for the lifetime of the development.

8.4 Transportation/ Parking

8.4.1 Trip Generation

It is considered that the majority of trips associated with the proposed development (excluding servicing activity) will be carried out using public transport or other sustainable modes (e.g. walking or cycling) given the highly accessible location of the site. Given this, the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network.

8.4.1 Car Parking

The application proposes the quantum of car parking set out in Table 6 below. Policies STRA25 and TRANS23 in the UDP are relevant to the provision of residential car parking in new developments. The policy seeks up to 1 car parking space per unit for 1 and 2 bedroom units and up to 1.5 parking spaces per 3 or more bedroom unit.

The most recent night time parking survey in 2015 indicates that parking occupancy for residents' parking spaces in the vicinity of the site is 55% overnight and 85% during daytime hours. As such, daytime occupancy in the vicinity is currently above the 80% level which indicates 'serious deficiency'.

Table 6 – Parking provision and ratios in the 2011 and 2012 approved schemes for Buildings 1 and 6 (including the now completed Building 3).

Tenure	Building	Units	B-1	B-2	B-3	Total	Spaces/ Unit
Market	Building 1	222	-	133	-	133	0.60
	Building 3	159	-	46	74	120	0.75
	Building 6	57	15	-	23	38	0.67
	Sub-total	438	15	179	97	291	0.67
Affordable	Building 1	-	-	-	-	0	-
	Building 3	42	8	-	-	8	0.19
	Building 6	62	13	-	-	13	0.20
	Sub-total	104	21	0	0	21	0.20
Car Club		-	6	-	-	6	-
Total		542	42	179	97	318	0.58

Table 7 – Proposed car parking provision.

Type of Unit	Number of Units Proposed	UDP Maximum	Maximum Parking Spaces under UDP	Total Allowable (by tenure)	Parking Spaces Provided	Difference
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				(spaces per unit)		
1 or 2 bed Market	266	1	266	405.5	191 (0.53)	-214.5
3 bed plus Market	93	1.5	139.5			
1 or 2 bed Affordable	44	1	44	78.5	15 (0.22)	-63.5
3 bed plus Affordable	23	1.5	34.5			
Totals	426			484	206 (0.48)	-278

The Highways Planning Manager notes that whilst the parking ratio proposed (0.48 spaces per unit) falls below the maximum levels of parking permissible under Policy TRANS23 in the UDP, the 2011 Census figures indicate that car ownership within the Hyde Park Ward is 36% of households. This indicates that residents in this part of the City are less likely to own cars. In this context and as the applicant is offering to provide the spaces on an unallocated basis (as per the approved scheme) and provide lifetime (25 year) car club membership to each flat within the development (market and affordable), the market residential parking ratio is considered to be acceptable, despite being lower than the ratio of 0.61 spaces per unit in the approved scheme.

The Highways Planning Manager has raised concern regarding the lower proportion of car parking provided to the affordable housing units (a ratio of 0.22 spaces per unit), as this falls below the parking demand identified in the Census data. However, the ratio of parking spaces per unit represents a marginal increase relative to the 0.2 spaces per unit that were provided in the approved scheme. Given this, the provision of lifetime car club membership, and as the ratio proposed is in accordance with the applicant's preferred affordable housing providers requirements for parking (based on typical demand from their existing residents), it is considered that this level of parking provision for the affordable units is acceptable. As in the approved scheme, the allocation of the affordable housing parking is to be determined by the affordable housing provider. In this context, whilst the concerns of the Highways Planning Manager are understood, the proposal is considered to be acceptable in terms of the parking provision for affordable housing occupiers.

Whilst TfL have raised objection to the ratio of parking proposed on the basis that it is too high, given that the extant previously approved scheme contains a residential parking ratio of 0.54 (across Buildings 1, 3 and 6), refusal of the current scheme on the basis of the level of parking proposed is not considered to be a sustainable ground on which to withhold permission.

The scheme includes the provision of 20% of car parking spaces with active electric charging points and a further 20% with passive provision. This level of provision is consistent with the adopted London Plan requirements and the approved scheme.

Within the combined basement with 3 Merchant Square the scheme includes the provision of six car club spaces for the parking of car club vehicles for use by the occupiers of the development. This provision mirrors the provision within the approved

Item No.
1

scheme is welcome in terms of providing an alternative to individual car ownership within the development.

The provision of car parking (including its future management), provision of lifetime car club membership, provision of car club spaces and electric vehicle charging are to be secured via the S106 agreement.

8.4.3 Cycle Parking

The adopted London Plan Policy 6.9 requires 1 cycle parking space per 1 bedroom unit and 2 spaces for all other dwellings and 1 space per 175m² of retail floorspace. Long term cycle parking for staff use will encourage sustainable transport. Cycle parking must be secured, weather proof, accessible and within the development site.

Based on the applicant's figures (which have been confirmed to be based on GEA floorspace), the quantum of retail floorspace in the current scheme generates a requirement for 10 cycle parking spaces and this level of cycle parking is proposed within the development. The number and mix of residential units in the development generates a requirement for 692 cycle parking spaces and these are provided within the proposed development. It is recommended that the cycle parking is secured via the S106 agreement, as per the approved scheme, given the long stay cycle parking is located within the shared basement below buildings 1, 2, 3 and 6.

Short stay cycle parking for retail and residential visitors will be provided within the public realm areas and this is not objectionable.

As identified by TFL the proposed cycle parking provision falls below the levels expected in the draft new London Plan. However, the shortfall in the number of parking spaces required is limited (4 spaces in the case of the long stay residential provision and 1 space in terms of the retail long stay provision). Given these limited shortfalls it is not considered that permission could reasonably be withheld on this basis, particularly in light of the lower cycle parking levels in the extant previously approved schemes for Buildings 1 and 6.

As per the approved scheme, the applicant has also offered to accommodate space within the newly created public realm for a Mayor of London's Cycle Hire Docking Station. It is proposed that this would be located on the north western corner of the site adjacent to Building 5 where it will be accessible to the public, but within the site (i.e. not on public highway). Whilst the site is close to Paddington Station, given the quantum of the development proposed, demand is expected to increase for other sustainable modes of transport. The provision of an additional cycle hire facility, along with standard cycle parking within the public realm areas on the site would both increase the attractiveness of the scheme to cycle users and increase the sustainable transport opportunities associated with the development. It is recommended that the Mayors Cycle Hire Docking Station site is secured via the S106 agreement.

8.4.4 Servicing

The previous scheme included the provision of a vehicular drop off in North Wharf Road linked to the hotel use within that scheme. The omission of this drop off in the current

Item No.
1

scheme is welcome and significantly enhances the public realm on the site and the pedestrian environment in North Wharf Road in accordance with Policy S41 in the City Plan and Policy TRANS3 in the UDP.

All servicing in the current scheme is now located within the basement, which is accessed via the ramp located within Building 2, which is outside the scope of this application. The ramp is therefore as previously approved and this application does not alter the previously approved arrangement of the access ramp, which will continue to be secured in conjunction with the extant and partially implemented August 2011 planning permission for Building 2.

The Highways Planning Manager welcomes the continued provision of consolidated servicing facilities at basement level to serve the combined development comprising Buildings 2 and 3 Merchant Square, as well as Buildings 1 and 6. Subject to a servicing management plan being secure via the S106 agreement, as per the approved scheme, the basement servicing provision accords with Policy TRANS20 in the UDP and Policy S42 in the City Plan.

The Project Officer (Waste) has raised concerns regarding the waste and recycling strategy for the proposed development. Whilst the concerns regarding the use of a chute system of waste collection are understood from the perspective of avoiding contamination of recycling, it is a significant material consideration in this case that the extant previously approved schemes contained chutes to transport waste and recycling to basement level. In this context, and as the buildings will be highly managed, the continued use of a chute system for these buildings is a ground on which permission could reasonably be withheld.

The Project Officer (Waste)'s other concerns relate to the floor to ceiling height within the basement to ensure refuse vehicles can use the servicing bays, whether under counter bins will be provided for residential units to aid separation of waste streams and whether sufficient space would be provided for retail waste, including food waste and waste oil. The applicant has confirmed that the basement servicing areas will provide 4.5m clearance for refuse vehicles and that under counter bins for waste storage and separation will be provided. The applicant suggests that additional waste storage for retail units could be accommodated within the retail units, although it is unclear what form this storage provision would take. Therefore, a condition is recommended requiring a detailed Waste Management Strategy that includes labelling of the use of bins and demonstrates where the retail waste stores will be and what their capacity will be. Subject to this condition, the proposed development is considered to be consistent with Policy ENV12 in the UDP, having regard to the waste strategy in the extant schemes.

8.4.5 Other Highways Issues

The proposed development has been revised during the course of the application to omit planters and other incursions on to the footway of the existing public highway, including hostile vehicle mitigation measures. These are now located within the public realm areas on the site and not on the public highway. These amendments are welcome and serve to maintain an acceptable pedestrian environment to the perimeter of the development in accordance with Policy S41 in the City Plan.

As per the approved scheme, the current scheme includes building on existing public highway land in North Wharf Road to deliver Buildings 6. The stopping up of highway to accommodate Building 6 is considered to be acceptable as the highway land to be stopped up is not required at the junction of the north/ south and east/ west arms of North Wharf Road to provide an environment on the public highway that is compliant with the 'Westminster Way' SPD. As part of the recommendation in Section 1 of this report, the Sub-Committee is asked to authorise the stopping up of this existing highway land.

The elements of Buildings 1 and 6 which oversail the highway remain acceptable, as per the previously approved scheme given their significant vertical clearances above the level of the public highway. These structures will though require Highways Licences from the Local Highway Authority and an informative is recommended to remind the applicant of this requirement.

Solar glaze from the proposed development has been assessed as part of the submitted Environmental Statement. The development would not have any significant impact on road users on surrounding roads including the Westway and Harrow Road and neither TfL or the Highways Planning Manager have concerns in this regard.

TfL and the Mayor have requested residential and workplace travel plans for the development and whilst the Highways Planning Manager does not consider them to be necessary in this highly accessible location, they are to be secured via the S106 agreement as per the previously approved scheme.

8.5 Economic Considerations

The economic benefits of the development of this site, which has been vacant for a significant period, both in terms of during the construction period and following completion of the development through its contribution to the local economy, are welcomed.

Whilst the provision of a hotel has been omitted from this latest scheme, the wider Merchant Square provide a mix of residential buildings (Buildings 1, 3, 4 and 6) and office buildings (Buildings 2 and 5). As such, the wider development site, which the application forms an integral part, delivers a mixed use development with a significant proportion of employment generating uses that accord with Policies S3 and S12 in the City Plan.

As per the approved scheme it is recommended that a strategy for provision of training and employment opportunities for local residents is secured via the S106 agreement using the Local Procurement Code as per the previously approved scheme. The applicant has also been asked to consider agreeing to undertake the development in accordance with the 'Inclusive Local Economy and Employment Guidance Note', which was only recently published on 1 April 2019. This would deliver a financial contribution of £238,644 towards the Westminster Employment Service which helps residents access a wide range of opportunities in a range of employment sectors and supports developers to deliver their agreed targets through a service with a proven track record. As this is a 'Level 1' scheme (as defined by the Code of Construction Practice), it would also require the submission of an Employment and Skills Plan. The applicant's agreement or

otherwise to this obligation pursuant to Policy S19 in the City Plan will be reported verbally to the Sub-Committee.

8.6 Access

All of the units within the development would be designed to be compliant with M4 (2) of the Building Regulations so that they would be 'accessible and adaptable dwellings'. Of these, at least 10% of the units (28 units in Building 1 and 16 units in Building 6) would be compliant with M4 (3) of the Building Regulations so that they would be 'wheelchair user dwellings'. The wheelchair accessible dwellings are located throughout the development to ensure they are not clustered and provide wheelchair users with equal choice of location of flats.

The internal layout and specification of the development has been designed in accordance with Lifetime Homes Standards. Level access would be provided throughout with lift access to all floors, including the basement levels. All of the car parking proposed at basement level would be suitable for disabled users due to the use of valet parking for the car stackers within the basement. The proposals are therefore in accordance with Policy 3.8 in the London Plan and Policy S28 in the City Plan in terms of accessibility.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Basement Development

As per the approved scheme the proposed scheme, the proposed development includes the provision of a three storey basement to provide the ancillary floorspace required to support the above ground buildings, including parking, servicing space and space for plant and services. As in the approved scheme the basement would form a continuation of the estate wide basement below Buildings 1, 2, 3 and 6 (which has been partially constructed to date in conjunction with the construction of 3 Merchant Square and the partial construction of 2 Merchant Square. The vehicular access for cars and servicing vehicles to the combined basement is located within 2 Merchant Square, outside the current application site, and would not be altered in terms of its form and size by the current applications.

The applicant has submitted a detailed structural methodology and ground condition assessment with the current application and these documents meet the technical requirements for new basement development set out in Part A of Policy CM28.1 in the City Plan (the 'basement development policy'). Measures are also proposed that would ensure the development would not exacerbate flood risk.

The site is located outside of an Archaeological Priority Area (APA), but immediately adjoins the Paddington and Watling Street APAs and therefore Historic England recommend that further archaeological investigation is undertaken prior to excavation of the site and this is to be secured by condition to ensure any archaeology that may exist on the site due to the close proximity to the APAs is not lost without being recorded.

In terms of construction work, the applicant has agreed to the imposition of a pre-commencement condition requiring this 'Level 1' development to be carried out in

accordance with the Code of Construction Practice. Given this condition, the imposition of a condition to control the hours of work and the location of the site within the POA where it is relatively remote from neighbouring residents, the excavation of the basement and subsequent construction phase of the development would not have a significant impact on neighbouring residents and would therefore accord with the requirements of the basement development policy.

Part B of the basement development policy seeks to ensure that the finished appearance of basement development is suitable and does not harm the appearance of the part of the City within which the development is located. In this case the scheme will deliver a suitable landscaping scheme over the basement (see Section 8.2.4), would not result in the loss of any trees, would deliver an energy efficient development (see Section 8.7.2), incorporate sustainable urban drainage (see Section 8.7.3), would be appropriately designed to maintain the appearance of the area and prevent harm to neighbouring heritage assets (see Section 8.2) and would be protected from flooding (see Section 8.7.3). For these reasons, which are set out in further detail in other reference parts of the report, the scheme would address Part B of the policy.

Part C of the basement development policy is not relevant in this case as the site is located within the Paddington Opportunity Area where there is an acceptance that larger multi storey basements are likely to be required with new development, as in this case, to accommodate suitable space to accommodate other policy objectives such as provision of car parking and space for off-street servicing.

Part D of the policy is not relevant in this case as the proposed basement would not extend under the adopted public highway but would rather sit fully within the confines of the existing site.

8.7.2 Sustainability and Energy Strategy

The applicant has submitted sustainability and energy strategies in support of the proposed development. The development utilises a range of passive design features and demand reduction measures to reduce the carbon emissions from the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Overall, the ‘be lean’ measures (i.e. energy efficiency derived from the building fabric) would deliver a reduction of 24 tonnes per annum (4%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant development.

The proposed buildings would be connected to the existing site-wide central energy centre located in 3 Merchant Square, which is designed to serve Buildings 1, 2, 3 and 6. The energy centre accommodates 1 gas CHP and 2 gas fired boilers. The CHP is a 526kWe/569kWth engine with an 87% efficiency. Connection of the proposed development to the energy centre will therefore result in a reduction in regulated CO2 emissions of 196 tonnes per annum (33%) via the ‘be Clean’ part of the energy hierarchy.

It is proposed to install a site wide heat network where all flats and non-domestic building uses will be connected. The heat network would be supplied the energy centre

in 3 Merchant Square and connection to the energy centre will be secured via the S106 agreement.

The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 5.5kWp of Photovoltaic (PV) panels on the roof of Building 6. The GLA have raised concern regarding the limited number of PV panels proposed. Whilst it is accepted that the opportunities for significant provision of PVs is limited the applicant has, in response to the GLAs concerns, suggested a further roof area on Building 6 that could be used to provide additional PV panels. A condition is recommended to secure the additional PV panels. The additional PV panels would result in a marginal increase in the reduction in regulated CO₂ emissions of 3 tonnes per annum (1%) that were initially identified as being achievable from 'be Green' measures within the energy hierarchy.

In terms of domestic carbon savings, the scheme would deliver an on-site reduction of 189 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations. This is equivalent to an overall saving of 40% and this accords with Policy 5.2 of the London Plan in terms of on-site reductions; however, to achieve the zero carbon requirements of the policy the remaining regulated CO₂ emissions, equivalent to 285 tonnes of CO₂ per annum, must be mitigated via a financial contribution to the Carbon Offset Fund.

Table 8 - Domestic CO₂ emission reductions from application of the energy hierarchy.

	Total residual regulated CO ₂ emissions	Regulated CO ₂ emissions reductions	
	(tonnes per annum)	(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building Regulations	474		
Energy Efficiency	457	17	4%
CHP	288	169	36%
Renewable energy	285	3	1%
Total		189	40%

In terms of the non-domestic parts of the development, an on-site reduction of 34 tonnes of CO₂ per year in regulated emissions would be achieved compared to 2013 Building Regulations and this is equivalent to an overall saving of 30%. However, this falls short of the carbon dioxide savings target within Policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions.

Table 9 – Non-domestic CO₂ emission reductions from application of the energy hierarchy.

	Total residual regulated CO ₂ emissions	Regulated CO ₂ emissions reductions	
	(tonnes per annum)	(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building Regulations	112		
Energy Efficiency	105	7	6%
CHP	78	27	24%
Renewable energy	78	0	0%
Total		34	30%

The applicant has recognised the shortfalls in carbon emissions savings from domestic and non-domestic parts of the development and proposes a financial contribution of £522,749 to the Carbon Off-setting Fund (using the current £60/ tonne CO2 offset price), which accords with the methodology for calculating carbon off-setting contributions set out in the Energy Planning (2016) and Carbon Offset Funds (October 2018) guidance documents. Therefore, subject to this contribution and connection to the energy centre being secured via the S106 agreement, the scheme would accord with Policy 5.2, 5.3, 5.6 and 5.7 in the London Plan and Policies S28, S39 and S40 in the City Plan.

8.7.3 Overheating/ Solar Shading

The scheme includes the provision of mechanical background ventilation to all flats, which in combination with the design of the facades, the specification of glazing and the use of low energy fixtures and fittings, would reduce heat gain. Occupiers will though still be able to open windows/ doors to allow for purge venting if required/ desired.

The GLA have raised concerns regarding the effectiveness of the proposed overheating strategy in some cases. Testing carried out by the applicant demonstrates compliance with the CIBSE criteria for all living rooms, but 4 of 8 tested overall units do not fully comply with the CIBSE criteria. The applicant has suggested amendment to the specification of the mechanical ventilation, additional louvres to bedrooms and use of ceiling fans in bedrooms in response to the GLA concerns. It is recommended that a condition is imposed to seek amendments to ensure the scheme is amended to address the shortfalls in CIBSE criteria compliance so that the scheme provides a suitable living environment for future occupiers that accords with Policy 5.9 in the London Plan.

8.7.4 Flood Risk and Drainage

The application is supported by a detailed flood risk assessment. The application site is located within Flood Zone 1 and is therefore at relatively low risk of flooding. The site is though within the 'Westbourne Grove' Surface Water Flood Risk Hotspot, as identified in the 'Basement Development in Westminster' SPD (2016), which indicates a heightened risk of surface water flooding.

The submitted flood risk assessment considers the risk of floor risk in context with Policy 5.12 in the London Plan and Policy S30 in the City Plan, as well as the City Council's Strategic Flood Risk Assessment (2010). The assessment also has regard to the Local Flood Risk Management Strategy 2017-2022 (2017). The assessment considers the risk posed from all forms of flooding, including from ground water, sewers and artificial sources, such as the canal and concludes that the risk from all is low. In terms of surfaces water flooding, whilst the site is within a wider hotspot area, Environment Agency data demonstrates that the risk specifically at the site itself and its immediate surroundings is low and there are no significant records of surface water flooding. The most notable risk is to the Harrow Road edge of the site, although it is understood that records of flooding are likely to relate to the underpass at the northern edge of the site. In this context the need for mitigation measures is limited, but it is recommended that the ground levels are designed to fall away from the head of the basement access ramp and the basement designed structurally to prevent flooding from groundwater.

In terms of the risk of the development increasing flood risk in the area, the applicant notes that the site is currently/ has historically been hard landscaped/ covered by buildings. The drainage strategy has been amended during the course of the application to address concerns raised by Thames Water regarding surface water runoff. Following revision, the proposed surface water discharge rate for the development will not exceed the existing 100 year 30 minute brownfield runoff rate, including a 50% reduction in flow, for design events up to and including the 100 year plus 40% allowance for climate change rainfall event. This is to be achieved by mitigation afforded by the soft landscaping within the public realm areas and by use of a storm water storage tank at basement B2 and B3 levels. In tandem with the provision of storage tanks for pumped discharge into the sewer network at greenfield runoff rates, it is proposed to include a rainwater harvesting for use in the irrigation of the landscaping within the development. Following amendment and subject to any further comments from Thames Water that may be received, it is considered that the approach to drainage now proposed would be consistent with Policy 5.13 in the London Plan.

Thames Water have requested conditions to mitigate the impact of the proposed development on their water and waste water infrastructure and it is recommended that these are imposed to safe guard this strategic infrastructure.

8.7.5 Air Quality

The whole of the City is an Air Quality Management Area (AQMA) and the location of the site is particularly sensitive in terms of air quality due to the location adjacent to the Westway (A40)/ Harrow Road corridor. Policy S31 in the City Plan and Policy 7.14 in the London Plan are relevant.

During the construction phase the development would have a negligible to minor adverse impact on air quality as a result of on-site activities and construction vehicles. However, the construction impacts on air quality can be adequately mitigated by the measures to control construction activity, including dust control via a management plan, which will be secured via compliance with the Code of Construction Practice. Compliance with the Code of Construction Practice is to be secured by condition.

Environmental Sciences are content with the content of the Air Quality Assessment that concludes that the development would be air quality neutral in terms of transport emissions.

The location of the site next to the Westway and Harrow Road corridor has a significant impact on the air quality at the site in terms of the potential impact on future residents, with raised concentrations of NO₂ identified. Environmental Sciences advise that the mitigation measures identified by the applicant should be adopted to mitigate the impact of poor air quality on occupiers by use of by the installation of NO_x/NO₂ filters on the mechanical ventilation systems for all flats in the base of Building 1 (between 2nd and 6th floor levels). A condition is recommended to secure the mitigation measures. The applicant has also agreed to review the specification of the CHP plant to be installed in the already constructed energy centre in 3 Merchant Square to reduce emissions from the development. This is to be secured via the S106 agreement. Further use of NO_x/NO₂ filters may also be necessary to mechanical ventilation to mitigate against the impact of emissions from the energy centre and this is to be secured by condition.

8.7.6 Wind Microclimate

The scheme is accompanied by a detailed wind microclimate assessment. This assesses the impact of the proposed development on the public realm around the site and in terms of the comfort of occupiers using the various balconies and terrace within the development. The assessment uses the Lawson Comfort Criteria.

The assessment undertaken demonstrates that the proposed development, when fully complete with landscaping, will provide an acceptable wind microclimate within the public realm areas, with the areas of the landscaping suitable for the uses for which they are intended (i.e. sitting/ standing/ walking etc.).

The assessment notes that during the development of the scheme the screening between some terraces on Building 6 have been increased in height to between 1.5m and 2m to reduce the wind conditions, so that they are more suitable for their intended purpose (i.e. for sitting out on).

In light of the measures noted above, the proposed development is considered to result in an acceptable wind environment, which would be consistent with the requirements of Policies 7.6 and 7.7 in the London Plan and DES3 in the UDP.

8.7.7 Biodiversity

The site is currently a cleared site with negligible biodiversity value. The proposed development would deliver a new landscaped public realm to the centre of the Merchant Square site, which represents an enhancement in terms of the biodiversity value of the site. It is recommended that the details of the landscaping are reserved to ensure the choice of planting supports a diverse range of habitats.

8.7.8 Crime and Security

The applicant has assessed the potential for crime and the security needs of the site. This assessment identifies that there is a risk posed by the hostile use of vehicles either by criminals or extremists/ terrorists (i.e. Vehicle As a Weapon (VAW) attacks).

The detailed design of the hostile vehicle mitigation measures have yet to be fully developed; however the position and alignment of the required hostile vehicle mitigation measures has been established to the parts of the site where the boundary is not 'held' by buildings. The applicants advise that the hostile vehicle mitigation measures have been designed in accordance with ACPO (Association of Chief Police Officers) guidance. During the course of the application the scheme has been amended to relocate planters forming part of the hostile vehicle mitigation measures so that they are not on the public highway and this is welcomed.

Where possible the hostile vehicle mitigation measures are to be incorporate into the landscaping features to avoid an overly cluttered public realm (i.e. avoid the use of bollards or similar), although it is likely that bollards will be required in some locations; albeit it is expected that these would be consistent with the bespoke iron bollards already found on the parts of the Merchant Square site that have been completed to

date. A condition is recommended requiring the submission of fully details of all of the structures and bollards forming part of the hostile vehicle mitigation measures. The area within the hostile vehicle mitigation measures is designed to meet the requirements for firefighting access.

In terms of measures to reduce the opportunity for crime, the position and design of the buildings is considered to be such that the development would limit the opportunity for criminal behaviour. The provision of routes through the site on identified desire lines for pedestrians and the provision of active frontages to large proportions of the buildings at ground level would increase passive surveillance and it is noted that the development is intended to be highly managed, with CCTV coverage, thereby further discouraging criminal or anti-social activity. The applicant has met with the Metropolitan Police Designing Out Crime Officer during the course of the application and a condition is recommended to ensure that the scheme achieves Secured by Design accreditation.

In summary, subject to the recommended conditions, the proposed development would accord with Policies 7.3 and 7.13 in the London Plan.

8.8 Westminster City Plan

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

8.9 Neighbourhood Plans

There are no adopted Neighbourhood Plans that are relevant to this part of the City or the proposed development.

8.10 London Plan

The application is of a strategic scale and is therefore referable to the Mayor of London. The current version of the London Plan was adopted in March 2016 and forms part of the development plan for Westminster. The Mayor is currently in the process of adopting a new London Plan (the 'draft new London Plan') and the draft new London Plan will accrue increasing material weight as it progresses towards adoption in accordance with Paragraph 48 in the NPPF. The draft new London Plan was the subject of formal consultation between December 2017 and March 2018. The Mayor then published consultation responses on the draft new London Plan and a 'Draft New London Plan showing Minor Suggested Changes' on 13 August 2018. The Examination in Public for the draft new London Plan began on 15 January 2019 and is scheduled to run until May 2019, with the Panel report due in summer 2019, after which the draft new London Plan may be adopted.

The Greater London Authority (GLA) have provided their Stage 1 response on behalf of the Mayor, which is provided in full in the Background Papers. Should the Sub-Committee resolve to grant permission for the proposed development, the application must be referred by to the Mayor for his Stage 2 response. Under the Town and Country Planning (Mayor of London) Order 2008 the Mayor may determine that he is content for the City Council to continue to determine the application or alternatively he may either resolve to direct refusal or direct that the application is to be 'called in' so that he may act as the local planning authority in the determination of the application.

The Stage 1 response raises a number of detailed concerns, to which the applicant has responded and these are addressed in respective topic areas set out in this report. In terms of strategic issues, the Mayor's Stage 1 response identifies the following key issues in his conclusions:

- **Principle of development:** The Mayor supports the redevelopment of the site in the form proposed to provide a residential-led mixed use development on the wider Merchant Square site. He considers that the delivery of new housing and commercial floorspace will contribute positively towards the wider strategic functions of this part of the CAZ and Paddington Opportunity Area.
- **Affordable housing:** The Stage 1 response identifies that the application proposes 16% affordable housing, when measured by habitable rooms. In the Stage 1 response issued in October 2018, prior to undertaking any viability assessment of the proposed development, the Mayor concludes that this offer is unacceptable. However, the Stage 1 response notes GLA officers will robustly interrogate the applicant's detailed viability assessment and the Council's independent review to ensure that the maximum level of affordable housing is delivered. This process has since been undertaken and GLA officers have subsequently confirmed that they also conclude that the scheme in the form proposed would not be capable of viably providing additional affordable housing, particularly as the current scheme is liable for both the Mayoral and Westminster CILs (see Section 8.1.3 and correspondence from the GLA in the background papers). In the event that permission is granted, the Mayor is seeking both an early and a near end review mechanisms in accordance with Policy H6 of the draft new London Plan and the Mayor's Affordable Housing and Viability SPG and these are to be secured via the S106 agreement. In accordance with the Mayor's Affordable Housing and Viability SPG and draft London Plan the Mayor requires that the financial viability assessments must be published if the provision of affordable housing remains below 35% in accordance with the Mayor's Affordable Housing and Viability SPG and draft London Plan to ensure transparency of information. Redacted versions of the applicant's viability report and the independent report produced by Daniel Watney on behalf of the City Council have been published on the City Council's website in accordance with this requirement.
- **Urban design:** The Mayor has specific concerns regarding the private amenity space provided to occupiers of Building 1, in terms of the relative compliance with the standards set out in the Mayor's Housing SPG. This issue is considered in detail in Section 8.1.2, which sets out why in this instance an exception to the prevailing standards set out in the Mayor's guidance should not be followed; namely, the quality of the environment at the base of the building, the height and design of the building

and the presence of an extant permission for a building of near identical design in terms of the façade detail and balcony strategy.

- **Climate change:** The Stage 1 response identifies that the carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan and draft new London Plan SI2. The applicant has undertaken to install additional photovoltaic panels at roof level on Building 6. The additional PVs are to be secured by condition.

During the course of the application the initially submitted drainage strategy has been revised to seek to address the concerns of the Mayor and Thames Water in terms of its response to the drainage hierarchy in the London Plan policy and the run off rates to be achieved. Following revision, it is considered that the revised drainage strategy is acceptable and in accordance with London Plan Policy 5.13 and draft new London Plan Policy SI13, having regard to the constraints of the site.

- **Transport:** In his Stage 1 response the Mayor requested that the applicant should provide an amended trip generation assessment with a ‘more accurate mode split’. This request has been considered by the Highways Planning Manager who does not consider that the basis on which the trip generation assessment has been undertaken is significantly inaccurate. This is particularly the case as the Mayor’s assessment that the retail offer at ground floor level within the development will become ‘a destination of its own’ is not shared. Rather it will contribute to the existing attractiveness of the canal basin, but is unlikely to drive significant increases in journeys in isolation of the existing wider retail and leisure offer within the POA.

The Mayor has also sought a Cycling Level of Service (CLOs) assessment; however, as the site is relatively contained and does not provide through cycle routes or seek alterations to the arrangement of the public highway to the perimeter of the site, it is not considered that such an assessment is necessary. The Mayor has also requested a Healthy Streets checks to assess the attractiveness of the development to people wanting to walk and cycle. However, whilst the aims of the Healthy Streets initiative are supported, it is not considered that a specific assessment against its indicators is required in this instance where pedestrian desire lines to surrounding transport hubs are supported by the proposed landscaping and cycle parking and suitable pedestrian seating are provided throughout the public realm. In terms of the design of the surrounding highway, this will be designed by the City Council in accordance with standards set out in the ‘Westminster Way’ SPD, which promotes accessibility for people walking and cycling.

A detailed construction logistics plan, delivery and servicing plan, workplace travel plan, full residential travel plan and a car parking management plan are to be secured, as requested by the Mayor, either via the S106 agreement or by conditions.

8.11 National Policy/ Guidance Considerations

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which

must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice has served relating to the proposed imposition of pre-commencement conditions to secure the following:

- (i) Details of adherence with the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development (Condition 3).
- (ii) Provision and approval of a Construction Logistics Plan (Condition 4).
- (iii) Provision and approval of detailed drawings and method statements demonstrating the impact of the development on nearby London Underground infrastructure (Condition 25).
- (iv) Provision and approval of details of site investigation and mitigation measures to address any on site contamination (Condition 29).
- (v) Details of how the development will be designed to accommodate the existing water main adjacent to the site (Condition 32).
- (vi) Provision and approval of a piling method statement demonstrating the impact of the development on adjoining sub-surface water infrastructure (Condition 33).
- (vii) Provision and approval of a written scheme of archaeological investigation (Condition 37).

The applicant is expected to be agreeable to the imposition of these conditions and their confirmation will be reported verbally to the Sub-Committee.

8.12 Planning Obligations

The development generates a requirement for the provision of planning obligations to make it acceptable for the reasons set out in detail in other sections of this report. The draft 'Heads of Terms' are proposed to cover the following issues, which are to be split across two agreements. These comprise a new S106 agreement for planning obligations related specifically to Buildings 1 and 6 and a deed of variation to the original Overarching Agreement from August 2011, which deals with planning obligations that are applicable to Buildings 1 and 6 and Buildings 2 and 3, which form part of the wider Merchant Square masterplan (note that some heads of terms relate wholly or predominantly to Buildings 2 and 3, but these are listed below under the Overarching Agreement for completeness):

New Buildings 1 and 6 S106 Agreement

- 1) Notice of commencement of development.
- 2) Provision of on-site affordable housing to the quantum, mix, tenure and affordability set out in Section 8.1 with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG (prior to occupation of more than 50% of the market residential units in Building 6 and prior to occupation of more than 111 units in Building 1).
- 3) Provision and management of CCTV.
- 4) Provision and adherence with an advertisement and shopfront strategy for retail uses and 'sky bar'.

- 5) Provision of public realm areas prior to occupation.
- 6) Provision of maintenance, use of and access to the on-site public realm.
- 7) Provision of cycle parking within shared basement.
- 8) Provision of lifetime (25 year) car club membership for all market and affordable units.
- 9) Provision of land for installation of Mayor's Cycle Hire docking station.
- 10) Provision and periodic review of a workplace and residential travel plans.
- 11) Provision and maintenance of public access to the Sky Bar in Building 1.
- 12) Financial contribution of £522,749 (index linked) to the Carbon Off-set Fund (payable on commencement).
- 13) Provision of lifetime car club membership for each affordable housing unit within the development.
- 14) Provision of skills and employment opportunities for local residents.
- 15) Costs of monitoring the agreement (£500 per head of term).

Deed of Variation to Original 'Overarching' Legal Agreement

- 1) Highway works to the public highway to the perimeter of the site to improve footways and carriageways including temporary road finishes repairing and resurfacing works.
- 2) Improvement works to Harbet Road (these were delivered prior to occupation of Building 3).
- 3) A financial contribution of £360,000 (index linked from August 2011) towards Harrow Road subway works (prior to occupation of the earlier of Building 1 or Building 2).
- 4) Provision of Kayak Store and bridge across the canal basin (these have been delivered in conjunction with Building 3).
- 5) Provision of towpath works (these have been delivered in conjunction with Building 3).
- 6) Building 3 Affordable Housing Underprovision Sum (£2.59m index linked) (payable where more than 80 market units are provided in Building 3 without provision of the affordable housing in Building 6 and returnable to the developer where the affordable housing units in Building 6 are completed within 6 years of the date of the payment of the sum).
- 7) Off-site provision of a waterways facilities building incorporating the listed canopy.
- 8) Delivery of public realm areas in accordance with landscape masterplan prior to occupation.
- 9) Provision of, and connection to, the Energy Centre within 3 Merchant Square and provision of amended CHP equipment to deliver greater reductions in CO2 emissions and reduce NOx emissions.
- 10) Provision and management of on-site car club spaces.
- 11) Provision and management of on-site residential car parking provision within shared basement.
- 12) Provision of electric car charging facilities.
- 13) Provision and adherence with a servicing management strategy.
- 14) Provision of a green waste composting scheme.
- 15) Completion of vehicle access ramp below Building 2 before first occupation of Buildings 1, 2 or 6.
- 16) Mitigation measures for television signal interference.
- 17) Compliance with the Code of Construction Practice (amended to Buildings 2 and 3 only).

18) Compliance with the Local Procurement Code.

The Overarching Agreement formally required compliance with the Code of Construction Practice (CoCP) in respect of Buildings 1, 2,3 and 6 and the individual S106 agreements for Buildings 1 and 6 secured monitoring of the sites by the Environmental Inspectorate. However, the City Council's procedures to secure compliance with the CoCP and construction site monitoring have evolved since the completion of the original agreements in 2011 and these measures are now secured via a pre-commencement condition. As development of Buildings 2 has already commenced, but not been completed, it is necessary to retain this head of term in the Overarching Agreement, but only in respect of this building and not Buildings 1 and 6. Condition 3 in the draft decision letter attached to this report now secures compliance of the construction works necessary to deliver the development with the CoCP, including monitoring of the construction site by the Environmental Inspectorate, at the applicant's expense.

The proposed development is of significant scale and therefore generates a substantial CIL payment, which can be used to fund new and improved infrastructure in the City. The estimated CIL payment for Westminster's CIL is £23,043,304 whilst the estimated Mayoral CIL payment, based on the Mayoral CIL in force up until 1 April 2019 is £3,616,665. The amended Mayoral CIL liability, reflecting the Mayor's latest CIL charging schedule that came into force on 1 April 2019 will be reported verbally to the Sub-Committee.

8.13 Environmental Impact Assessment

The proposed development is of significant scale and consequently it falls within the definition of an 'Urban Development Project' under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015. The development is therefore development requiring the submission of an Environmental Impact Assessment. It should be noted that the application falls to be assessed under the 2015 Regulations and not the subsequent Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as the applicant submitted a scoping opinion application in relation to the proposed development in May 2017, prior to the 2017 Regulations coming into force on 16 May 2017 (see Section 6.2).

The City Council issued a Scoping Opinion on 3 July 2017 (17/03831/EIASCO), following which it was agreed that the following topics were not likely in the particular circumstances of this site to result in significant environmental effects: (i) light pollution; (ii) archaeology (operational and cumulative effects); (iii) ecology; and (iv) waste and recycling. Consequently, these have been scoped out from the ES, but where relevant these topics have been considered elsewhere in this report pursuant to development plan policy requirements.

The applicant submitted a detailed Environmental Statement prepared by AECOM with the application and this has been independently assessed on behalf of the City Council by Waterman who have significant expertise in assessment of environmental impact assessments. They concluded that the initially submitted Environmental Statement required amendment in the form of clarifying information and further information in respect of a number of environmental effects (i.e. a Regulation 22 request under the 2015 Regulations).

In response to the Regulation 22 request and the request for clarifying information the applicant submitted an addendum to the initially submitted Environmental Statement on 8 January 2019, following which reconsultation was undertaken with all statutory consultees.

The Environmental Statement (the 'ES'), as amended and supplemented by the clarifying and further information demonstrates that the proposed development would have a generally have a neutral or beneficial effects on the environment on and around the application site, with limited number of instances where significant adverse effects have been identified. Waterman advise though that where adverse effects are identified by the ES, they are capable of being mitigated by appropriate use of conditions and/ or clauses within the legal agreements. In summary, the main adverse effects that have been identified by the ES and the mitigation measures necessary to mitigate them are set out below:

Construction

- The temporary impacts of construction works, which are projected to last 4 years and 3 months, can be suitably controlled by the use of a condition requiring compliance with the Code of Construction Practice (CoCP), a condition to control the hours of works and an informative advising that the contractor should sign up to the nationally recognised Considerate Constructors scheme. In combination these measures would ensure best practices would be carried out on site thereby minimising the impacts of construction work, such as noise disturbance and air borne dust and debris.

Socio-Economic Impacts

- These are projected to generally be minor beneficial impacts stemming from the increased employment opportunities and increased spending within the local economy, with sufficient capacity in terms of services in the local area to support the increased residential population. No specific mitigation measures are therefore necessary in respect of this aspect of the scheme, although it is noted that the CIL liability of the development will enable the provision of additional infrastructure to support the residents of the development, should this be identified as being necessary in future.

Transport and Access

- The impacts during the construction phase from construction vehicle access to the site would have a moderate adverse impact on traffic flows in the surrounding area. However, this temporary impact can be suitably mitigated by a Construction Traffic Management Plan (CTMP), which would ensure that vehicles arriving and departing the site would be managed to minimise their impact on traffic flows on surrounding roads. A condition is recommended (Condition 4) to secure a CTMP.
- In terms of the completed development the proposed development would have a negligible impact on trips on the local highway network and surrounding modes of public transport. The provision of new publicly accessible open space on the site would have a moderately beneficial impact in terms of pedestrian movement.
- Subject to securing a deliveries and servicing plan, which is to be secured via the S106 agreements, the scheme would have a negligible impact in terms of servicing activity during its operational phase.

Noise and Vibration

- As noted under the 'Construction' heading, the impacts of the construction phase of the development can be suitably addressed by the aforementioned suite of conditions and informatives.
- The principal impact during the operational phase of the development would be the impact on residents from road traffic noise. However, this can be suitably mitigated, such that it would be a negligible impact, by use of a condition to ensure the specification of the glazing within the development protects future residents from future external noise sources, including traffic noise (see Conditions 20, 21 and 51).

Air Quality

- Following provision of further information in respect of the energy centre in 3 Merchant Square, the ES accepts that this could have a potentially significant adverse impact in terms of NOx emissions. However, this impact can be suitably mitigated by amendment of the specification of the CHP engine within the energy centre so that it emits less NOx and to introduce NOx filters to the energy centre ventilation, as well as NOx/ NO2 filters to affected residential units within the development. These measures are to be secured via the S106 agreement and by condition.
- The impacts of poor air quality caused by proximity to emissions from road sources can be mitigated by use of mechanical ventilation with NOx filtration up to Level 6. This is addressed in more detail in Section 8.7.5 and Condition 22 secures the necessary mitigation measures.

Wind Microclimate

- The impact of the development on wind microclimate is considered in detail in Section 8.7.6. The impacts during the construction phase would be negligible. During the operational phase the provision of the proposed landscaping would ensure the public realm on the site would be suitable for its intended purpose. The landscaping scheme is to be secured by condition. The wind conditions on the balconies would be acceptable and the design of the building has been considered so as to maximise screening to balconies so they are more conducive to sitting out on.

Daylight, Sunlight, Overshadowing and Solar Glare

- During the construction phase the ES notes that temporary structures on site would result in minor to major adverse effect on daylight residential properties negligible to minor adverse for sunlight to surrounding residential properties, moderate adverse (significant) effects to overshadowing of amenity areas and negligible effects (not significant) on all receptors regarding solar glare to surrounding transport uses. However, these impacts would be temporary and as such mitigation measures are not necessary.
- The impact on daylight, sunlight and overshadowing is assessed in detail in Section 8.3. In terms of daylight the resultant impact is classed as being a moderate to major adverse (Significant) effect on Westcliffe Apartments, Paddington Gardens and 3 Merchant Square, with the impact on other receptors less significant. However, as set out in 6.3, if the public benefits of delivering a development of the density proposed within the POA are to be realised then such impacts cannot be avoided. It is also noted that the approved scheme has a comparable impact.
- As noted in Section 8.4 the impact on solar glare along nearby roads and train lines would be negligible.

Ground Conditions

- The impacts in this regard are considered to be negligible provided suitable mitigation measures are employed. A condition is recommended to require further site investigation reports, prior to excavation works commencing. The Structural Method Statement includes mitigation measures where the basement encroaches on the ground water level. In terms of the completed development, the site will be entirely excavated with new top soil introduced for planting areas and this forms part of the landscaping scheme that is secured by condition.

Water Resources

- Drainage and flood risk considerations are considered in detail in Section 8.7.4. The impact on water resource receptors during construction works would be controlled by compliance with the CoCP and conditions recommended by Thames Water have been imposed to prevent harm occurring to water and waste water infrastructure surrounding the site.
- The drainage strategy, which is to be secured by condition, would reduce water runoff from the site resulting in a minor beneficial effect.

Archaeology

- The impact of the development during the construction phase on archaeological deposits that may exist on the site would be significant. However, as identified in Section 8.7.1, this can be suitably mitigated by the condition recommended by Historic England, which would secure a Written Scheme of Investigation to allow for site investigation and recording of any archaeology present (see Condition 37).

Telecommunications

- The ES considers the potential for interference to all telecommunications and identifies that digital terrestrial and satellite TV signals are sensitive to interference. In this case the impact of the construction and completed phases is only likely to affect terrestrial TV reception to up to 74 residential properties to the north of the site, which would be a minor adverse impact. However, this can be suitably mitigated by setting up of a complaints register, pursuant to which improved aerials or non-subscription satellite TV aerials could be provided. This mitigation measure is to be secured via the S106 agreement as per the approved scheme.
- There would be no adverse impacts on other forms of telecommunications equipment.

Heritage, Townscape and Visual Assessment

- The ES notes that the appearance of construction works could have a negligible to major adverse effect in local views with a negligible to adverse effect on distant views. However, these would be temporary effects and not grounds on which to withhold permission.
- The impact of the development following completion is considered in detail in Section 6.2. The scheme will deliver a landmark building and improve the appearance of this currently vacant site, without harm occurring to surrounding heritage assets. As such, overall the scheme will have a neutral to major beneficial effect, depending upon the view in which the development is seen.

Effect Interactions

- The ES concludes that the cumulative impact of construction works would not necessitate further mitigation measures in addition to those measures set out above in response to individual topic areas.
- There is potential for cumulative effects to occur through construction work being carried out on neighbouring sites at the same time, but such impacts can be controlled through compliance with the CoCP and via the Construction Traffic Management Plan.
- In terms of the completed development the ES concludes that the socio-economic benefits of the development are considered to provide balance to the minor to major adverse impacts caused to neighbouring residential properties in terms of amenity impact.
- The ES concludes that the cumulative impact of with other surrounding developments would not be adverse subject to the mitigation measures previously set out, except for the impact on daylight where in combination with Block H at West End Quay (to the north east of the site), 7 additional windows in 3 Merchant Square would suffer a material loss of daylight. However, this minor adverse cumulative impact, would not be so significant so as to warrant withholding permission.

In summary, the ES concludes that, subject to the aforementioned mitigation measures including compliance with the CoCP, which will necessitate provision of a Construction Environmental Management Plan, the construction phase would have limited adverse (including noise and vibration, air quality, daylight, sunlight, overshadowing and solar glare and TVHIA) and beneficial (including socio-economics) residual effects. The majority of these are assessed as minor and temporary/short term at worst (i.e. reversible) and are therefore 'not significant'. The daylight, sunlight, overshadowing and solar glare and townscape effects range from minor to major adverse, however they would be temporary/ medium term effects at worst (i.e. these too would be reversible).

In terms of the completed and operational phase of the development, the ES concludes that there are likely to be limited significant adverse effects. These adverse effects are specifically in conjunction with daylight, and overshadowing (daylight to residential receptors and overshadowing to surrounding amenity areas) and in respect of air quality. In terms of the amenity impact, the significant effects must be balanced against the planning benefits of the development, as set out in detail elsewhere in this report, including but not limited to provision of housing (including affordable housing), employment opportunities and increase spending in the local economy, provision of new public open space and significant enhancements to the local townscape. A number of these benefits are significant beneficial effects and overall they serve to balance the adverse effects.

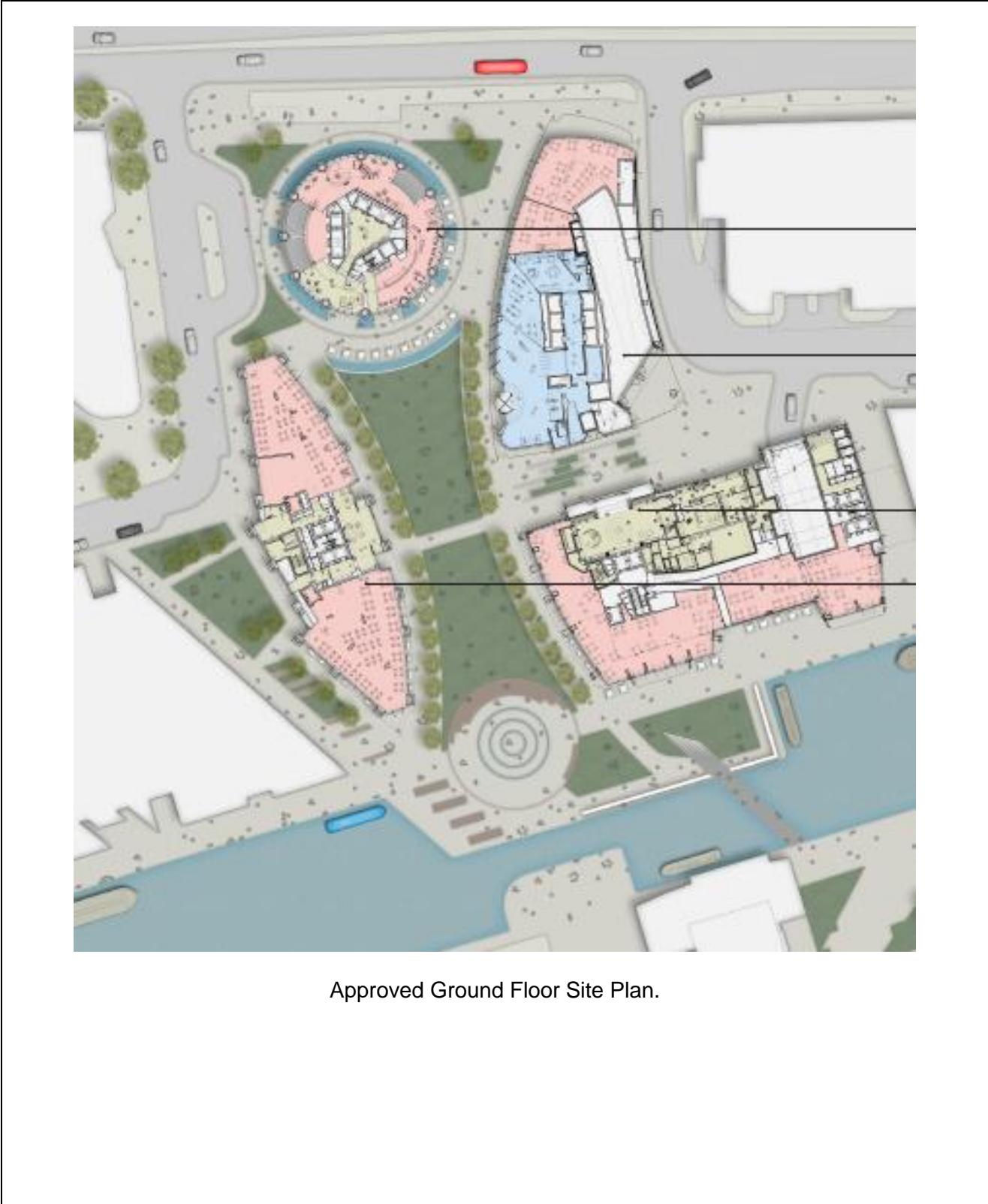
8.14 Other Issues

None relevant.

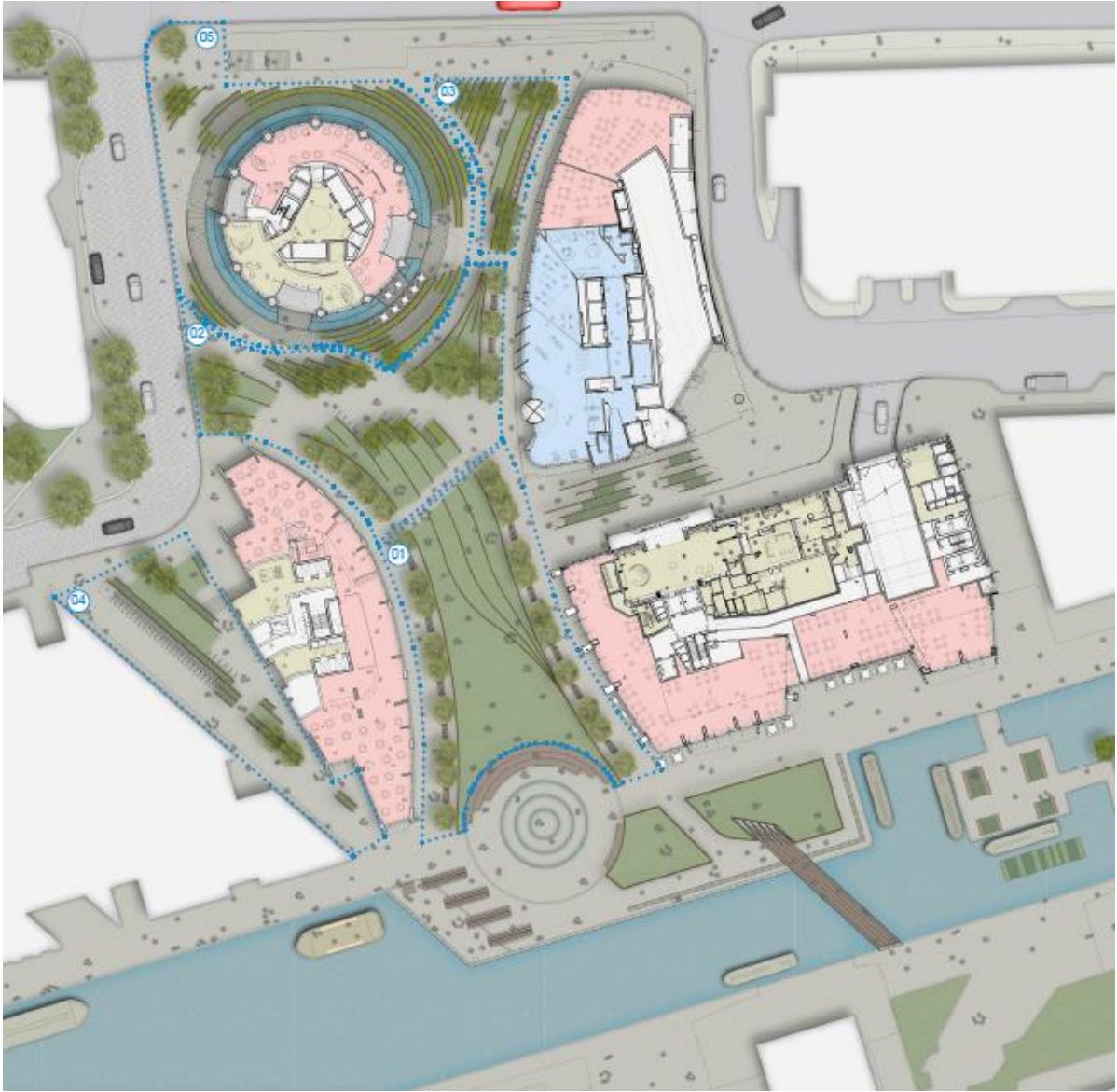
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk .

9. KEY DRAWINGS



Approved Ground Floor Site Plan.



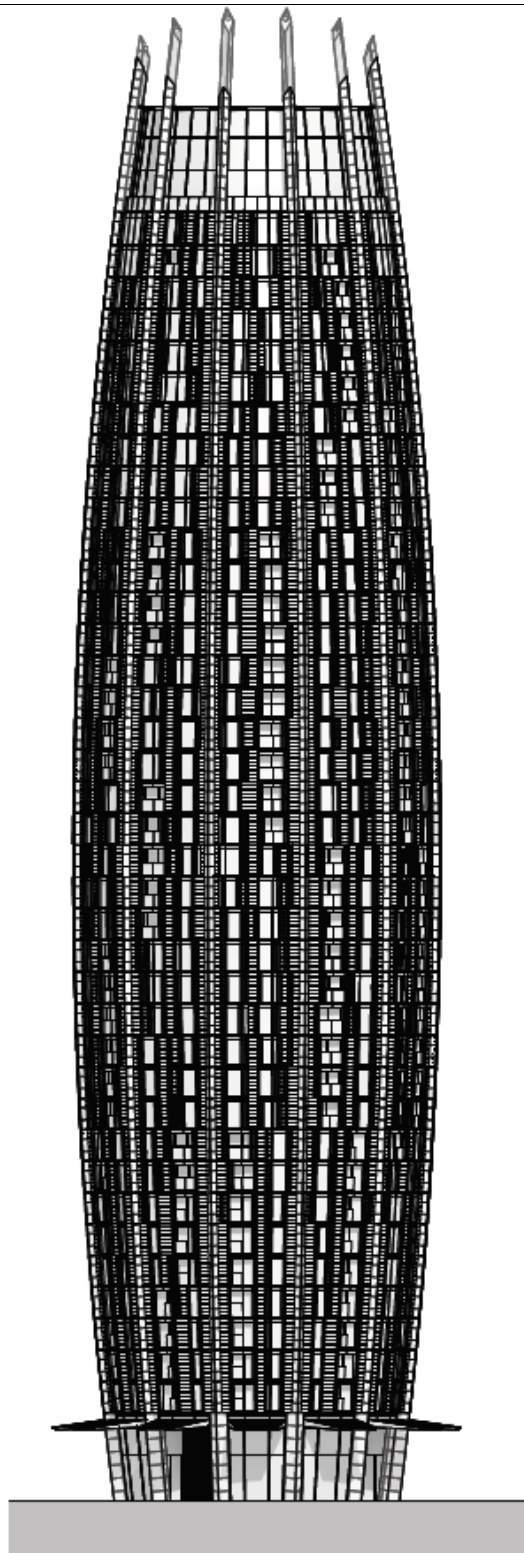
Proposed Ground Floor Plan.



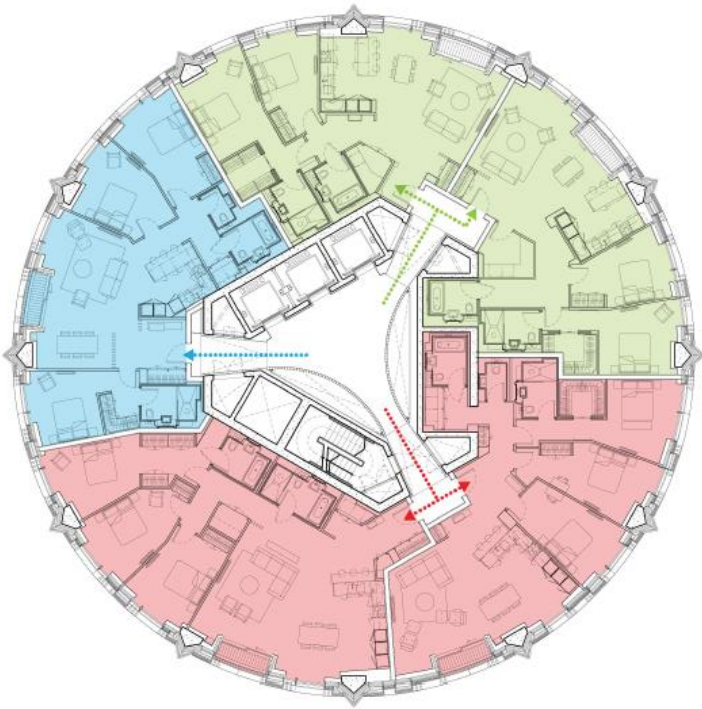
Aerial view of Merchant Square site showing Buildings 1 and 6 in context with surrounding buildings (top) and sectional view of Building 1 in context with Buildings 2 and 3 (bottom).



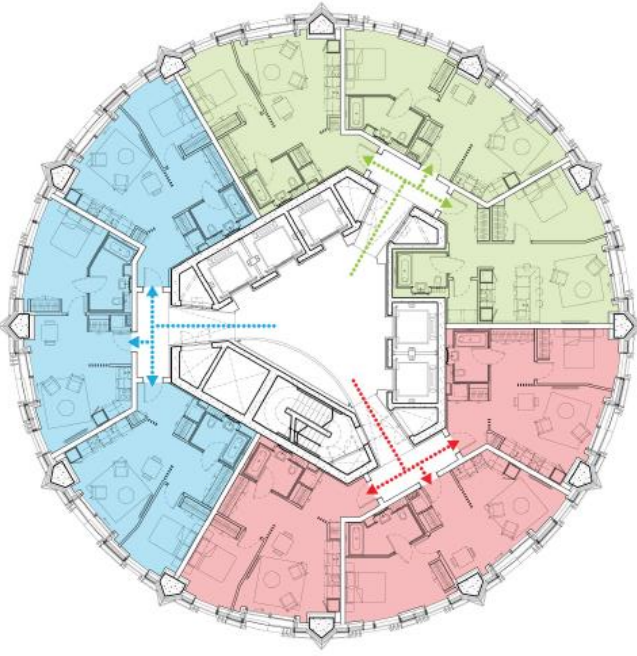
Detailed view of Building 1 façade (top) and view of top of building (sky bar over two floors) (bottom).



Typical elevation (south) of Building 1.



▲ Figure 5.34
1 Merchant Square - Level 32 Floor Plan



▲ Figure 5.33
1 Merchant Square - Level 02 Floor Plan

Typical floor plans for Building 1 (floor 32 at top and floor 2 at bottom).



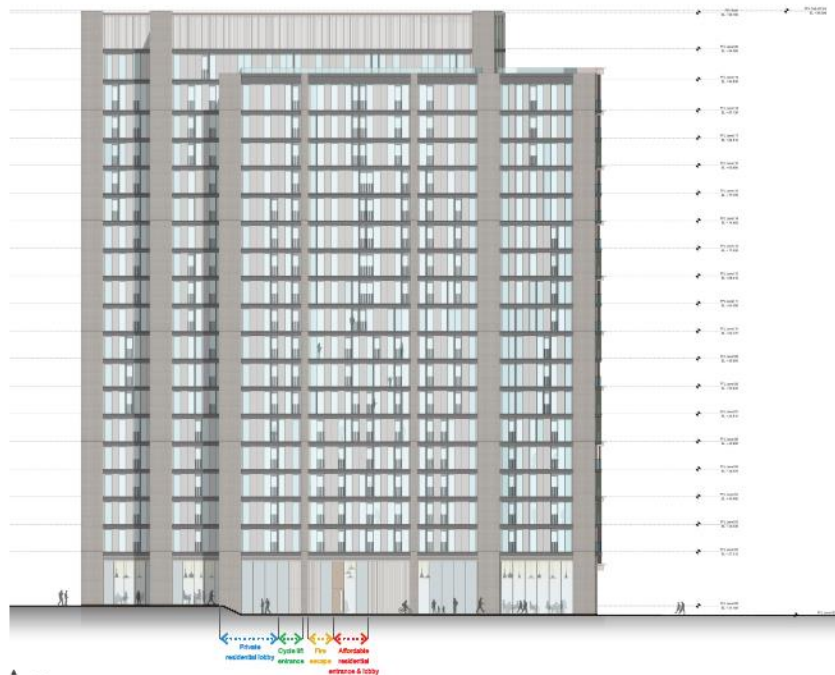
North elevation of Building 6 as seen from North Wharf Road.



Aerial view of Building 6 (top) and view of Building 6 from south side of canal basin (bottom).

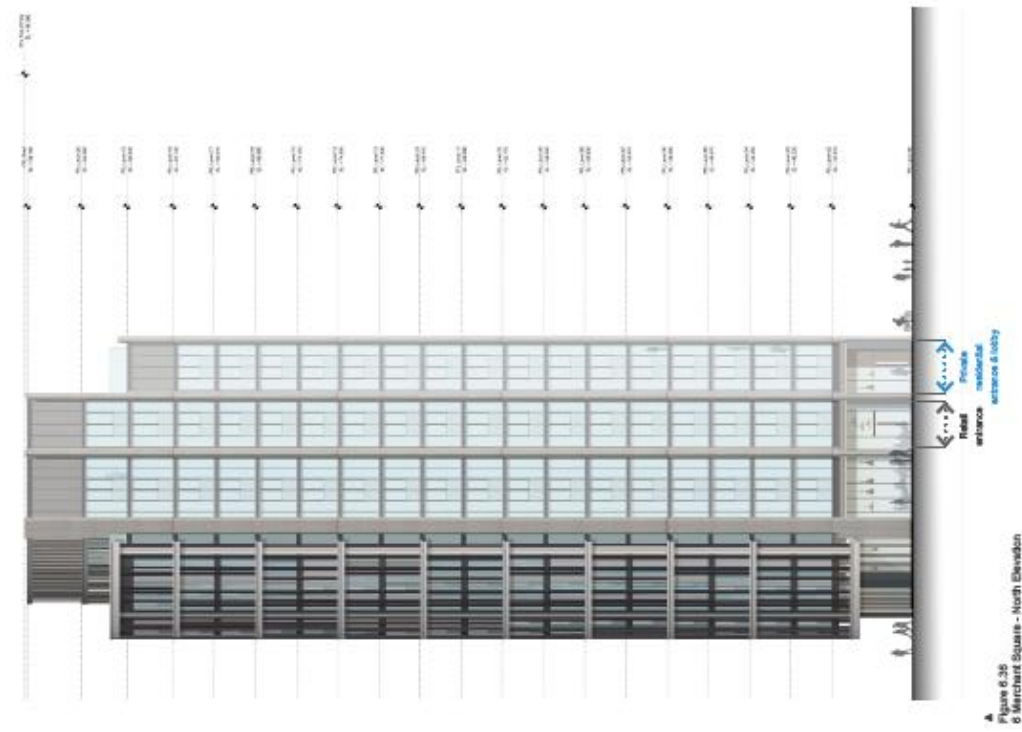
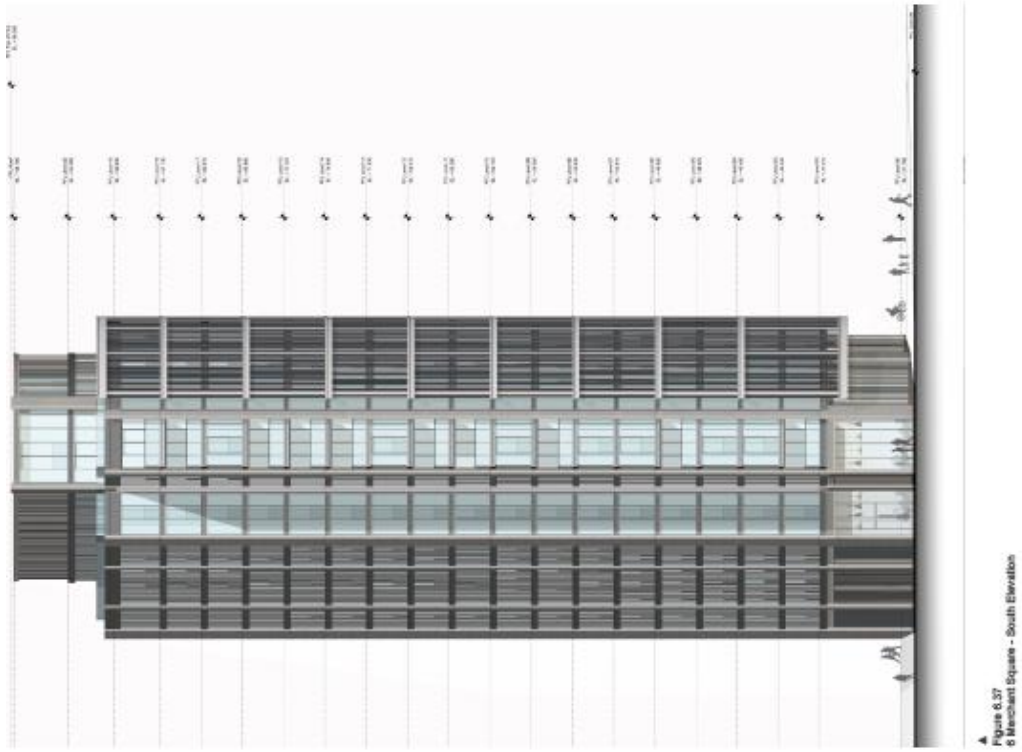


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Figure 6.34
6 Merchant Square - East Elevation

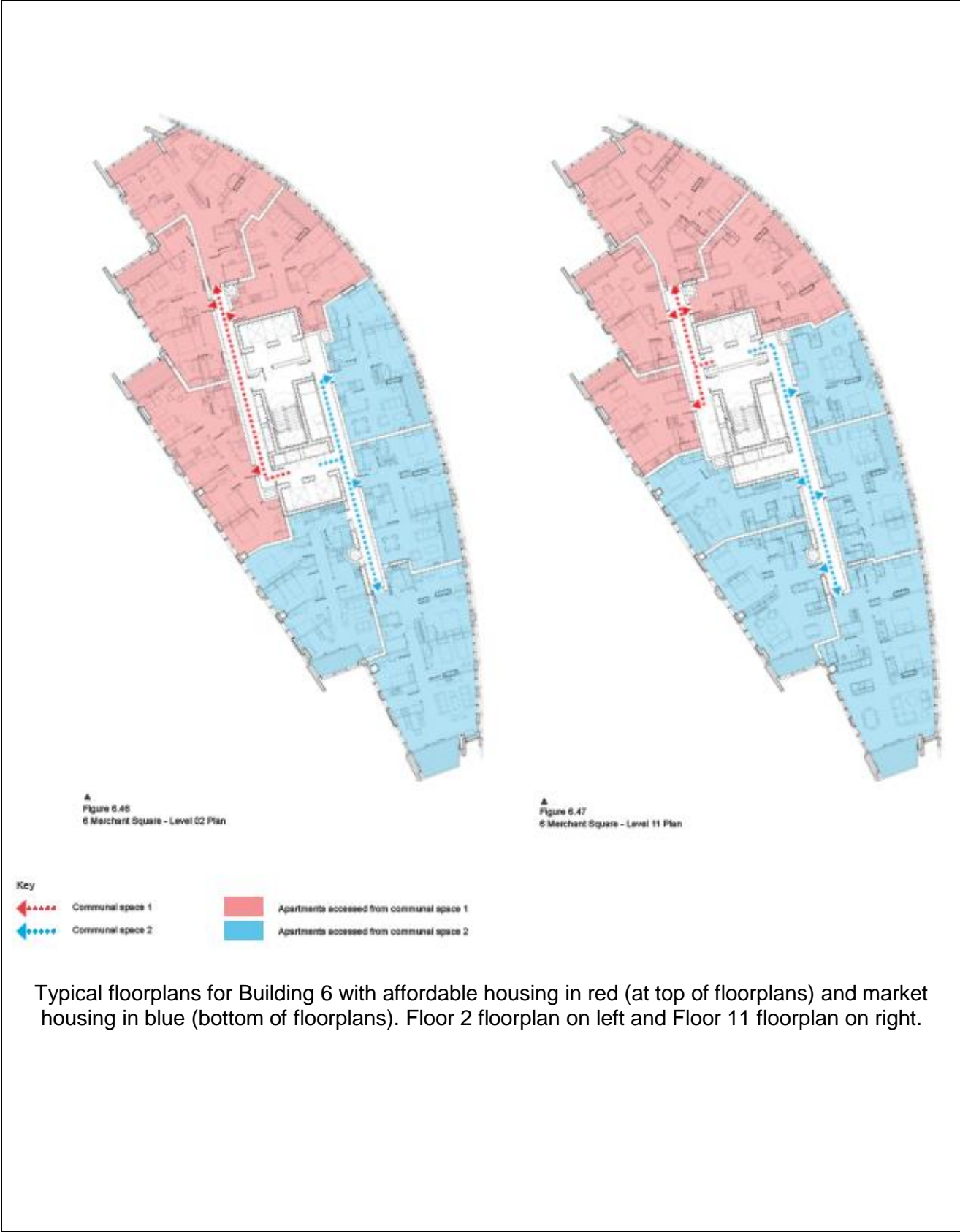


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Figure 6.35
6 Merchant Square - West Elevation

Eastern elevation of Building 6 (top) and western elevation (bottom).



North (bottom) and south (top) elevations of Building 6





View of central landscaped space looking north from southern end of the site (top) and view from within the landscaped space looking west along east/ west arm of North Wharf Road.

DRAFT DECISION LETTER

- Address:** Development Site - Land At, Harbet Road, London, W2 1JU
- Proposal:** Redevelopment comprising the erection of a 42 storey building (Building 1) and a 21 storey building (Building 6) above three basement levels. Use of buildings as 426 residential units (Class C3) (including 67 affordable housing units in Building 6), retail floorspace (Classes A1/ A2/ A3/ A4/ A5) and retail/leisure floorspace (Classes A1/ A2/ A3/ A4/ A5/ D2); provision of car parking, cycle parking, ancillary space, plant, servicing, highway works, hard and soft landscaping and other associated development (EIA Development).
- Plan Nos:** MS_A_PL_010, MS_A_PL_020 Rev.01 (including HVM measures/ alignment), MS_A_PL_030 Rev.01, MS_A_PL_031, MS_A_PL_032 Rev.01, MS_A_PL_033, MS_A_PL_310, MS_A_PL_311, 1MS_A_PL_100 Rev.01, 1MS_A_PL_101, 1MS_A_PL_102, 1MS_A_PL_103, 1MS_A_PL_104, 1MS_A_PL_105, 1MS_A_PL_106, 1MS_A_PL_107, 1MS_A_PL_108, 1MS_A_PL_109, 1MS_A_PL_110, 1MS_A_PL_111, 1MS_A_PL_112, 1MS_A_PL_113, 1MS_A_PL_114, 1MS_A_PL_115, 1MS_A_PL_116, 1MS_A_PL_117, 1MS_A_PL_118, 1MS_A_PL_119, 1MS_A_PL_120, 1MS_A_PL_121, 1MS_A_PL_122, 1MS_A_PL_123, 1MS_A_PL_124, 1MS_A_PL_125, 1MS_A_PL_126, 1MS_A_PL_127, 1MS_A_PL_128, 1MS_A_PL_129, 1MS_A_PL_130, 1MS_A_PL_131, 1MS_A_PL_132, 1MS_A_PL_133, 1MS_A_PL_134, 1MS_A_PL_135, 1MS_A_PL_136, 1MS_A_PL_137, 1MS_A_PL_138, 1MS_A_PL_139, 1MS_A_PL_140, 1MS_A_PL_141, 1MS_A_PL_142, 1MS_A_PL_200, 1MS_A_PL_300, 1MS_A_PL_301, 6MS_A_PL_100, 6MS_A_PL_102, 6MS_A_PL_103, 6MS_A_PL_104, 6MS_A_PL_105, 6MS_A_PL_106, 6MS_A_PL_107, 6MS_A_PL_108, 6MS_A_PL_109, 6MS_A_PL_110, 6MS_A_PL_111, 6MS_A_PL_112, 6MS_A_PL_113, 6MS_A_PL_114, 6MS_A_PL_115, 6MS_A_PL_116, 6MS_A_PL_117, 6MS_A_PL_118, 6MS_A_PL_119, 6MS_A_PL_120, 6MS_A_PL_121, 6MS_A_PL_200, 6MS_A_PL_300, 6MS_A_PL_301, Environmental Statement (ES) Non-Technical Summary (June 2018), ES Volume 1: Main Report (June 2018), ES Volume II: Heritage, Townscape and Visual Impact Assessment (June 2018), Clarifications Document (October 2018), Supplementary Air Quality Assessment letter by AECOM dated 8 January 2018, AECOM ES Second Review Table (Ref: 60517652 - Merchant Square 1 & 6), AECOM letter dated 20 March 2019 (ref: 60517652), Appendix A - EIA Scoping Report and Scoping Opinion, Appendix B - Traffic Data, Appendix C - Noise & Vibration Technical Appendices, Appendix D - Air Quality Neutral Assessment, Appendix E - Wind Technical Report and Figures, Appendix F - Daylight, Sunlight, Overshadowing and Solar Glare Technical Results, Appendix G - Ground Conditions and Envirocheck Report, Flood Risk Assessment and Drainage Strategy, and Appendix I - Buried Heritage Desk Based Assessment. Design & Access Statement (June 2018), Planning Statement (June 2018), Sustainability Statement (June 2018), Energy Strategy (June 2018), Detailed Drainage Statement dated March 2019 (ref: DRS001-1), Crime Prevention Statement (June 2018) (as amended by email from DP9 dated 4 April 2019), Structural Methodology Statement (June 2018) and Internal Daylight & Sunlight Report (June 2018).

Item No.
1

For Information Only Transport Assessment (June 2018), Workplace Travel Plan (June 2018), Residential Travel Plan (June 2018), Delivery and Servicing Plan (June 2018), Statement of Community Involvement (June 2018) and Outline Construction Logistics Plan (June 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 piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

- 3 **Pre Commencement Condition.** 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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Item No.
1

Reason:

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

- 4 **Pre-Commencement Condition** Prior to commencement of development, you must apply to us for approval of detailed Construction Traffic Management Plan. You must not commence the development until we have approved what you have sent us, in consultation with Transport for London. You must then carry out the development in accordance with the Construction Traffic Management Plan we approve.

Reason:

To avoid blocking the surrounding streets and the Transport for London Strategic Road network as set out in S41 and S42 of Westminster's City Plan (November 2016), TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007 and Policies 6.11 and 6.12 in the London Plan (March 2016). (R23AC)

- 5 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 apply to us for approval of detailed drawings of shopfronts/ ground and first floor elevations at a scale of 1:50, including large scale detail elevations and 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 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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 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

Item No.
1

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 You must apply to us for approval of details (including drawings, samples and any other supporting documents as appropriate) of public art proposals for the site prior to commencement of any above ground level development. 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 work in accordance with the details we approve prior to occupation of the development. The public art shall thereafter be permanently retained in the approved location.

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 Policies DES 1 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of detailed drawings of any cleaning and maintenance equipment to be fixed to the buildings, including on roofs and the details shall include the storage position of the equipment when not in use. 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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site not covered by buildings. The landscaping scheme must include the number, size, species and position of trees and shrubs and the detailed design and palette of materials (including material samples) for the hard landscaping and street furniture (including lighting and externally mounted CCTV equipment). 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 forming part of the landscaping scheme that we approve, 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 character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S37 and 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)

- 11 Notwithstanding the details shown on the submitted drawings, you must apply to us for approval of detailed drawings showing the location and detailed design of bollards or similar structures proposed within the hard and soft landscaping scheme for the purpose of security and hostile vehicle mitigation. 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 and you must not occupy the building until these bollards and/ or other structures have been installed. Thereafter the bollards and/ or other structures must be retained, unless otherwise agreed by us in writing.

Reason:

To maintain the appearance of the development and in the interests of security/ crime prevention in accordance with S28 and CS29 in Westminster's City Plan that we adopted in November 2016 and DES1 in the Unitary Development Plan that we adopted in January 2007.

- 12 The accommodation described as 'retail' on the submitted drawings shall only be occupied by uses falling within Classes A1, A2, A3, A4 or D2 (cinema use only and no other use within this Use Class) 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), details of which, including a description of each use, its Use Class, hours of operation and hours of servicing shall be agreed in writing by us before the relevant use commences. No individual Class A3 or A4 use shall exceed 500m² in size. The accommodation shall not be occupied other than in accordance with the details thus approved, unless otherwise agreed by us in writing.

Reason:

Insufficient information has been submitted to demonstrate in amenity terms the acceptability of unrestricted Class A3 or A4 use. In the absence of such information the City Council considers that it would be premature to confer unrestricted Class A3 or A4 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.

- 13 If any of the 'retail' accommodation hereby permitted is to be occupied for Class A3, A4 or D2 purposes, or a combination thereof, each 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 operational noise level, including noise attenuation methods) have been submitted to and agreed by us in writing. The accommodation shall not be occupied otherwise than in accordance with the details thus approved.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 14 The 'skybar' accommodation with Building 1 hereby permitted is to be occupied for Class A3 or A4 purposes, or a combination thereof, and the use shall not commence until full details of the

Item No.
1

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 shall not be occupied otherwise than in accordance with the details thus approved.

Reason:

To ensure the use would not harm the amenity of neighbouring occupiers in terms of noise disturbance and odour nuisance. This is in accordance with S3, S29 and S32 in Westminster's City Plan that we adopted in November 2016 and Policies ENV5, ENV6, ENV7 and TACE 8/ TACE 9/ TACE10 in the Unitary Development Plan that we adopted in January 2007.

- 15 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this 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)

- 16 You must apply to us for approval of detailed drawings showing the following alteration(s) to the cycle parking arrangements:

- (a) provision of 772 long stay residential spaces;
- (b) provision of 11 short stay residential spaces;
- (c) provision of 11 long stay retail spaces, and;
- (d) provision of 96 short stay retail spaces.

You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage for the respective uses in line with the approved details prior to occupation of the use to which the cycle parking relates. Thereafter you must retain the cycle storage and you must not use it for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy T5 (Table 10.2) of the draft new London Plan 2016 (with Minor Suggested Changes to the London Plan) (September 2018). (R22FA)

- 17 Notwithstanding what is shown on the submitted drawings, you must hang all doors and gates so that they do not hang over or across the road or pavement, with the exception of doors which form part of a means of escape in case of emergency.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

18 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (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 L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

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)

- 20 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)

- 21 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)

- 22 You must apply to us for approval of full details of the Ventilation Strategy for both buildings, which shall include the following amended details in addition to further details pursuant to the outline strategy set out in paragraphs 9.168 to 9.173 of the Environmental Statement:

(a) Provision of NOx/ NO2 filtration as necessary to protect future residents from emissions from road sources and from the energy centre in 3 Merchant Square.

(b) Provision of all necessary amendments (including any necessary amendments to the appearance of the buildings) to ensure the flats within the development will not be subject to overheating that breaches the CIBSE criteria.

You must not start work on this part of the development until we have approved what you have set us. You must then install the mechanical ventilation in accordance with the details we approve prior to occupation of each building.

Reason:

To improve the energy efficiency of the development and ensure the building provides an acceptable internal living environment in accordance with S28, S29 and S31 in Westminster's City Plan adopted in November 2016 and Policies 5.9 and 7.14 in the London Plan (March 2016).

- 23 No tables and chairs shall be placed outside of the 'retail' or 'sky bar' premises (Classes A1, A2, A3, A4 or D2) 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. You must not place the table and chairs or associated structures outside the 'retail' and 'sky bar' 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, S29, CS32 and S41 in Westminster's City Plan we adopted in November 2016 and DES1, ENV6 and TRANS3 in the Unitary Development Plan we adopted in January 2007.

- 24 **Pre-Commencement Condition.** The development hereby approved shall not be commenced until detailed design and method statements (which should be prepared in consultation with London Underground) for all of the foundations, basements and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by us. The detailed design and method statements submitted should include:

- details of all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction;
- and mitigation of the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in accordance with the details we approve unless otherwise agreed by us in writing.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policies 6.2 and 6.3 in the London Plan (March 2016).

- 25 Notwithstanding what is shown on the approved drawings, you must apply for approval of detailed drawings, sample materials and a full-scale mock up of part of the facade of Building 1, including a section of the perimeter vertical 'tusk'/ 'fin', adjacent cladding and a full window detail. 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 development in accordance with the details 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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 26 You must apply to us for approval detailed drawings of the following part of the proposed development: the detailed design and method of operation of the proposed car stacker system (provision of a manufacturer's specification may also be appropriate). You must not start work on these parts of the development until we have approved what you send us. You must then carry out the work in accordance with the details we approve.

Reason:

To ensure that the development provides sufficient parking provision in accordance with TRANS23 in the Unitary Development Plan we adopted in January 2007.

- 27 You must apply to us for approval of detailed Deliveries Management Plan. You must not occupy the development until we have approved what you have sent us, in consultation with Transport for London. You must then operate the development in accordance with the Deliveries Management Plan we approve.

Reason:

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

- 28 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 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 written approval for Phases 2 and 3 before any demolition or excavation work starts, and for Phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records (submitted and approved under RN: 18/05018/FULL - no further submission pursuant to Phase 1 necessary).

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 Prior to occupation of either building, you must apply to us and received approval of details of the following:

- evidence that all combined water network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents. This is as set out in Policy 5.14 in the London Plan (March 2016).

Item No.
1

31 Prior to occupation of either building, you must apply to us and received approval of details of the following:

- evidence that all water network upgrades required to accommodate the additional flows from the development have been completed; or,
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to no/ low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. This is as set out in Policy 5.15 of the London Plan (March 2016).

32 **Pre-Commencement Condition** Prior to commencement of development you must apply to us for approval of details of how the development will be designed to accommodate the existing water main located within 5 metres of the development. The details to be submitted shall include details of how the main is to be divert and/ or how the development is to be realigned to prevent the potential for damage to subsurface potable water infrastructure. You must not commence development until we have approved (in consultation with Thames Water) what you have sent us. The development must then be undertaken in accordance with the details we approve.

Reason:

The proposed works will be in close proximity to underground strategic water main utility infrastructure. The works has the potential to adversely impact on local underground water utility infrastructure and this would be contrary to Policy 5.15 in the London Plan (March 2016).

33 **Pre-commencement Condition** No piling shall take place until a piling method statement (detailing the depth and 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 infrastructure, and the programme for the works) has been submitted to us and approved in writing by us in consultation with Thames Water. Any piling must then be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Damage to this infrastructure would be contrary to Policies 5.14 and 5.15 in the London Plan (March 2016).

34 You must carry out the development in accordance with the drainage strategy set out in the Detailed Drainage Statement dated March 2019 (Ref: DRS001-1) unless you apply to us and we approve an alternative drainage strategy in writing.

Item No.
1

Reason:

To ensure that the development utilises appropriate sustainable urban drainage measures to achieve greenfield run off rates and ensure water run off is managed as close to its source as possible, as set out in Policy 5.13 in the London Plan (March 2016).

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

- Revision of the roof form of Building 6 to incorporate additional photovoltaic panels.

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

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016) and Policy 5.7 in the London Plan (March 2016). (R44BC)

- 36 You must apply to use for approval of a Waste Management Strategy, which includes the following:

(a) Waste generation estimates to demonstrate that the bin capacities proposed for general waste, food waste and recyclable materials are sufficient to meet the demand of the development.

(b) Drawings of all bin stores with bins labelled 'R', 'O' and 'W' as required by the Waste Storage Requirements guidance document (Section 2.3.1).

(c) Amended retail waste storage details (including drawings) to ensure all waste generated by the retail units can be accommodated (for example this should include storage provision for food waste and waste cooking oil in the event a unit is occupied by a restaurant). Note that the retail waste storage should represent a 'worst case' scenario for the retail units.

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 Waste Management Strategy we approve prior to occupation of the relevant part of the development. Thereafter the waste stores must be permanently retained for the purpose of waste storage. (C26UB)

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)

- 37 **Pre-Commencement Condition.** No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by us in consultation with Historic England. For land that is 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. The planning application lies in an area of archaeological interest.

Item No.
1

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

(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 & 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 ensure the development does not result in the loss of archaeology on the site, in accordance with Policy 7.8 in the London Plan (March 2016).

38 **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 written approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records (Ground Conditions and Enviro Check Report Volume III and ES Volume 1 by Aecom dated June 2018).

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)

Item No.
1

- 39 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 20 and 21 of this permission. 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 the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, 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 and noise from other sources within the buildings. (R49AA)

- 40 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(s) 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 41 You must apply to us for approval of details demonstrating that the residential and commercial parts of the development have achieved Secured by Design accreditation. You must not commence work above ground floor slab level before until we have approved the details that you sent us. You must then carry out the development in accordance with the details we approve.

Reason:

To ensure the development provides a safe and secure environment for occupiers, service users and workers in accordance with Policy 7.3 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, the London Plan, 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.

Item No.
1

The City Council has determined this application in accordance with the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

Details of the consultation responses received in respect of this application are summarised in the Council's committee report. In determining this application the Council has taken into account the likely environmental impacts and effects of the development and identified appropriate mitigation action to reduce any adverse effects and these are set out in the committee report. In particular, careful consideration has been given to the conditions and planning obligations which will have the effect of mitigating the impact of the development and these are set out in detail in the committee report and associated decision letter.

- 3 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.
- 4 You should refer to the current "Code of Practice for Works affecting the Canal and River Trust" to ensure that any necessary consents are obtained from the Canal and River Trust prior to the commencement of the development: <http://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).
- 5 You should contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; and construction methods.
- 6 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.
- 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 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.

- 9 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 10 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)

- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 You may need separate licensing approval for the retail and sky bar premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 13 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)
- 14 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

Item No.
1

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)

- 15 Structures oversailing the public highway will require a highways licence. If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the design of the oversailing structures, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter. Please remember that once you have a licence you must implement the oversailing structure in accordance with the licence. (I47AB)

- 16 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

- 17 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)

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

- 19 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)

- 20 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the developer to demonstrate what measures it will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk

Item No.
1

Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

- 21 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).

- 22 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.
- 23 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.
- 24 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: [https://www.westminster.gov.uk/street-naming-numbering-\(I54AB\)](https://www.westminster.gov.uk/street-naming-numbering-(I54AB))
- 25 This permission is governed by legal agreements between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreements relate to:

Buildings 1 and 6 S106 Agreement

- 1) Notice of commencement of development.

- 2) Provision of on-site affordable housing to the quantum, mix, tenure and affordability set out in Section 8.1 with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG (prior to occupation of more than 50% of the market residential units in Building 6 and prior to occupation of more than 111 units in Building 1).
- 3) Provision and management of CCTV.
- 4) Provision and adherence with an advertisement and shopfront strategy for retail uses and 'sky bar'.
- 5) Provision of public realm areas prior to occupation.
- 6) Provision of maintenance, use of and access to the on-site public realm.
- 7) Provision of cycle parking within shared basement.
- 8) Provision of lifetime (25 year) car club membership for all market and affordable units.
- 9) Provision of land for installation of Mayor's Cycle Hire docking station.
- 10) Provision and periodic review of a workplace and residential travel plans.
- 11) Provision and maintenance of public access to the Sky Bar in Building 1.
- 12) Financial contribution of £522,749 (index linked) to the Carbon Off-set Fund (payable on commencement).
- 13) Provision of lifetime car club membership for each affordable housing unit within the development.
- 14) Provision of skills and employment opportunities for local residents.
- 15) Costs of monitoring the agreement (£500 per head of term).

Deed of Variation to Original 'Overarching' Legal Agreement

- 1) Highway works to the public highway to the perimeter of the site to improve footways and carriageways including temporary road finishes repairing and resurfacing works.
- 2) Improvement works to Harbet Road (these were delivered prior to occupation of Building 3).
- 3) A financial contribution of £360,000 (index linked from August 2011) towards Harrow Road subway works (prior to occupation of the earlier of Building 1 or Building 2).
- 4) Provision of Kayak Store and bridge across the canal basin (these have been delivered in conjunction with Building 3).
- 5) Provision of towpath works (these have been delivered in conjunction with Building 3).
- 6) Building 3 Affordable Housing Underprovision Sum (£2.59m index linked) (payable where more than 80 market units are provided in Building 3 without provision of the affordable housing in Building 6 and returnable to the developer where the affordable housing units in Building 6 are completed within 6 years of the date of the payment of the sum).
- 7) Off-site provision of a waterways facilities building incorporating the listed canopy.
- 8) Delivery of public realm areas in accordance with landscape masterplan prior to occupation.
- 9) Provision of, and connection to, the Energy Centre within 3 Merchant Square and provision of amended CHP equipment to reduce NOx emissions.
- 10) Provision and management of on-site car club spaces.
- 11) Provision and management of on-site residential car parking provision within shared basement.
- 12) Provision of electric car charging facilities.
- 13) Provision and adherence with a servicing management strategy.
- 14) Provision of a green waste composting scheme.
- 15) Completion of vehicle access ramp below Building 2 before first occupation of Buildings 1, 2 or 6.
- 16) Mitigation measures for television signal interference.
- 17) Compliance with the Code of Construction Practice (amended to Buildings 2 and 3 only).

Item No.
1

18) Compliance with the Local Procurement Code.

- 26 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.

- 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.

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 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Marylebone High Street	
Subject of Report	15-20 Manchester Square, London, W1U 3PW,		
Proposal	Demolition and replacement of existing fourth floor, demolition of existing plant room, and erection of a single storey roof extension at fifth floor and rear extension at second to fifth floor levels in connection with existing office (Class B1) use, provision of new main office entrance, flexible use of part ground and basement floor for either retail or office use (Class A1/B1), creation of roof terrace at fifth floor level, provision of cycle parking spaces and facilities, roof plant and associated external alterations, including replacement windows.		
Agent	Gerald Eve LLP		
On behalf of	IREEF Manchester Square Propco S.A.R.L		
Registered Number	18/10640/FULL	Date amended/ completed	7 January 2019
Date Application Received	17 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The building lies on the north west corner of Manchester Square and provides 6 floors of office accommodation (including an existing basement level). The application seeks to demolish the existing fourth floor and to reconstruct this together with a new fifth floor and rear extensions. A flexible use of the part basement and ground floor for an alternative retail use is also sought.

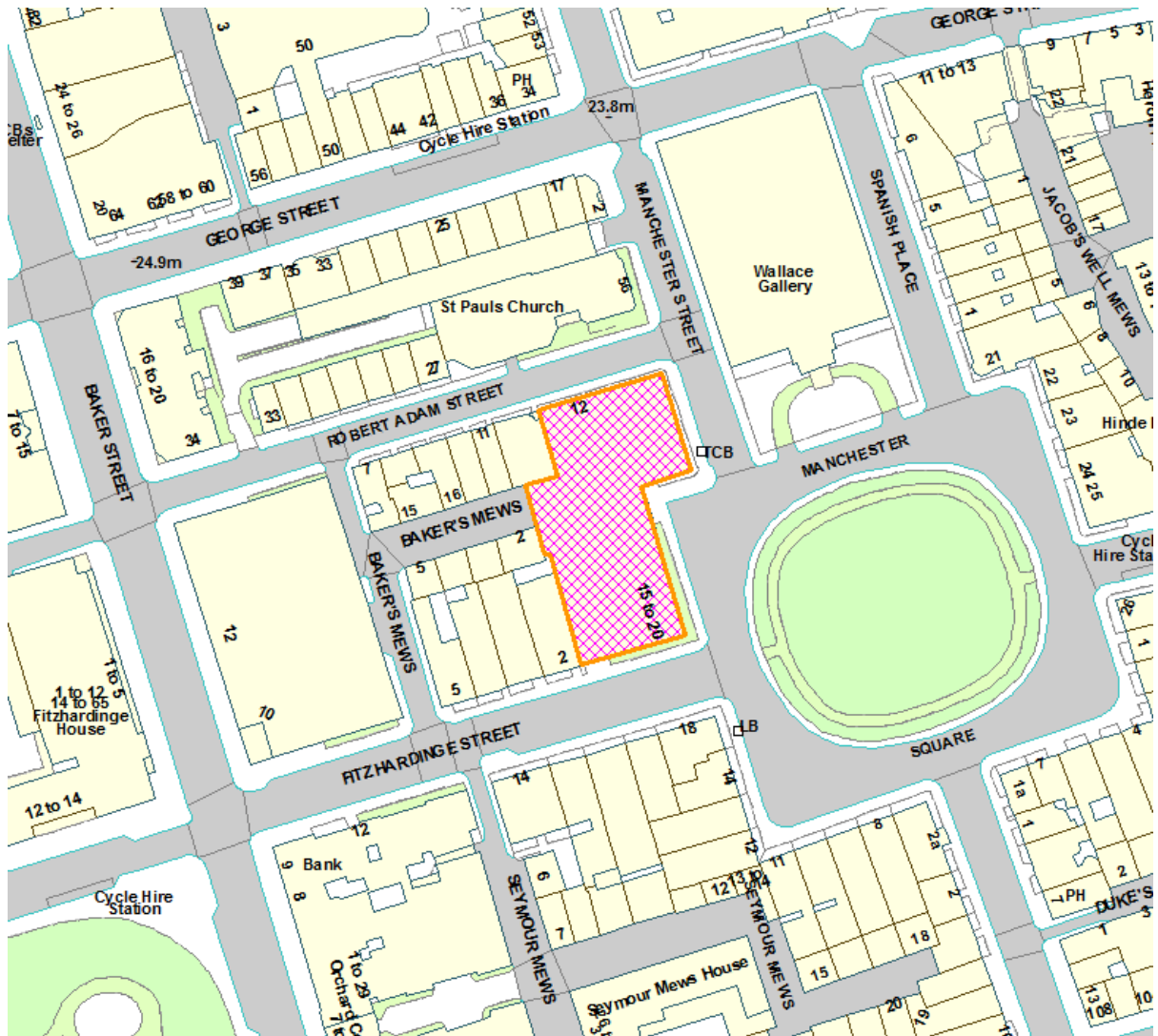
The key issues for consideration are:

- the impact of the proposed extensions on the character and appearance of the Portman Estate conservation Area;
- the impact on residential amenity

The City Plan places a strong emphasis on the provision of additional office accommodation within the Core CAZ and the alternative retail use is likewise acceptable in land use terms.

The proposed replacement fourth floor, new roof, rear extension and alterations are considered acceptable in design terms and the additional bulk is not considered to have a harmful impact on residential amenity. The application is therefore recommended for approval.

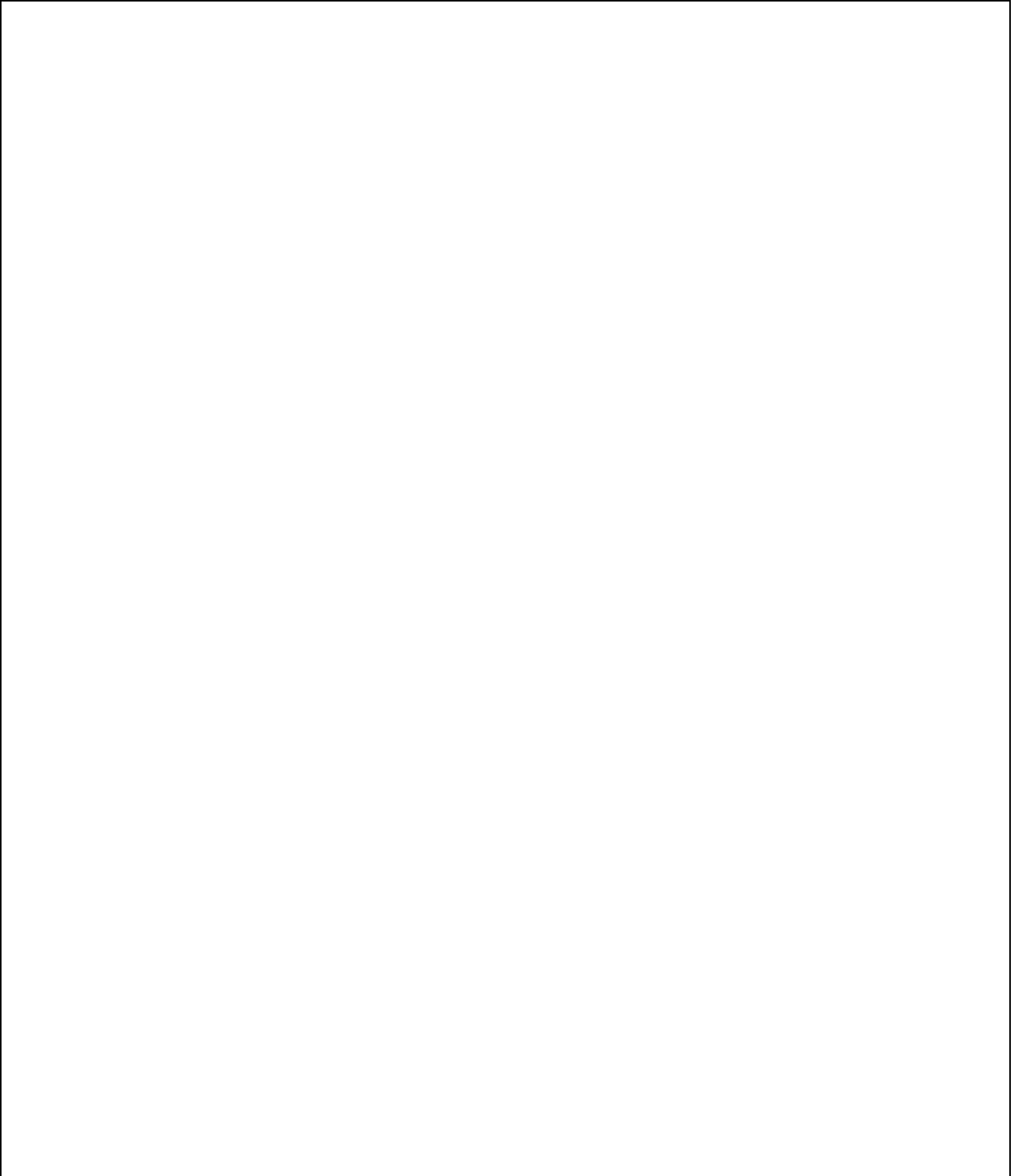
3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Welcome the colouring of the facade but consider that the level of brick sooting should be agreed through sample panels. Expect an exemplary CMP to minimise disruption during the construction process.

HIGHWAYS PLANNING MANAGER

No objections subject to conditions.

ENVIRONMENTAL HEALTH

No objections raised.

WASTE PROJECT OFFICER

No objections raised.

ARBORICULTURAL MANAGER

No objections raised subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80; Total No. of replies: 2

One letter of support and one letter of objection raising the following issues:

- * Loss of daylight and sunlight
- * Overlooking
- * Adverse visual impact

Re-consultation following submission of revised plans

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

One letter of objection received stating that the amendments do not overcome the previous concerns raised.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

1. The Application Site

This application lies on the north west side of Manchester Square with frontages also onto Robert Adam Street to the north, Fitzhardinge Street to the south and Baker's Mews to the west. The site comprises a 1990's 5-storey building in office use that lies within the Central Activities Zone.

The site lies with the Portman Estate Conservation area and adjoins Grade II listed buildings at the rear on both Robert Adam Street and Fitzhardinge Street and opposite the Grade II listed Hertford House (which houses the Wallace collection). Manchester Square itself is protected under the terms of the London Squares Preservation Act 1931.

An off-street servicing bay is located to the rear of the existing building and is accessed via Baker's Mews. This bay is restricted by condition to be used between 8am and 8pm only. The bay also provides four off street residential car parking spaces and seven car parking spaces for the office use.

Manchester Square itself is generally commercial in nature, although to the rear of the site, both Baker's Mews and Robert Adam Street are more residential in character. There are also 8 flats within St Paul's Court, 56 Manchester Street to the immediate north of the site.

The four flats at 12 Robert Adam Street were constructed as part of the redevelopment of this site and the four flats share the servicing bay on Baker's Mews.

2. Recent Relevant History

Planning permission granted in August 1998 for the 'erection of a building comprising basement, ground, part 3 and 4 upper floors plus plant for use as offices (Class B1), 4 residential flats and associated parking.'

7. THE PROPOSAL

The proposals seek to replace the existing fourth floor with a new sheer storey of accommodation and to add an extra storey above this at roof floor level, all for Class B1 office accommodation. A rear extension at second to fifth floors is also proposed to house the core stair and lifts that are to be relocated to the rear of the site.

A flexible use of part of the ground and basement floors is also sought to enable either the existing office use to be retained at these levels, or to introduce a retail art gallery. The proposals seek also to relocate and enhance the office entrance, by moving it to a more central location. Some of the ground floor windows are also to be enlarged to facilitate the proposed art gallery use and all of the windows are to be replaced.

A terrace is proposed at fifth floor level, plant is to be upgraded and alterations to the servicing bay are also proposed.

The application has been amended since it was originally submitted to include the following amendments:

1. Amended pitch to roof
2. Reduction in the width of rear dormer window
3. Amendment to 5th floor terrace to prevent overlooking
4. Increased set back from 12 Robert Adams Street to 2.5m from the originally submitted scheme.

A revised sunlight/daylight report has also been submitted.

In the event that a retail gallery is introduced, the proposals result in the following floorspace increases:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	8,361	8,261	-100
Retail (Class A1)	0	1,412	+1,412
Total	8,361	9,673	+1,312

In the event that the building is used entirely for office purposes, the proposals result in the following floorspace increases:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	8,361	9,673	+1,412
Total	8,361	9,673	+1,412 (+15%)

5. DETAILED CONSIDERATIONS

1. Land Use

Loss of office use

In the event that the entire building is used for office purposes the proposals would result in the uplift of 1,412 sqm of office floorspace. Policy S20 directs new office development to the Core CAZ and therefore the uplift in office floorspace is welcome. This increase in office provision, being less than a 30% net increase in floorspace, does not require any on-site residential to be provided through being in compliance with policy S1.

In the event that the ground and lower ground floors are to be used for retail purposes, the proposals would result in a net loss of 100sqm in office floorspace. However, as this loss is to an alternative commercial use it is acceptable in policy terms.

Retail use

The alternative use proposed for part of the ground and lower ground floors is for retail purposes. This is an entirely speculative proposal and the applicant has yet to secure a tenant for this space. Policy SS4 (UDP) aims to enhance the retail function and mixed-use character of the CAZ and recognises that redevelopments are an opportunity for introducing new shop-type units in locations which would benefit from additional retail uses. Policy S6 of the City Plan states that the Core CAZ is an appropriate location for a range of commercial uses whilst Policy S21 directs new retail floorspace to the designated shopping centres. Although the application site is not located on a designated shopping frontage, it is within the Core CAZ and a proposed retail art gallery would complement and enhance the adjacent Wallace Collection. It is considered that the use of the ground and lower ground floors for retail purposes is acceptable in land use terms.

2. Townscape and Design

The building is a modern addition to Manchester Square, built about 20 years ago. It replaced a 1960's office block and sought to integrate more harmoniously, through its massing and design, into the existing, strong Georgian character of the Square. The Square is dominated by late 18th century houses, with the exception of Hertford House (housing the Wallace Collection) on the north side of the square. The current proposals retain the existing building but add an extra floor and an extension at the rear, with amendments to the facades, most notably the use of a stain to darken the brickwork. The design of the scheme has been negotiated and revised at both pre-application and application stages.

The building will comprise five sheer storeys, with a mansard type roof, with wide dormers, set back from the facades. Railings are added to the parapet to create a terrace. The existing building sought to relate to the Georgian houses to the south which are four sheer storeys high, as originally built in the 1770's. However other buildings in the square, including the terrace on the east side of the Square, have been extended in the past and are now five storeys. In this context it is considered that the increased massing is acceptable.

The proposed roof storey takes a modern mansard form, in contrast to the existing top floor which has sheer, metal clad, walls. The mansard has a shallow secondary pitch, a traditional form, which hides the roof level plant. This is an appropriate profile, which relates more successfully to its context than the existing roof storey does. There are flues at the rear of the roof and their design and appearance should be controlled by condition.

The facade alterations include the staining of the brickwork and also alterations to the fenestration. The bays above the proposed entrance, which is moved south of its current position in the corner, will feature double height window openings at second and third floor levels. The large glazed openings above the current entrance will be replaced with smaller windows. The very narrow windows in the recessed bays will be removed. Large glazed openings replace the smaller windows at ground floor level in the east facade onto the square.

It is considered that these alterations, coupled with the staining of the brick will not harm the appearance of the building, and overall, the architectural relationship of the building to the rest of the Square will be enhanced. The staining of the brickwork will require careful handling and should be controlled by conditions, including the approval of sample areas.

At the rear of the building an extension is added in the style of the existing building. The brickwork will not be stained here as the context is different from the square and it is not considered necessary to do it.

The original redevelopment included a work of public art, a sculpture by Tony Cragg, adjacent to the Manchester Square entrance. This has been removed in the recent past (seemingly without permission) and so there is a requirement to provide a replacement piece. This too can be controlled by condition.

It is considered that this is a well-designed scheme which will not harm the character and appearance of the Portman Estate Conservation Area or the settings of the adjacent listed buildings. It complies with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 5, DES 6 and DES 9 of the Unitary Development Plan.

3. Residential Amenity

The closest residential accommodation to the site are the four flats within 12 Robert Adam Street at the rear of the site and the mews houses on Baker's Mews, specifically 2 Baker's Mews. A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties. Following revisions to the scheme, a revised sunlight/daylight report has also been submitted.

Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window receives less than 25% annual probable sunlight hours and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected.

The sunlight/daylight assessment submitted with the application shows that two windows (one at first and one at third floor) within the rear of 12 Robert Adam Street would be adversely affected by the proposals in terms of loss of daylight with losses of 26.88% and 22.56% in VSC. The owner of this property objects to these losses. The Daylight Distribution analysis (NSL) does demonstrate full BRE compliance with all reductions well within 20%. Whilst the VSC losses would be over 20%, the windows affected serve bedroom accommodation which the BRE guidelines state as being less important in relation to daylighting distribution than main living rooms and on this basis, it is not considered that refusal on loss of daylight could be justified.

The owner of 12 Robert Adam Street also objects on the grounds of loss of sunlight. In the original submission, one first floor bedroom window would have experienced a loss of 44% in sunlight hours. In the revised scheme, the resultant loss of sunlight hours to this window would be within BRE tolerances.

Overshadowing

There are four external terraces at 12 Robert Adam Street which face the extensions proposed at the rear of the site. These have been assessed for potential overshadowing. All of the four respective spaces retain 50% or more of the area receiving two hours or

more direct sunlight on 21 March in accordance with BRE Guidance and therefore will remain adequately sunlit throughout the year.

Sense of Enclosure

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity. One objection has been received on the grounds that the proposals would result in a loss of adverse visual impact. There is a part 2-storey extension at the rear of the site that is 9.8m from the rear first floor windows within 12 Robert Adam Street. The application initially involved an upward extension to this part of the site, rising an additional four floors. However, following negotiation, the bulk and massing of this part of the proposal has been amended and the rear extension has been set back from 12 Robert Adam Street by an additional 2.5m. Given that the rear extension is now between some 12.5 and 15.5m from these rear windows, it is not considered that the proposal would result in any adverse increased sense of enclosure to these windows.

Privacy/Noise

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. Terraces are proposed at fifth floor level, wrapping around the new roof extension proposed at this level. The applicant confirms that the terrace area immediately adjacent to the residential accommodation at 12 Robert Adam Street is for maintenance purposes only. This can be controlled by condition and addresses the overlooking concerns raised by the owners of 12 Robert Adam Street. There are flats within 56 Manchester Street opposite the northern part of the proposed terrace. The remainder of the terrace area is some distance from any other residential accommodation and it is not considered that the use of the terrace would result in increased privacy or overlooking. A condition however is proposed to limit the hours that the terrace may be used.

4. Transportation/Parking

A Transport Assessment produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. Trip generation modelling, which is considered to be robust, concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

Whilst the proposal will result in an increase in vehicle trips to the site, the Highways Planning Manager concludes that this will have no significant impact on the operation of the wider highway network.

Site servicing

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”.

The existing off-site servicing bay is to be retained to enable deliveries to be undertaken off street. The bay however is to be shortened (through the introduction of relocated parking spaces) however, the servicing area will continue to be able to accommodate long wheel based light goods vehicles.

There are currently between 10 – 20 deliveries daily, of which the majority are undertaken on-site in smaller vehicles. The applicant estimates that the proposed development will be serviced on average by an additional 3 service vehicles daily. The majority of scheduled and regular deliveries for the office building would be undertaken by Light Goods Vehicles (LGVs). The largest regular service vehicle expected to be associated with the proposed development in this location is the refuse collection. These will service the property in a similar fashion to the existing use and nearby properties.

The applicant has also submitted a Servicing Management Plan (SMP) that demonstrates how servicing will be managed. All deliveries will be pre-booked where possible and scheduled to avoid conflict with waste / recycling collections. The Highways Planning Manager has confirmed that the approach set out in the SMP is acceptable. This will be secured by condition.

Cycle parking and waste storage

The proposal incorporates secure cycle parking at basement level, together with shower and changing facilities. These would be secured by condition.

Waste/recycling storage for the development will be located at ground floor level within the loading bay area. The level of storage provision is considered acceptable.

5. Economic Considerations

The economic benefits generated are welcomed.

6. Access

The office entrance on Manchester Square will have level access from street level. The main core provides three lifts that serve all the levels of the building to meet Part M of the Building Regulations.

7. Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at basement, within the rear extension and at roof level. An acoustic report has been submitted with the application and assessed by Environmental Health who raise no objection, subject to the imposition of conditions to control the noise output from the proposed plant to ensure that it is compliant with the Council's noise standards for operational plant.

Trees

There are several street trees that will be affected by the development and the applicants have submitted an Arboricultural Impact Assessment (AIA) in support of the application. The trees will need to be pruned back from the property to accommodate scaffolding and hoarding. The Arboricultural officer considers that the extent of pruning is acceptable and raises no objections. However, the precise extent of pruning will need to be agreed and is therefore controlled by condition.

Biodiversity

The proposed development includes the provision of a brown roof. This is welcomed and will be secured by condition.

Sustainability

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO2 emissions over the baseline emissions to be achieved by the development.

Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

An Energy Strategy has been submitted which sets out the energy efficiency measures for the proposals. The proposals comprise several energy efficiency measures to improve the sustainability credentials of the buildings as part of the energy strategy. These include:

- * Passive design measures, including new double-glazed windows; upgraded roof, floor and walls to the retained elements; and new thermal fabric to meet Part L2B of the Building Regulations;
- * Centralised and energy efficient gas fired boilers;
- * Centralised and energy efficient water-cooled chillers with dry air coolers;
- * Installation of roof level photovoltaics;
- * High efficiency Direct Current (DC) fan coil units;
- * Mechanical ventilation with heat recovery;
- * Low energy lighting and adequate lighting controls;
- * Variable speed pumping;
- * Pipework insulation to heating, cooling and hot water systems; and
- * Heating, cooling and hot water controls.

The proposed development provides carbon savings of 53% below the baseline emission rate. This improvement over the baseline meets the Mayor of London's target of a 35% carbon reduction.

A BREEAM pre-assessment has also been undertaken to establish the likely and potential score and rating for the commercial elements of the development. The results show that the development achieves a BREEAM Very Good Rating.

8. Westminster City Plan

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

9. Neighbourhood Plans

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

10. London Plan

This application raises no strategic issues.

11. National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the Council's Code of Construction Practice. The applicant has agreed to the imposition of the condition.

12. Planning Obligations

Planning obligations are not relevant in the determination of this application.

In relation to Community Infrastructure Levy payments, the development is estimated to be liable for a total of:

Mayoral CIL: £104,960 (index linked)

Westminster CIL: £312,749 (index linked)

Total CIL: £417,709 (index linked)

13. Environmental Impact Assessment

The application is not of a sufficient scale to require an Environmental Impact Assessment.

14. Other Issues

Construction impact

The applicant has agreed to comply with the City Council's Code of Construction Practice. As such, Condition 3 seeks to secure this in accordance with the concerns raised by the Marylebone Association.

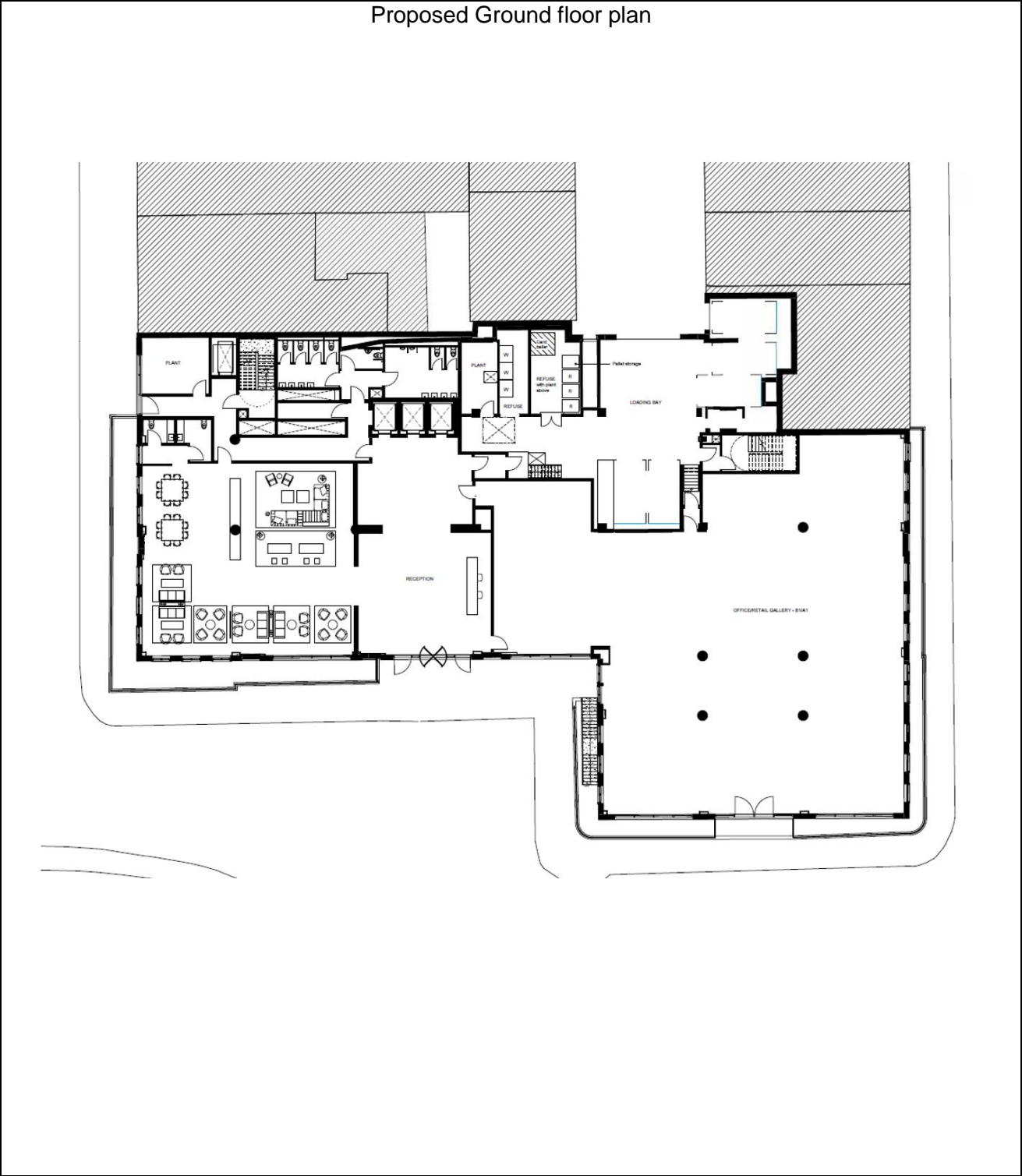
Statement of Community Involvement (SCI)

The applicant has submitted a SCI, which sets out the consultation with the local community. This has included a public exhibition, letter drops and individual meetings with the Marylebone Association, the Manchester Square Garden Committee and the Wallace Collection.

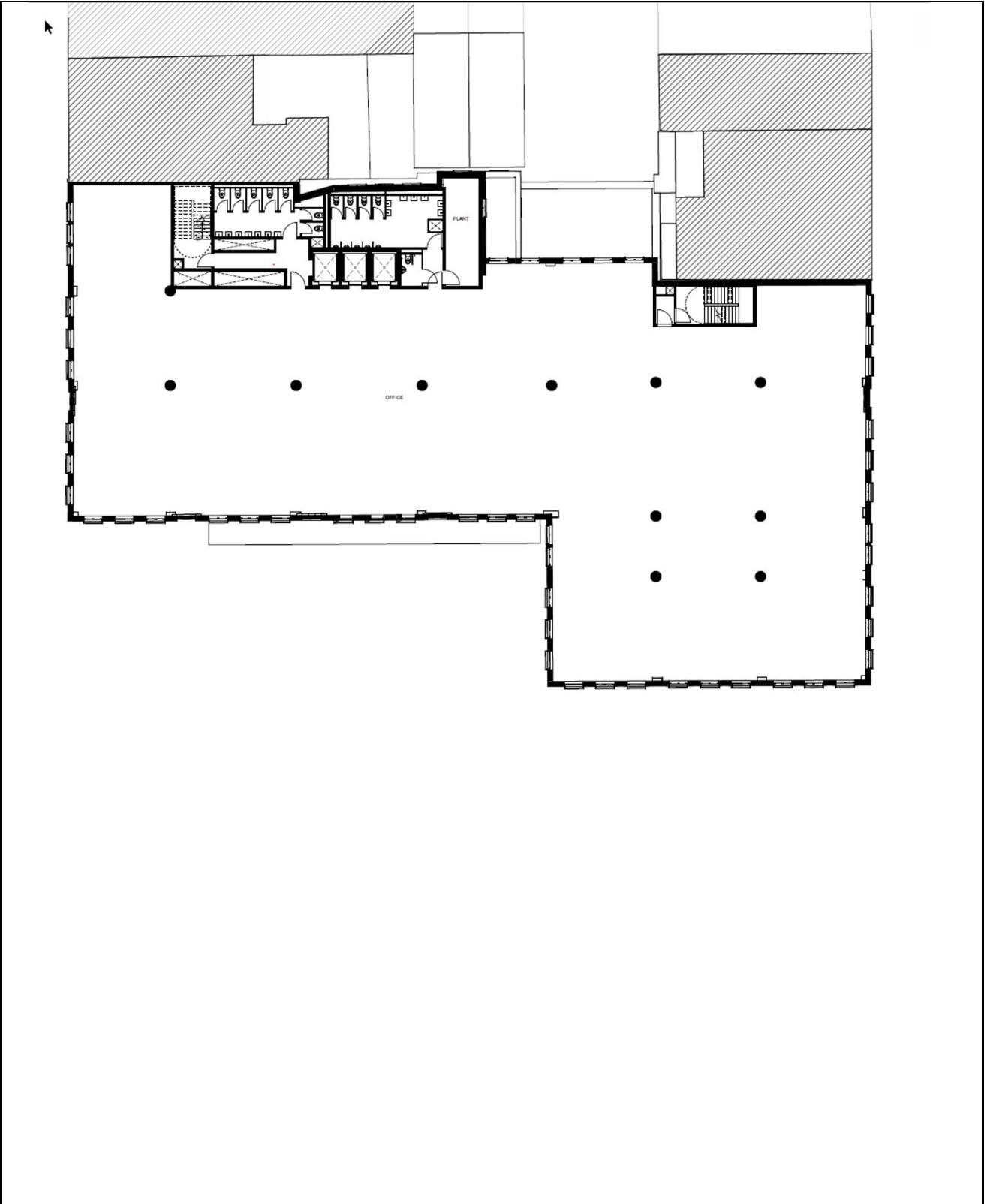
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

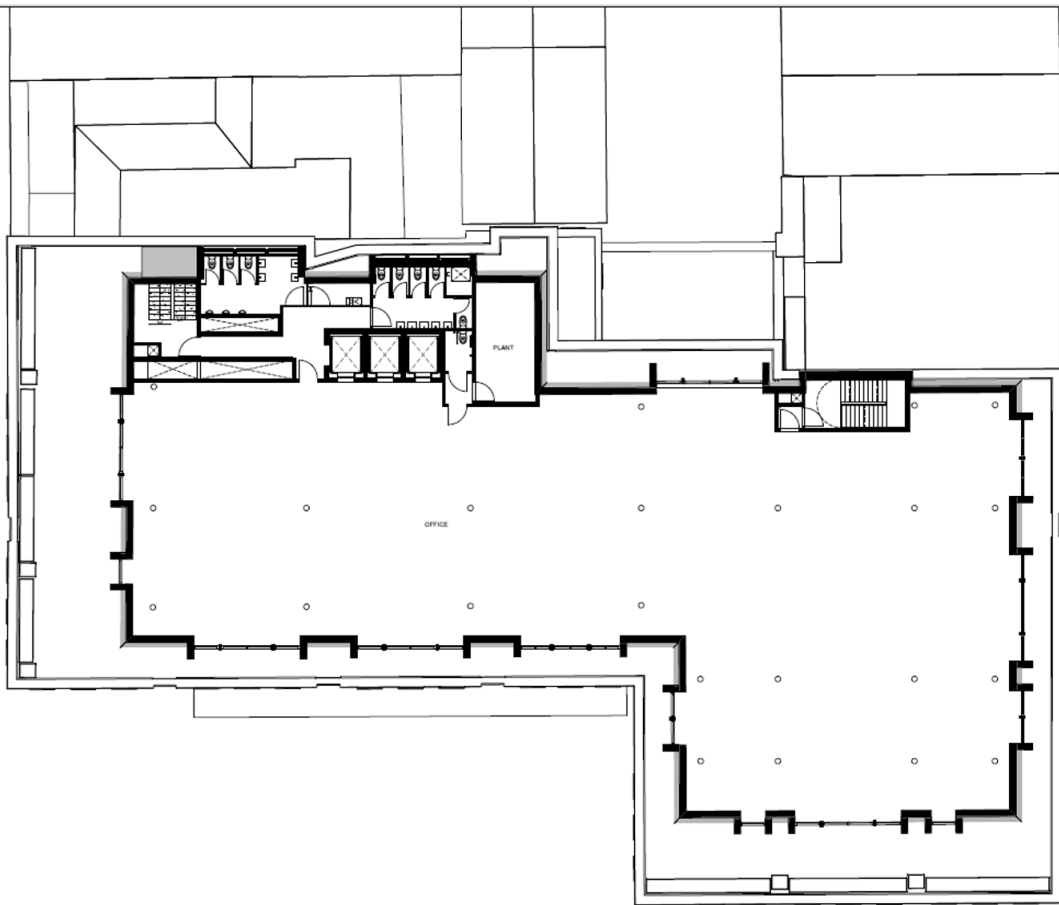
6. KEY DRAWINGS



Typical Upper floor plan



Proposed fifth floor



Item No.
2



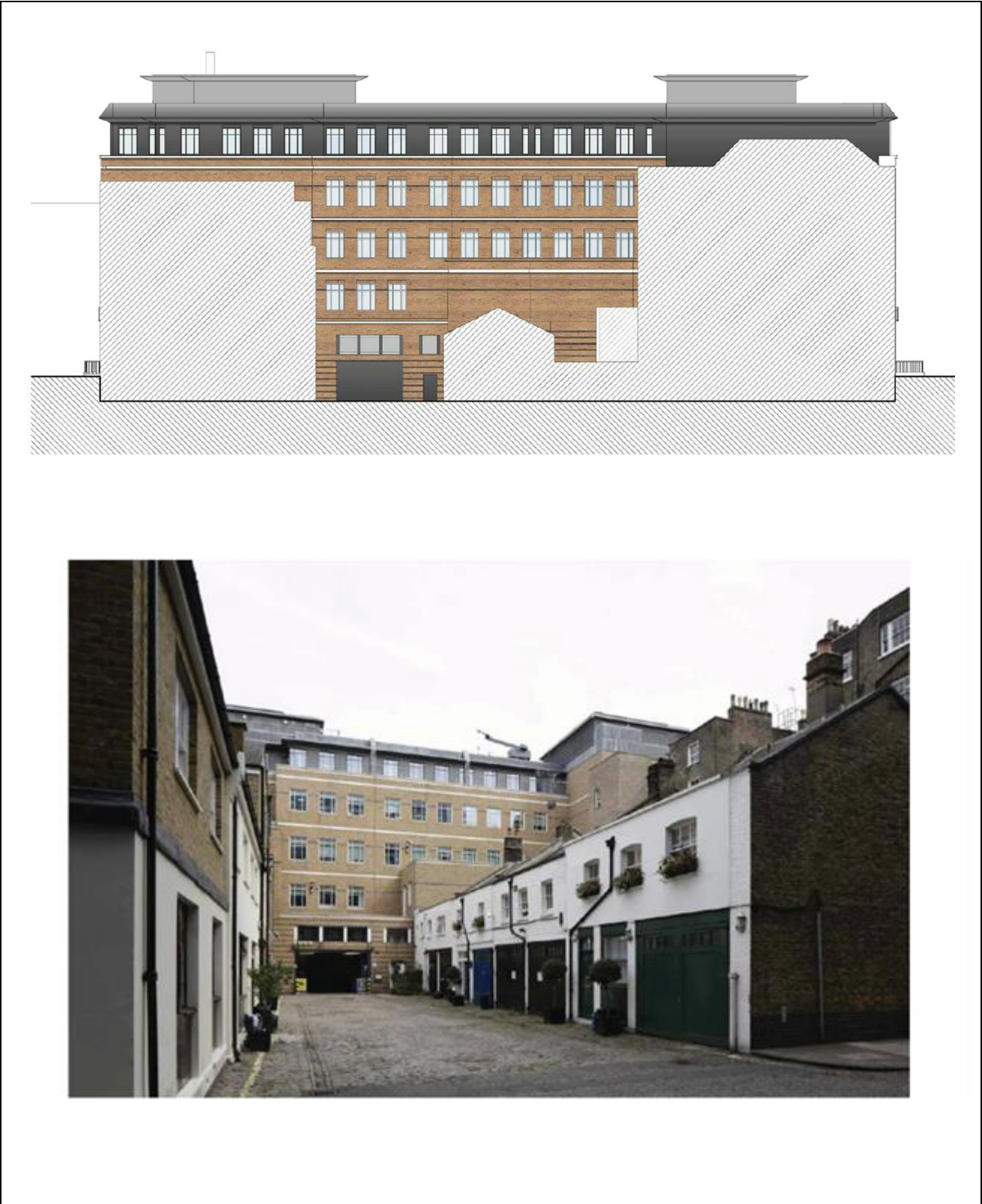


Proposed front elevation





Existing rear elevation (Bakers Mews)



Proposed rear elevation





DRAFT DECISION LETTER

Address: 15-20 Manchester Square, London, W1U 3PW,

Proposal: Demolition and replacement of existing fourth floor, demolition of existing plant room, and erection of a single storey roof extension at fifth floor and rear extension at second to fifth floor levels in connection with existing office (Class B1) use, provision of new main office entrance, flexible use of part ground and basement floor for either retail or office use (Class A1/B1), creation of roof terrace at fifth floor level, provision of cycle parking spaces and facilities, roof plant and associated external alterations, including replacement windows.

Reference: 18/10640/FULL

Plan Nos: 18046-SQP-Z1-00-DR-A-PL001 Rev B, 18046-SQP-Z1-01-DR-A-PL002 Rev A, 18046-SQP-Z1-02-DR-A-PL003 Rev A, 18046-SQP-Z1-03-DR-A-PL004 Rev A, 18046-SQP-Z1-04-DR-A-PL005 Rev A, 18046-SQP-Z1-05-DR-A-PL006 Rev A, 18046-SQP-Z1-B1-DR-A-PL000 Rev A, 18046-SQP-Z1-RF-DR-A-PL007 Rev A, 18046-SQP-Z1-XX-DR-A-PL201 Rev A, 18046-SQP-Z1-XX-DR-A-PL202 Rev A, 18046-SQP-Z1-XX-DR-A-PL203 Rev A, 18046-SQP-Z1-XX-DR-A-PL204 Rev A, 18046-SQP-Z1-XX-DR-A-PL401 Rev A, 18046-SQP-Z1-XX-DR-A-PL402 Rev A

18046-SQP-Z1-00-DR-A-01001, 18046-SQP-Z1-01-DR-A-01002, 18046-SQP-Z1-02-DR-A-01003, 18046-SQP-Z1-03-DR-A-01004, 18046-SQP-Z1-04-DR-A-01005, 18046-SQP-Z1-B1-DR-A-01000, 18046-SQP-Z1-RF-DR-A-01006, 18046-SQP-Z1-XX-DR-A-01201, 18046-SQP-Z1-XX-DR-A-01202, 18046-SQP-Z1-XX-DR-A-01203, 18046-SQP-Z1-XX-DR-A-01204, 18046-SQP-Z1-XX-DR-A-01401, 18046-SQP-Z1-XX-DR-A-01402

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

Item No.
2

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

Reason:

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

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

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

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

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

Reason:

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

Item No.
2

- 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Portman Estate 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 a methodology, specification and sample panels (to be inspected on site) of the following parts of the development:

- Brickwork staining.

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 reports and sample panels. (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 Portman Estate 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 apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1) of the following parts of the development:

1. Alterations to facades - including new windows and entrances,
2. Mansard roof and dormers

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 Portman Estate 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 details of the following parts of the development:

Public art (to replace that which was part of the original development).

You must not start any work on this part of the development until we have approved what you have sent us., You must then carry out the work according to these details. (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 Portman Estate 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 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

Revised design of the roof level flues to reduce their visual impact (design and materials)

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

Reason:

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 Portman Estate 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 Prior to the commencement of any
- (a) demolition, and/or
 - (b) earthworks/piling and/or
 - (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

- 10 (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

Item No.
2

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)

- 11 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.

Item No.
2

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)

- 12 You must put up the mansard roof shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 13 You must provide each cycle parking space, showers and lockers 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 2016 (R22FA)

Item No.
2

- 14 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved at basement and ground floor levels shall not be used for retail supermarket purposes.

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)

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 18046-SQP-Z1-00-DR-A-PL001 Rev B. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

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)

- 16 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

- 1. photovoltaics;

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

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)

- 17 You must not use the west facing fifth floor flat roof of the building (facing Bakers Mews) for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

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)

- 18 You must not use the fifth floor terrace areas facing Fitzhardinge Street, Manchester Square/Manchester Street and Robert Adam Street, except between the hours of 08.00 and 20.00 Monday to Fridays only; and not at all on Saturdays, Sundays, bank holidays and public holidays.

Outside of these hours you can only use the terraces to escape in an emergency

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)

Item No.
2

19 Servicing from Bakers Mews shall only take place between 08:00 and 20:00 Mondays to Saturdays and not at all on Sundays and Bank Holidays.

Reason:

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

20 All servicing shall be undertaken in accordance with the submitted Servicing Management Plan unless otherwise agreed in writing by the local planning authority.

Reason:

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

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

- a cycle gutter within the stairs.

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 approved details. (C26DB)

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 2016 (R22FA)

23 You must write to us for approval of any pruning works required to the Council's own trees. The extent of works must not be harmful to the appearance, structure or condition of the trees and must follow the recommendations in BS3998 (2010): Tree work - Recommendations. The agreed works must then be carried out by the Council's contractors unless otherwise agreed in writing with us.

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)

You must apply to us for approval of detailed drawings and a bio-diversity management plan in

- 24 relation to the brown roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

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)

- 25 You must apply to us for approval of the design and the planting scheme of the terrace planters. 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 planting scheme according to these approved drawings within 1 year of completing the development.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Portman Estate 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)

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 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.**

- 3 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)

- 4 Conditions 10 & 11 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)
- 5 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)

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 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	National Portrait Gallery, 2 St Martin's Place, London, WC2H 0HE		
Proposal	External and internal alterations and extensions to the National Portrait Gallery; including the creation of a new entrance to the north façade and associated works to the public realm involving repositioning of the Henry Irving Statue; erection of a bridge over northern lightwell, an extension within lightwell, and an extension to a lift shaft; alterations to eastern entrance, to gate and railings, to northern lightwell, to service yard, to rooftop plant and structures, to Duveen wing façade following the removal of the Orange Street ramp and other associated alterations, including extensive internal alterations on all floors.		
Agent	Lichfields		
On behalf of	National Portrait Gallery		
Registered Number	19/00456/FULL and 19/00457/LBC	Date amended/ completed	15 February 2019
Date Application Received	22 January 2019		
Historic Building Grade	National Portrait Gallery grade I listed, and Statue of Sir Henry Irving grade II listed.		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission including a condition to secure the following benefit: <ol style="list-style-type: none"> a) arrangements to facilitate and fund the public realm works. 2. Grant conditional listed building consent. 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of draft decision notice.
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2. SUMMARY

<p>The National Portrait Gallery is a grade I listed building within the Trafalgar Square Conservation Area. The building and area are of high heritage significance and the Gallery is of international importance, housing a significant collection of portraits of historically important people.</p>
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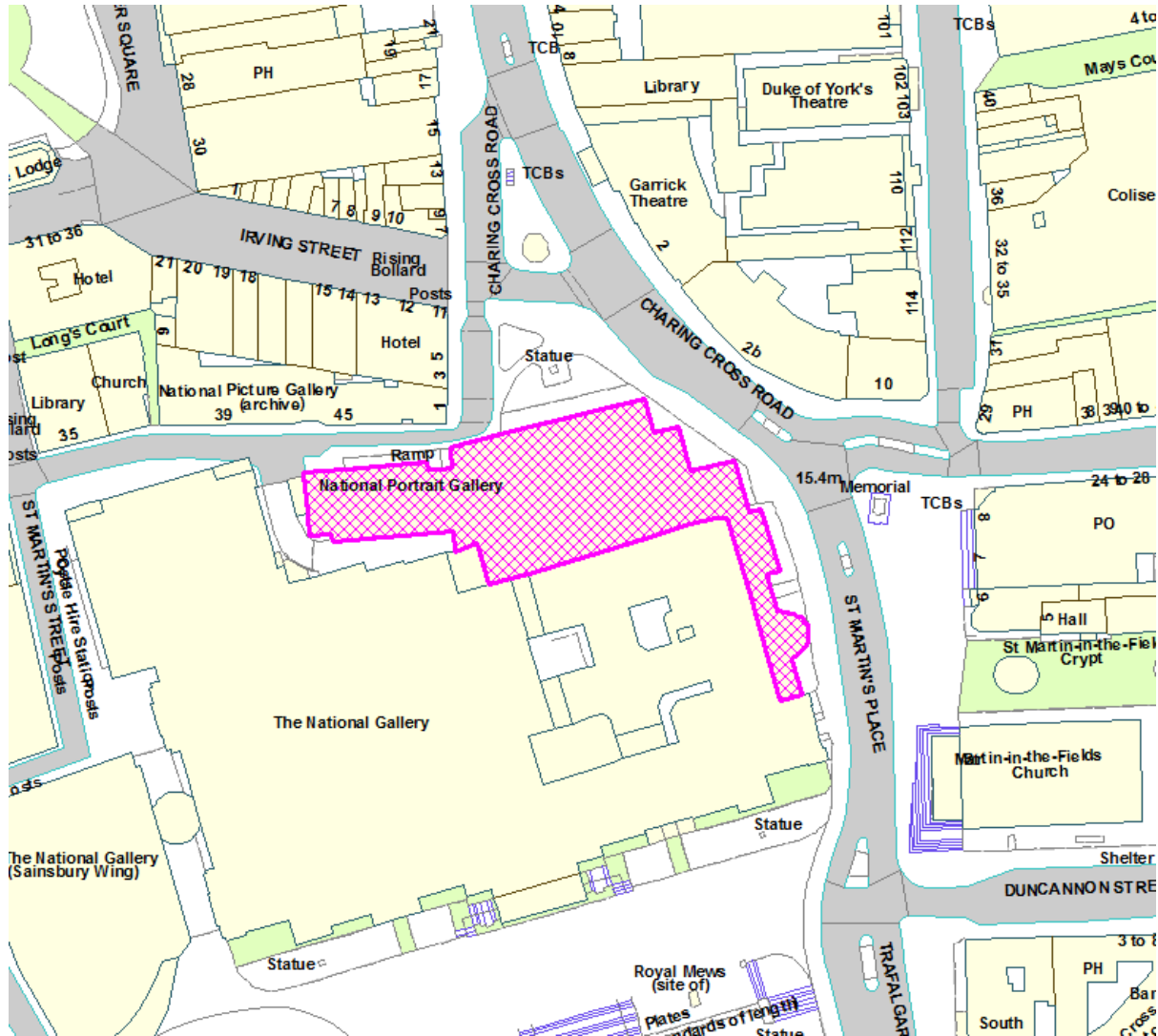
The Gallery seeks permission and listed building consent for alterations and extensions to the building, including the creation of a new entrance to the north façade and associated works to the public realm. The works are part of a renewal program, named the 'Inspiring People Project', designed to transform the services the Gallery provides and its physical environment.

The key issues in this case are:

- the impact of the proposals on the significance of designated heritage assets including the impact on the listed building and statue, adjoining listed buildings and the Trafalgar Square Conservation Area; and
- the impact of the proposals on the public realm including impact on pedestrians and the loss of soft landscaping.

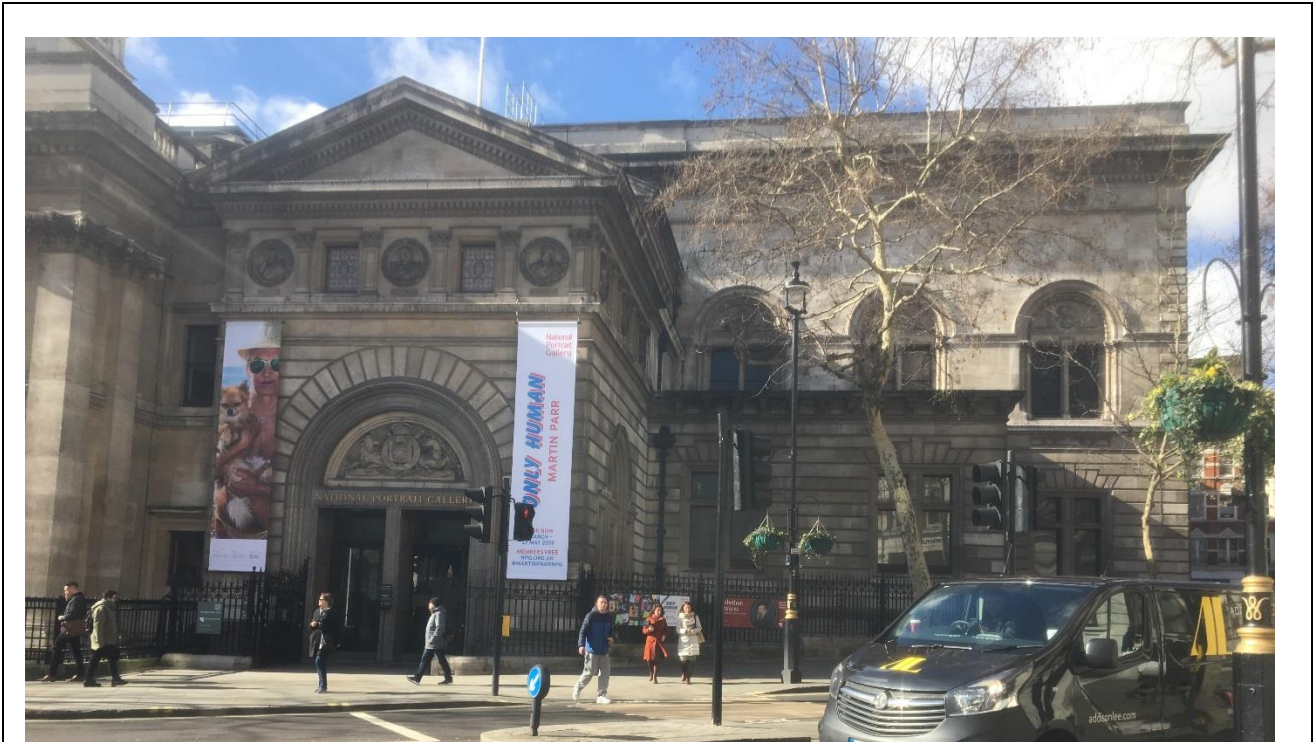
The proposed development would be consistent with relevant development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the proposal is considered acceptable in listed building, townscape, design, land use and amenity terms and the applications are recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Main entrance above, north façade below.





View from Charing Cross Road above, view from William IV street below.



5. CONSULTATIONS

HISTORIC ENGLAND:

The proposals have been carefully considered to limit the harm caused, and the remaining harm has been justified. There are both direct heritage benefits and likely wider public benefits of the scheme, and therefore Historic England consider that the proposals meet the requirements of the NPPF and are content to support the scheme on heritage grounds.

HISTORIC ENGLAND (Archaeology):

The site is within an area known to contain archaeological potential for highly significant remains, some of which are deemed nationally important. The development could cause harm to these remains, and field evaluation is needed to determine appropriate mitigation. It is recommended that this is secured by condition.

LONDON UNDERGROUND:

Any response to be reported verbally.

VICTORIAN SOCIETY:

The proposed new entrance will result in harm to the significance of the listed building, however, in the context of the wider proposals the new entrance will allow positive changes elsewhere and the applicant has demonstrated the entrance is justified. Further investigation into the historic colour of the front railings should be undertaken (and that colour reinstated), the material for the new entrance doors should be reconsidered.

ANCIENT MONUMENTS SOCIETY:

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY:

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

Any response to be reported verbally.

GEORGIAN GROUP:

Any response to be reported verbally.

THE TWENTIETH CENTURY SOCIETY:

Any response to be reported verbally.

THEATRES TRUST:

No objection. A condition is recommended to require a construction management plan to be agreed between the applicant, the Garrick Theatre, Theatres Trust and the Council which restrict works during the times of performances, or another satisfactory measure to ensure the theatre is not harmed by noisy building works

METROPOLITAN POLICE:

Any response to be reported verbally.

WESTMINSTER SOCIETY:

Support and welcome the improvements to the public realm; a new entrance; improved circulation; improved gallery spaces; re-organisation of internal spaces; reconfigured lightwells; and new lift.

Consider the scheme could be improved by considering a stronger identity and presence for the new entrance; new signage; and the simplification of the public realm proposals with a more ambitious scope.

HIGHWAY PLANNING MANAGER:

The principle of the scheme is not opposed; however, concern is raised regarding the detailed design of the public realm works, which requires further work and potential alteration to its design. This could be secured by condition and legal agreement.

ARBORICULTURAL SECTION:

Concerns raised regarding the loss of soft landscaping and the impact on existing trees. The submission of revisions and clarifications to the arboricultural method statement have addressed concerns regarding tree impacts.

GREEN SPACES MANAGER:

No objection.

WASTE PROJECT OFFICER:

No objection, subject to a condition to ensure the applicant provides the proposed waste and recycling storage.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

OPERATIONAL CONTEST MANAGER (Counter-Terrorism):

Inclusion of hostile vehicle mitigation measures (bollards) should be implemented as there is a risk of attack. Assessment of pedestrian comfort levels should also be commissioned.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 38

Total No. of replies: 1

No. in support: 1

The National Gallery supports the proposal stating it will have a profound, positive impact on the welcome and visitor experience as well as creating a new public realm space for people to enjoy. It will bring benefits not only to the National Portrait Gallery but also the National Gallery, by helping to attract more visitors to the area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The National Portrait Gallery is a grade I listed building within the Trafalgar Square Conservation Area. The building and area are of high heritage significance. Adjoining the building to the south is the grade I listed National Gallery, to the east is the grade II listed Cavell House (formerly Westminster City Council offices), grade I listed Edith Cavell Memorial and grade II* listed Garrick Theatre. To the north of the building is a grade II listed statue of Victorian actor Sir Henry Irving. It is set within a small green space, named Irving Gardens. Notwithstanding the prominent position of his statue outside the Gallery, Sir Henry Irving had no connection to it. The wider conservation area contains numerous other listed buildings and structures, including the grade I listed church of St Martin-in-the-Fields and grade I registered park and garden Trafalgar Square that contains the grade I listed Nelson's Column. To the north of the Gallery is the Leicester Square Conservation Area.

The National Portrait Gallery is an important building in terms of its architectural and historic interest. The architect Ewan Christian designed the east wing as a continuation of the adjoining National Gallery, but created a more distinctive identity for the building in the Florentine-palazzo-style north wing and the pedimented entrance pavilion. The Gallery outgrew this building early on, and was expanded with the Duveen Wing to the west in the 1930s, and then again in the 1990s with the Ondaatje Wing.

The Gallery is of international importance, housing a significant collection of portraits of historically important people, and it attracts over 2 million visitors a year from around the world. It is located within the Core Central Activities Zone (Core CAZ)

6.2 Relevant History

In 1996, the City Council granted permission and listed building consent for the last major works to the gallery, which involved in-filling a rear yard adjacent to the National Gallery, and the construction of a new lecture theatre, entrance hall, gallery space and roof level restaurant. The gallery completed these works in 2000.

7. THE PROPOSAL

The Gallery seeks permission and listed building consent for alterations and extensions to the building. The works are part of a renewal program, named the 'Inspiring People Project', designed to transform the services the Gallery provides and its physical environment. The gallery has explained that in order to grow and succeed, they will need to address the physical limitations of the building, re-display the collection and ensure the gallery's ability to be financially sustainable and to safeguard its future. The proposed works include:

- Alterations to three windows in the north façade to create doors, the erection of a bridge over the northern lightwell and alterations to Irving Gardens to form level access, form new steps and associated alterations to the public realm including the relocation of the Sir Henry Irving Statue;

- Opening up of and alterations to the northern lighthwell, and the erection of a two storey extension within it;
- Extension of the existing lift shaft to the eastern elevation;
- Alterations at roof level, including the formation of a new plant enclosure and the removal of redundant roof clutter;
- Removal of the existing ramp on Orange Street, and alterations to the Duveen Wing façade; and
- Extensive internal alterations, including the formation of a new entrance hall, alteration to and refurbishment of existing gallery spaces, conversion of back of house areas into new public gallery spaces, improvements to and expansion of the Learning Centre and café.

Floorspace Figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Gallery (Use Class D1)	10,144	10,130	-14

Since submission the applicant revised their proposals to remove the originally proposed roof extension to enlarge the restaurant, this was following officer advice.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S27 of the City Plan relates to uses of international and/or national importance and it states the City Council will protect buildings that accommodate these uses throughout the City and will encouraged them within the Core CAZ. Policy S22 of the City Plan seeks to maintain and strengthen Westminster’s strategic role within the London tourist industry and help contribute to local opportunities to experience arts and culture.

The proposals would increase gallery floorspace open to the public and would result in the refurbishment of the existing gallery spaces. It would also result in a significant improvement in accessibility into, and circulation throughout, the building; would enhance the public realm; and would re-organise, improve and expand the ancillary areas of the Gallery so they can better support the main function of the Gallery.

The project would result in what the Gallery describes as an ambitious, more engaging and comprehensive re-display of the Gallery’s permanent collection. The Gallery explains that the works would support its plans for an inclusive national programme and expanded digital strategy to reach new audiences onsite, online and nationally. The project would also strengthen the Gallery’s ability to generate income, putting it on a sustainable footing for the future.

While there would be a very modest reduction in overall floorspace because the works involve removing the post-war infill extension to the northern lighthwell, the works as outlined above would improve and strengthen the public offer of this gallery, including opening more parts of the building for public use. Therefore, the development is in accordance with the City Plan, despite the modest loss of floorspace.

Staff and Visitor Numbers

One of the motivations for the proposal is to allow higher visitor numbers. The Gallery reports the largest number of visitors within the last five years was experienced in 2015/16, which saw 2.1 million visitors (although numbers fluctuate year on year). The Gallery anticipates the project will result in an increase of half a million visitors, a 19% increase from the 2015/16 numbers.

Expanded arts and cultural uses are appropriate throughout the Core CAZ, and the project will help strengthen Westminster's strategic role within the London tourist industry. Indeed, this increase in visitors would be well absorbed within this well-connected central area.

The development would also result in 21 additional full-time jobs because of the expanded and improved services the Gallery would offer, and these new staff would help manage the increased number of visitors. This additional employment within the City is welcomed as it would help support the local economy.

8.2 Townscape and Design

Legislation, Policy and Guidance

When determining applications for development within a conservation area, or affecting a listed building or its setting, Sections 16, 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant. These require special regard be had to the desirability of preserving the special interest of the listed building and preserving or enhancing the character and appearance of the conservation area.

The National Planning Policy Framework (NPPF) sets out the government's policies for making planning decisions and how they should be applied. It states that any harm or loss to a listed building requires clear and convincing justification (para.194). Any harm caused by a scheme should be weighed against any public benefits, including any heritage benefits (para.195), with great weight given to the asset's conservation whatever the degree of harm, and even greater weight given to highly graded assets (para.193). Conflict between an asset's conservation and any aspect of a proposal should be avoided or minimised (para.190), including through more sensitive design (NPPG, 'Conserving and enhancing the historic environment' para.018).

Together, and as informed by a range of legal judgments, the above statutory and national policy basis for decision-making equates to a strong presumption against harm, which the City Council should only permit if public benefits significantly and demonstrably outweigh that harm. In considering this, the City Council must consider whether the benefits could be achieved through less harmful means of achieving the same, or whether those benefits could not be acceptably provided elsewhere.

UDP policies DES 1 (urban design / conservation principles), DES 5 (alterations and extensions), DES 9 (conservation areas) and DES 10 (listed buildings) to the consideration of the application proposals, whilst policies S25, S26 and S28 of the City Plan provide the strategic basis for the application. Relevant London Plan (2016) policies include 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology).

Design, Conservation and Townscape Impacts

In brief the proposed works are to bring the east wing back into public use, to extend the lift tower to the restaurant level, to modify the St Martin's Place entrance, to create a new entrance on the north façade including remodelling of the lightwell and public highway and relocation of the grade II listed statue of Henry Irving. Internal works are proposed to re-orientate the building to its new north entrance and facilitate improvements elsewhere. These works are in response to identified shortcomings in the present gallery including underutilised space within the building, a congested and inadequate main entrance and inadequate learning facilities.

East Wing

The east wing is in a different style to the rest of Christian's building, reflecting that of the National Gallery to which it seems to belong, rather than to Christian's Florentine palazzo. It is currently largely inaccessible to the public and mainly used for back of house activities. The proposal is to bring these spaces back into public use and restore and uncover the original architectural detail as much as possible. These works are uncontentious and are a positive enhancement to the significance of the building.

Extension of Lift Tower

This part of the proposal is driven by the desire to provide direct lift access to the top floor restaurant when the gallery is closed. The lift tower in the south east corner currently terminates below the large cornice at roof level. This was presumably intended to retain the cornice intact. The proposal is to extend the lift tower to service the roof top restaurant which would break through the cornice. An element of the cornice return would be retained so there would still be a visual continuity as the roof turns the corner. The new lift extensions would be visible in views from the east but would sit within a setting of various roof top forms and structures. It is considered that this would cause some less than substantial harm to the heritage asset and this would need to be weighed against the public benefits of the scheme.

Gallery Refurbishment

The galleries in the North and Duveen Wings were last fitted out around 20 years ago and are now in need of comprehensive refurbishment. These works are not contentious subject to detailed design and would enhance the visitor experience once completed.

Learning Studio

The current learning facilities are inadequate for the demand placed upon them. They are restricted to a single room for activities, lunch and storage. There are no dedicated toilet facilities and only one group can be accommodated at a time. The proposed internal works and new infill to the north lightwell would provide much improved facilities and have no detrimental impact on the historic plan form or fabric of the building. The north lightwell would also allow outside space for the learning centre as well as providing natural daylight and fresh air.

St Martin's Place Entrance

Christian's design for the main entrance pavilion is striking and accomplished with some fine detailing including mosaic flooring of quality. However, the entrance is small for the large number of people now attracted to the gallery. It does not allow for full accessible

access which has to be via the shop and a platform lift or via a long ramp at the west end of the gallery. Neither of these are considered adequate in today's terms. A further strain on the entrance capacity is the recent requirement for bag searches which often leads to queues out onto the pavement. Most of these shortcomings are hoped to be addressed by the new north entrance, but some improvement works are proposed to the main entrance as well.

The two shallow steps to the entrance are proposed to be removed and replaced by a new level surface at a slight incline to achieve level access for all. The historic mosaic would be lifted and relayed on the new surface. The gates would need to be raised slightly as part of this rearrangement. These works could be considered to cause less than substantial harm to the entrance and would need to be weighed against the public benefits of the scheme.

New North Entrance and Plaza

The proposed north entrance would remove three of the windows and drop their cills to make three new doors. These would be accessed by a new bridge over the lightwell necessitating a break in the railing line. These railings are original Christian designs and the railings would be re-used to return alongside the bridge link to the main façade. A number of options were explored with regard to the location and number of openings for the new entrance. The proposed three door option was chosen as it provided sufficient capacity for the Gallery's needs and made the most logical place to enter in terms of the Gallery's internal space arrangements. It also made more sense spatially and psychologically to have the new entrance at the busy St Martin's Place end of the façade rather than the more constrained Orange Street end.

Internally, a number of original walls would have to be removed to make the new entrance lobby. While this is regrettable, the clarity and form of Christian's ground floor plan would remain clear and there are convincing practical needs that are required to be met by the entrance lobby that dictate a certain amount of space.

The new entrance requires the public realm beyond the line of the lightwell, which is public highway and Park and Garden land, to be remodelled to allow for a ramped access to the new entrance. The statue of Henry Irving would also need to be relocated as it would sit directly in front of the new entrance steps. The statue is listed grade II. It was erected in this location in 1910, though its immediate environs were transformed when the current garden arrangement was undertaken in 1951. The proposed relocation is to a position closer to St Martin's Lane. The proposed public realm re-working would create a two level plaza with a ramped area to the west and steps up to the new entrance from the east. A number of design proposals were explored for this area and, in the end, it was considered that a simple scheme of ramp, steps and retaining wall was the preferred approach rather than some of the more complicated arrangements also considered. The simplicity and clarity of the layout provides an appropriate foil to the ordered elegance of Christian's north façade and does not distract from the reading of the building with any unnecessary clutter in the foreground. The details of this scheme will be agreed with the Highways Authority in due course but will follow the principles established in this application.

It is considered that the alterations to the north façade cause less than substantial harm to the heritage asset in terms of paragraph 196 of the NPPF. The alterations to the public

realm and the relocation of the Henry Irving statue could be considered to be positive benefits.

North Lightwell

The north lightwell is a significant feature. Originally it was a double-depth, but was subsequently infilled to make it a single depth. The infilling was carried out with rather poor materials and, as well as obscuring part of Christian's original design concept, it provides an unattractive vista. The proposal is to re-open the lightwell to its original double-depth and expose Christian's original façade and fenestration, much of which is still believed to be intact and concealed behind the later infill. The area under the new entrance bridge will be infilled with accommodation for the new learning centre in a contemporary manner. The lightwell floor will be landscaped and made available for use by those using the learning centre. On the whole, the works to the north lightwell are considered to have a positive impact on the significance of the building.

In summary, it is considered that some of the works would cause some less than substantial harm to the heritage asset, namely the lift tower extension, the alterations to the St Martin's Place entrance and the creation of a new north entrance and the alterations thus required to the north façade and internal plan form. Other elements of the proposal such as the works to the east wing, the re-opening of the double depth lightwell, the gallery refurbishment, the improvements to the learning centre and the improved public realm can be considered to be positive in their impact. The public benefits that accrue from the scheme are substantial, involving improved public access and other improvements to the visitor experience, accessible access for all and vastly improved learning facilities. It is considered that the public benefits emanating from the scheme are substantial enough to clearly outweigh the less than substantial harm caused by certain aspects of the proposed works with regard to the provisions of paragraph 196 of the NPPF.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development that enhances the residential environment of surrounding properties.

There are no nearby residential properties that could be impacted by the proposal in terms of overlooking, increase sense of enclosure or loss of light.

8.4 Public Realm/ Transportation/ Servicing

Public Realm

The proposed public realm works are in connection with the creation of the new entrance within the north façade and alterations to the existing eastern entrance. These alterations would create level access into the building from both entrances and would allow for the removal on the existing ramp on Orange Street.

Policy TRANS 27 of the UDP states access ramps and other facilities for those with reduced mobility should be located entirely within the curtilage or the interior of buildings, and not on the public highway. Both the modified eastern entrance and new northern entrance ramps would be on, or partly on, the public highway – the public realm works to

the north involve both works to the green space of Irving Gardens and the public highway. Nonetheless, the policy application section of TRANS 27 notes that in exceptional circumstances, for example where that encroachment is only minimal or where the existing footway is unusually wide and under-used, the City Council may permit ramps on the public highway.

Given the soft landscaping of Irving Gardens is enclosed by railings it cannot be used by pedestrians, so the proposal to replace it with a ramp and steps would allow additional space to be used by pedestrians, rather than restrict it which policy TRANS 27 seeks to avoid. Further, given the gradient of the ramp is shallow and wide users would not perceive it as a typical ramp.

While the Parks and Public Gardens team currently manage Irving Gardens, with the proposal reverting the area to hard standing, the City Council's Highway Department would likely manage the whole area in future (due to their being no soft landscaping remaining). But, as has occurred elsewhere in Westminster, this can result in both positive and negative effects (in particular, the unintended use of public realm can occur and can be difficult to manage).

The applicant has analysed other forecourts outside similar institutions, such as the British Museum and Royal Academy, and compared these to their proposed entrance and public realm works. But it is important to note that these other examples are privately managed areas and are not public highway, which allows these institutions to design and manage their forecourts in a different manner.

For this scheme the City Council must consider the primary function of the public highway, which is the free and unobstructed movement of highway users. Policy S41 of the City Plan and TRANS 3 of the UDP require developments to prioritise pedestrian movement and the creation of convenient, attractive and safe pedestrian environment.

The creation of a new entrance to the Gallery and the other proposed interventions would change pedestrian patterns and desire lines through the area. Unfortunately, the applicant has not fully assessed these impacts. The Highway Planning Manager has raised concern over the detailed design of the area including the ramp, gradients, steps, direction of slope, lack of hand rails and the potential of trip hazards. Also, the materials proposed would depart from the 'Westminster pallet' which is expected to be used on all parts of the public highway to match the surrounding environment (high quality natural stone, like the existing York stone treatment, would be expected).

The Highway Planning Manager has advised that the applicant will have to carry out further detailed design work, in conjunction with the City Council, to undertake threshold checks to determine whether the proposed changes could be accommodated within the existing highway or what further modifications would be required – which is important as the proposed changes could adversely affect the gradient on the highway creating issues for pedestrians passing the site.

Since submission the applicant has submitted further details of a potential layout of bollards to mitigate against vehicular attacks. Any bollards or other street furniture on the highway for security reasons would need to be justified. Bollards and other items create additional obstructions to pedestrians and other highway user movement- potentially

negating other improvements. The Operational CONTEST Manger considers mitigation measures will be required given the threat level, however, the justification of additional protective measures remains outstanding and requires further dialogue with the City Council as the Highway Authority. As part of the highway detail design and approval process further justification and confirmation will be required before the Highway Authority agrees to installation of additional street furniture on the highway.

Notwithstanding the further detailed design work required, there is no in principle objection to the public realm works, the interventions within the highway are broadly acceptable and consistent with policy S41 of the City Plan and TRANS 3 of the UDP which seek improvements to the pedestrian environment which this proposal would allow. As the Highway Planning Manager has identified issues with the detailed design of the space, officers recommend conditions to address these. Including a condition to ensure the applicant agrees with the City Council appropriate arrangements to facilitate and fund these public realm works, given the land is partly highway owned and maintained by the City Council.

Servicing and Travel

Given the Gallery's highly accessible location, the Highway Planning Manager notes most trips associated with the site (excluding servicing activity) would be via public transport or other sustainable modes (such as walking or cycling). He concludes the trip generation for the Gallery would not have a harmful impact on the safety or operation of the highway network.

In terms of cycle parking, long-term secure, accessible and weatherproof cycle parking promotes sustainable transport use for staff. The Gallery proposes the provision of 24 spaces, in accordance with the London Plan, and officers recommend that a condition ensures the Gallery installs these spaces.

In terms of servicing, the existing off street servicing area shared between the National Gallery and National Portrait Gallery is to be maintained and this is considered sufficient to service the development.

8.5 Economic Considerations

Section 8.1 of this report addresses economic considerations.

8.6 Access

The City Plan note that buildings and spaces must be designed for the needs and convenience of all. A principle concern of the Gallery is that the existing access arrangements into and throughout the building for those with reduced mobility is sub-optimal. The proposals, which would allow for level access at both main entrances, would represent a significant improvement for those with mobility difficulties as the existing arrangements force those who require level access to use a secondary entrance. The proposals would also allow greater accessibility throughout the building, including providing an extended lift.

8.7 Other UDP/Westminster Policy Considerations

Loss of Green Space

The Head of Arboricultural Services raises concern over the hard landscaping of Irving Gardens and consequent loss of green space. While this small open space is underutilised and surrounded by railings, it does provide soft landscaping which contributes positively to the area. Policy S35 of the City Plan states the City Council will protect all open spaces, including their quality, ecological value and tranquillity. Policy 38 of the City Plan states the City Council will protect and enhance biodiversity and green infrastructure.

The loss of the soft landscaping must be weighed against the improved access and usability of the area for the public, and the wider public benefits of the scheme. The proposal would open up the area so members of the public can walk through it to the Gallery or sit and enjoy the setting of the Gallery. This will improve public accessibility of the area as well as the building, and the sense of openness would be maintained. The Gallery also proposes to provide new soft landscaping space within the northern lightwell which would 'offset' to some degree the loss of the green space in Irving Gardens. Further, as set out in section 8.2 of this report, there are significant public benefits to improving this Gallery and providing the proposed new entrance which requires the hard landscaping of this area.

Therefore, while it is regrettable that the soft landscaping at street level will not be re-provided, overall the proposal would constitute an improvement to the public realm.

Tree Impacts

The Head of Arboricultural Services initially raised concern regarding the impact on street trees, given the excavation around them that would be required. There are seven trees which are owned and managed by the City Council which surround Irving Gardens. They are of high amenity value, as individuals, and a group. They are part of the line of street trees which surround the National Portrait Gallery and they make a valuable contribution to the setting of the building and to the character and appearance of the townscape, where the trees form the significant element of green infrastructure in townscape this location. Their safe retention is essential.

The applicant revised their arboricultural method statement and provided clarifications which have addressed the Head of Arboricultural Services concerns.

Archaeology

The site is located within a Tier 1 Archaeological Priority Area (Lundenwic and the Strand) which is strongly suspected to contain heritage assets of national importance. In this area these include prehistoric and paleoenvironmental remains; Roman roadside burials & industrial activities; Saxon Lundenwic fringe settlement activity and quarry pits; medieval cut features and agricultural/marsh deposits as well as C17-C18 evidence associated with St Martin's Churchyard (burial ground), the Duke of Monmouth's stables; the 18th Century St Martin's workhouse and a later Chapel.

The Greater London Archaeological Advisory Service (GLAAS) have reviewed the archaeological assessment provided by the applicant to support the proposal and considered that further exploratory fieldwork and assessment would be required to determine appropriate mitigation. GLAAS advised this could be secured by appropriate conditions to secure a staged programme of archaeological work, and such a condition is recommended.

Plant Equipment

The applicant has submitted an acoustic assessment as part of the application. Plant equipment is proposed at various locations and the assessment indicates that the equipment would likely be inaudible at the nearest residential premises. Officers recommend conditions to ensure this would be the case.

Refuse /Recycling

Dedicated waste and recycling are proposed which the Waste Project Officer has confirmed are adequate facilities and are recommended to be ensured by condition.

8.8 Westminster City Plan

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

8.9 Neighbourhood Plans

The site is outside of a designated neighbourhood area.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the following:

- Arrangements to facilitate and fund the public realm works (condition 5);
- An archaeological scheme of investigation, evaluation and publication (condition 13); and
- A method statement and further details explaining how trees will be protected (conditions 14 and 15).

The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

Arrangements to facilitate and fund the public realm works is to be secured by Grampian condition (condition 6). This will require the applicant to enter into a S106 legal agreement prior to the commencement of the development.

The development is not liable to pay CIL

8.13 Environmental Impact Assessment

The application is not of a sufficient scale to require its own Environmental Impact Assessment.

8.14 Other Issues

Statement of Community Involvement

The applicant has submitted a statement outlining their engagement with interested people and organisations in the years leading up to the submission of this application. This included neighbours and amenity societies, as well as the City Council.

Construction Impact

The Theatres Trust has raised concern regarding the potential that construction noise could impact on performances on the Garrick Theatre. The Garrick Theatre is located on the north side of Charing Cross Road and is some distance from the area works are proposed and as such would not be harmful in this respect.

Crime and Security

The applicant is in continuing discussions with the Metropolitan Police Designing Out Crime Officer which are due to conclude prior to the 23 April 2019 Planning Committee Meeting, but after this report is published. Therefore, any response from the Metropolitan Police will be reported verbally.

London Underground

An underground rail line passes underneath part of the site. Therefore, London

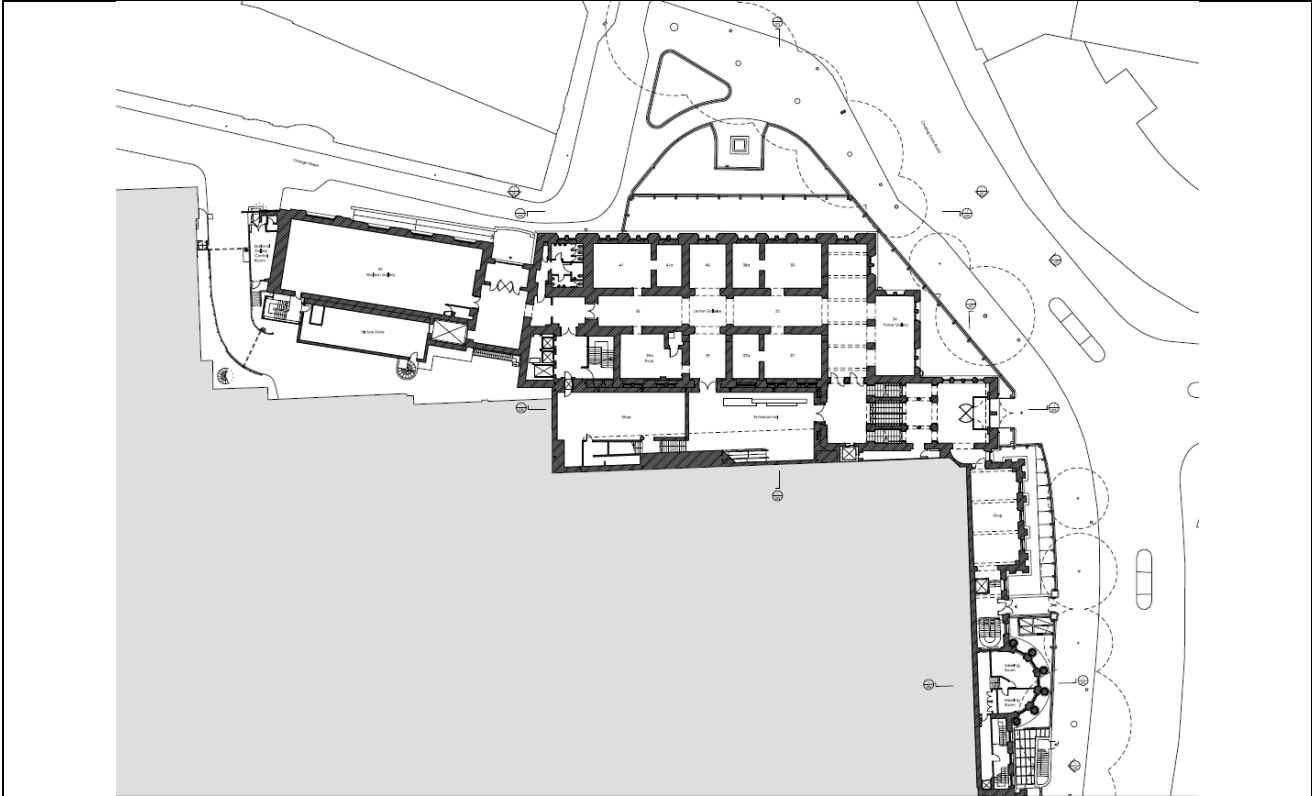
Item No.
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Underground have been consulted and any response will be reported verbally.

(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: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

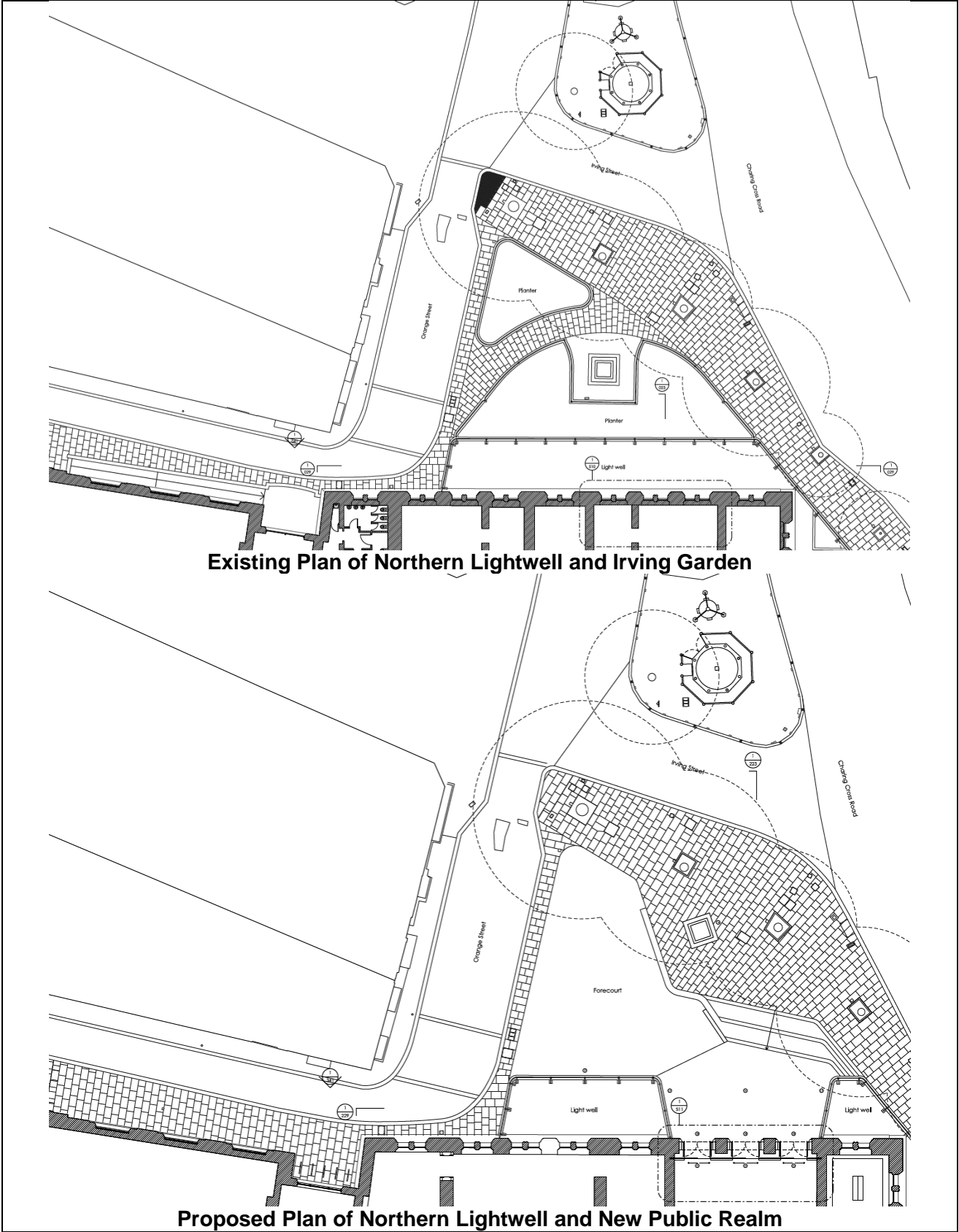
9. KEY DRAWINGS

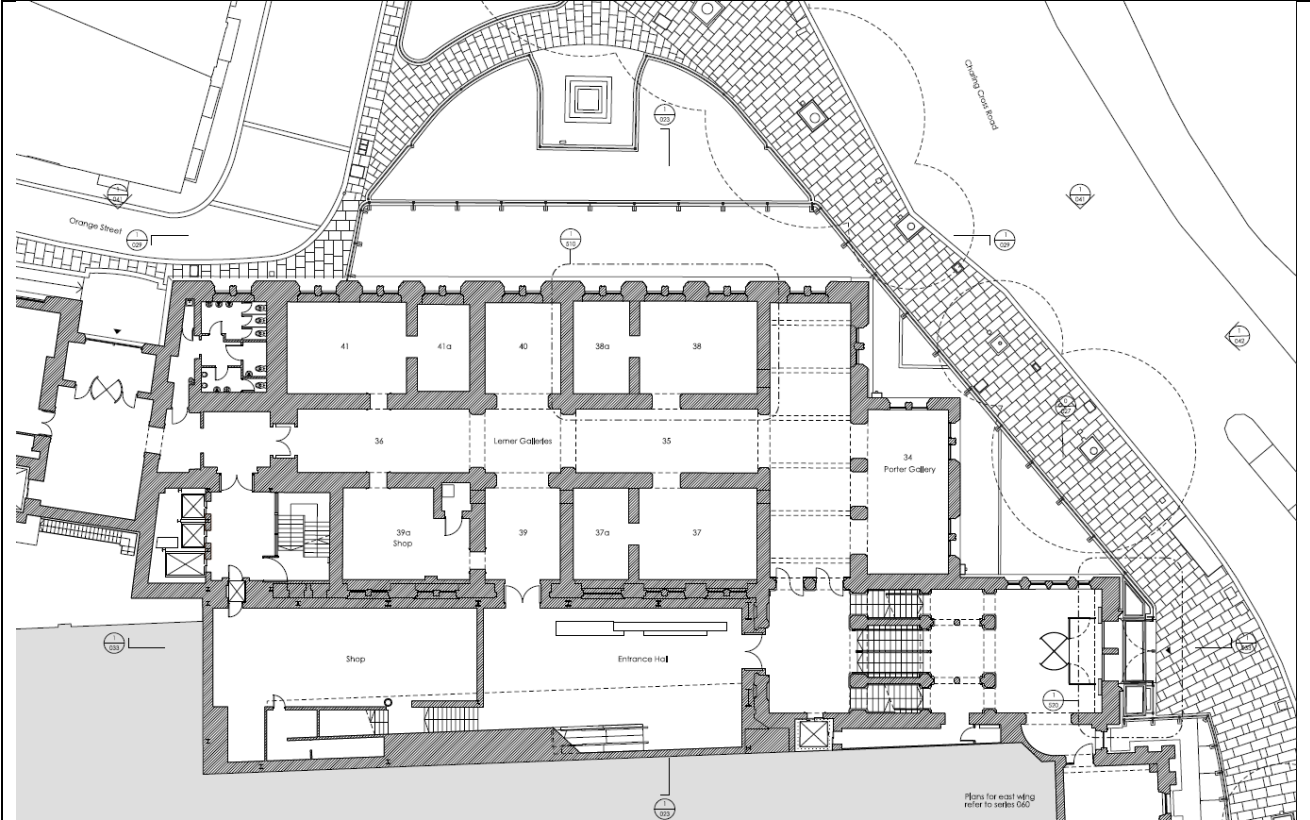


Existing Ground Floor Plan

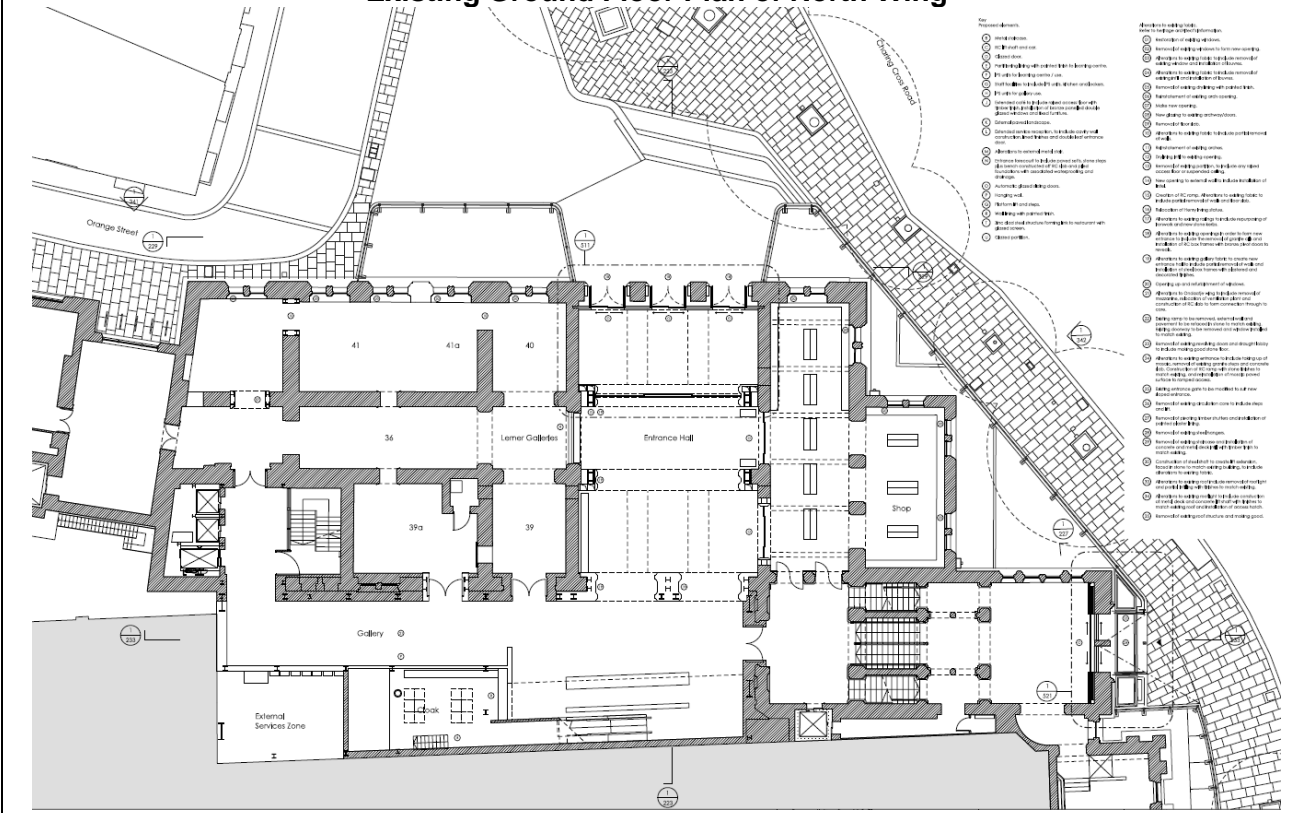


Proposed Ground Floor Plan

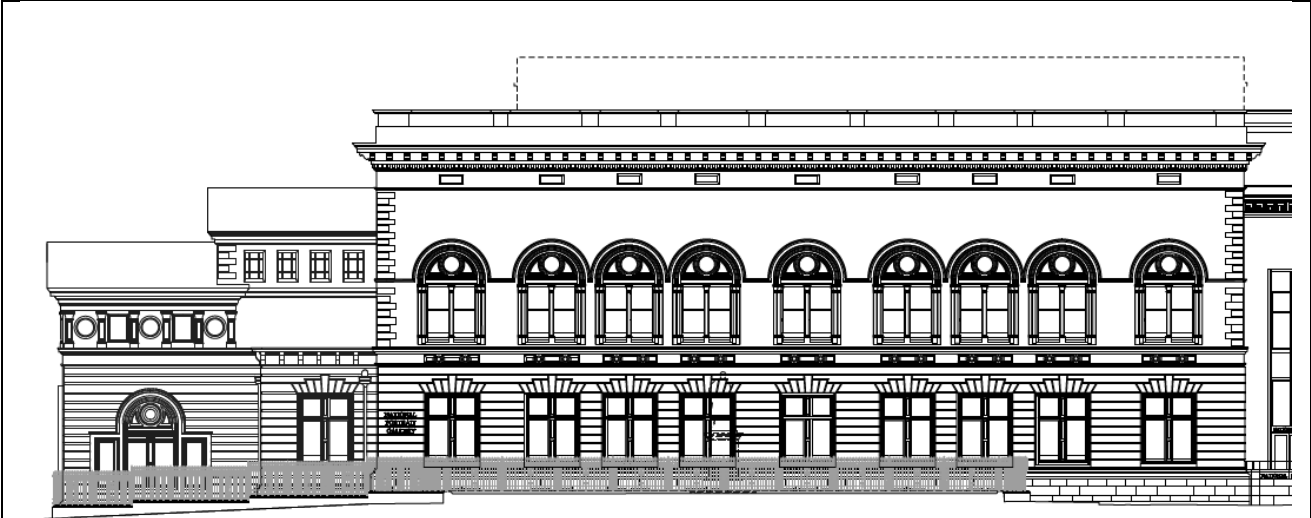




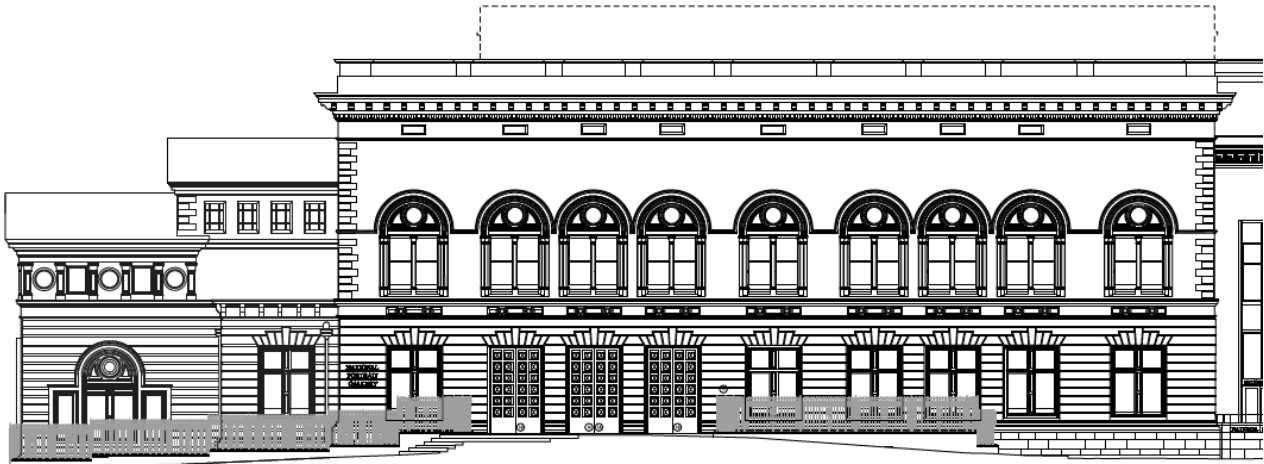
Existing Ground Floor Plan of North Wing



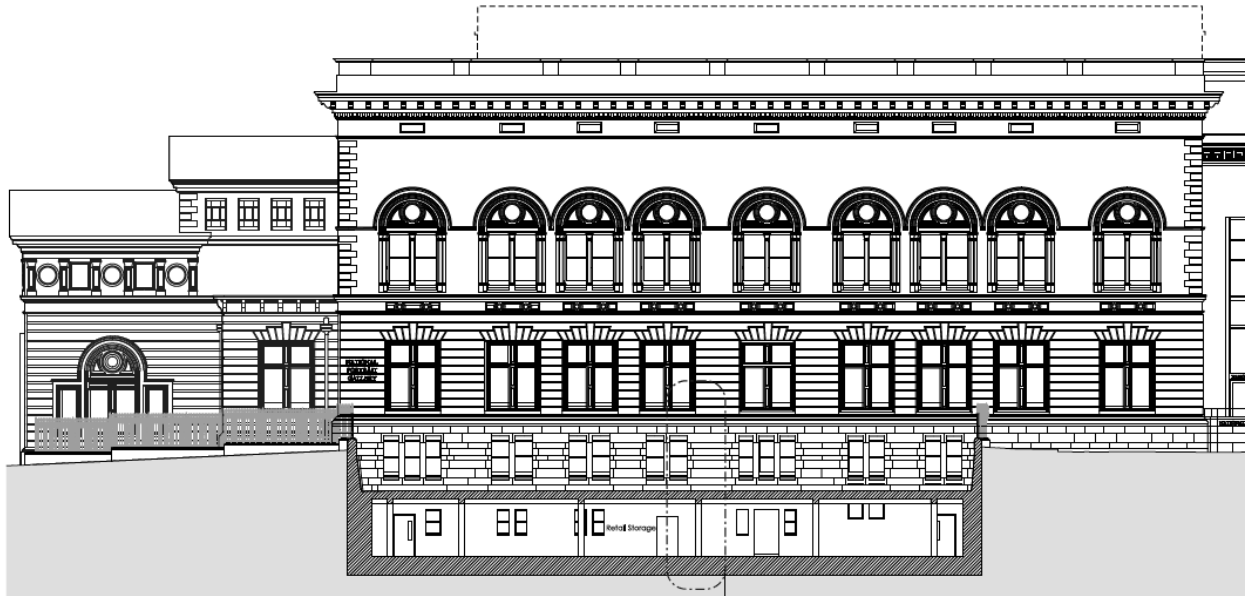
Proposed Ground Floor Plan of North Wing



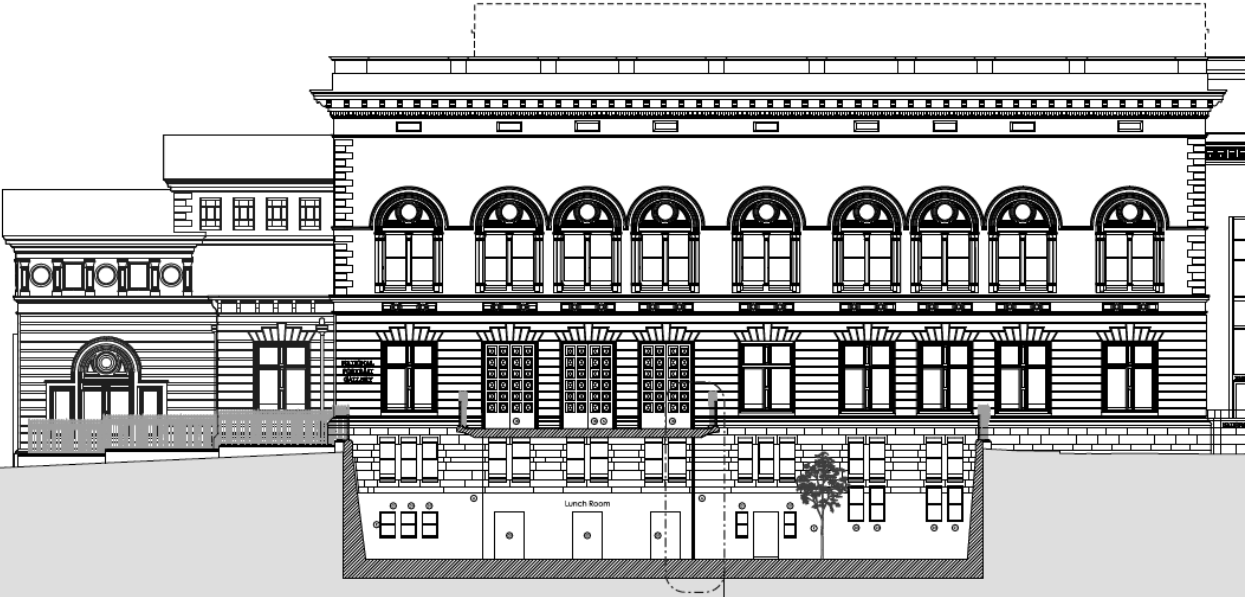
Existing North Elevation



Proposed North Elevation



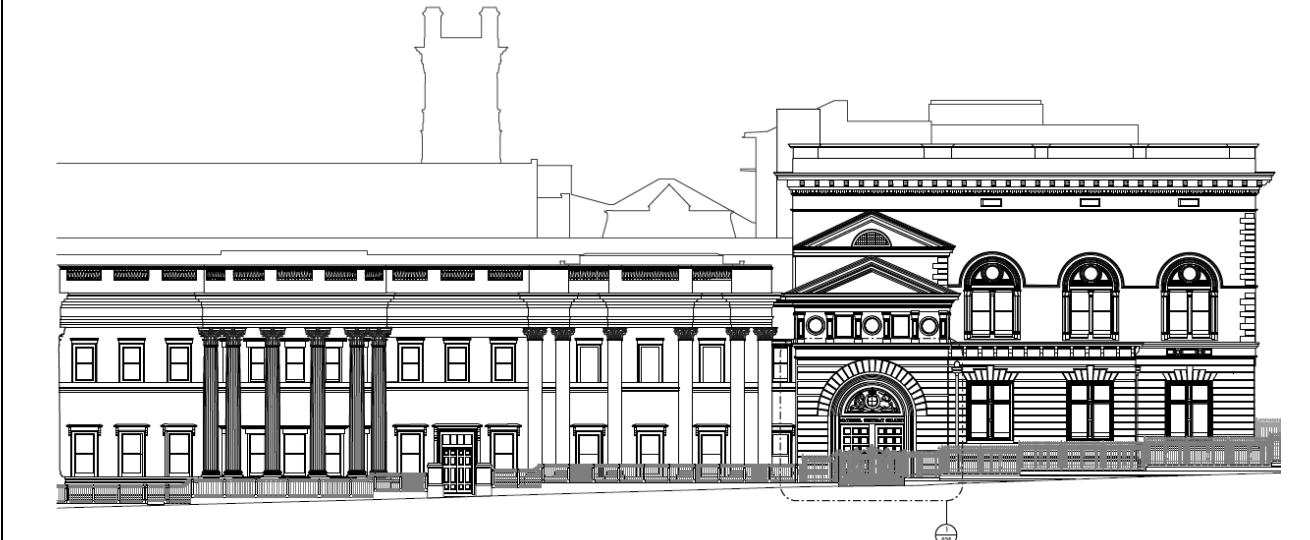
Existing North Elevation Including Lightwell



Proposed North Elevation Including Lightwell



Existing East Elevation



Proposed East Elevation



Computer Generated Image of Northern Façade



Computer Generated Image of Northern Lightwell

DRAFT DECISION LETTER

Address: National Portrait Gallery , 2 St Martin's Place, London, WC2H 0HE

Proposal: External alterations and extensions to the National Portrait Gallery; including the creation of a new entrance to the north façade and associated works to the public realm involving repositioning of the Henry Irving Statue; erection of a bridge over northern lightwell, an extension within lightwell, and an extension to a lift shaft; alterations to eastern entrance, to gate and railings, to northern lightwell, to service yard, to rooftop plant and structures, to Duveen wing façade following the removal of the Orange Street ramp and other associated alterations.

Reference: 19/00456/FULL

Plan Nos: Location Plan; Site Plan; 329_P_010_A; 329_P_011_A; 329_P_012_A; 329_P_013_A; 329_P_014_A; 329_P_015_A; 329_P_016_A; 329_P_020_A; 329_P_023_A; 329_P_027; 329_P_029_A; 329_P_033_A; 329_P_036; 329_P_041_A; 329_P_042; 329_P_050_A; 329_P_051_A; 329_P_052_A; 329_P_053_A; 329_P_054_A; 329_P_055_A; 329_P_056_A; 329_P_057_A; 329_P_061; 329_P_062; 329_P_063; 329_P_064; 329_P_065; 329_P_110_A; 329_P_111_A; 329_P_112_B; 329_P_113_A; 329_P_114_A; 329_P_115_A; 329_P_117_A; 329_P_150_B; 329_P_151_A; 329_P_152_A; 329_P_153_B; 329_P_154_A; 329_P_155_A; 329_P_156_A; 329_P_158_A; 329_P_161_A; 329_P_162_A; 329_P_163_A; 329_P_164_A; 329_P_165_A; 329_P_220_A; 329_P_223_A; 329_P_227_A; 329_P_229_A; 329_P_233_A; 329_P_236_A; 329_P_341_A; 329_P_342_A; 329_P_450_A; 329_P_451_A; 329_P_452_A; 329_P_453_A; 329_P_454_A; 329_P_455_A; 329_P_456_A; 329_P_461_A; 329_P_462_A; 329_P_463_A; 329_P_464_A; 329_P_465_A; 329_P_470_A; 329_P_471_A; 329_P_472_A; 329_P_473_A; 329_P_510; 329_P_511; 329_P_512; 329_P_513; 329_P_514; 329_P_515; 329_P_520; 329_P_521; 329_P_522; 329_P_523; 329_P_524; 329_P_525; 329_P_530; 329_P_531; 329_P_550; 329_P_551; 300A; 301; 303; 304; 305; 306; 307; 308; 503; 504; 511; 515; 522; 528; 533; 536; 310; 311; 312; 605A; 606A; 607; 610; 611; 612; 613; 614; 615; 616; 26916/SK7-1 J; 26916/SK8-1 B; 26916/SK8-2 C; 26916/SK8-3 B; 26916/SK8-4 C; 26916/SK8-5 C; 26916/SK8-6 B; 26916/SK9-1 B; 26916/SK9-2 C; 26916/SK9-3 B; 26916/SK9-5 C; 26916/SK12-1 B; 26916/SK12-2 B; 26916/SK12-3 B; 26916/SK12-4 B; 26916/SK12-5 B; 26916/SK600 2; 26916/SK601 3; 329_SK_190304_001.

For Information Only:

Air Quality, Ventilation & Extraction Statement; Arboricultural Impact Assessment and Draft Method Statement (and Clarifications); Archaeology Assessment and Summary of An Archaeological Watching Brief; Noise Impact Assessment; Planning Statement; Statement of Community Engagement; Structural Engineer's Structural Methodology Statement; Access Statement; Design and Access Statement; Operational Statement; Heritage Statement Cover Letter and Schedule of Works..

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 **Pre Commencement Condition.** You must not start work on the site until we have approved in writing appropriate arrangements to secure the following:

a) to facilitate and fund the public realm work approved under condition 6.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 6 Notwithstanding what is shown on the approved drawings, you must apply to us for approval of detailed drawings of the final hard and soft landscaping scheme. 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.

Reason:

To protect the setting of this listed building, to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area and to protect the pedestrian environment. This is as set out in S25, S28 and S41 of Westminster's City Plan (November 2016) and TRANS 3, DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must provide each cycle parking space shown on the approved drawings prior to the Gallery re-opening to the public. 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 2016 (R22FA)

- 8 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)

- 9 (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 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)

- 10 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)

- 11 Before the Gallery re-opens to the public, you must provide the separate stores for waste and materials for recycling shown on drawing number 329_P_111_A. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

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)

- 12 You must not leave waste or recycling on the road or pavement.

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)

- 13 **Pre Commencement Condition.** No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

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 & 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 protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 14 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to 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 in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Item No.
3

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)

- 15 **Pre Commencement Condition.** You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- o identification of individual responsibilities and key personnel.
- o induction and personnel awareness of arboricultural matters.
- o supervision schedule, indicating frequency and methods of site visiting and record keeping
- o procedures for dealing with variations and incidents.

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 adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

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)

- 16 Any work under or around the London plane trees must not damage the branches of the trees or roots of 25 millimetres or more in diameter. If you come across any roots of 25 millimetres or more in diameter, you must carefully protect them from being exposed and drying out. You must cut any smaller diameter damaged or severed roots with a sharp cutting tool so that the final wound is as small as possible.

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)

- 17 You must apply to us for approval of detailed drawings of the following parts of the development:
- a. External alterations to form proposed front doors and new bridge
 - b. External alterations to East Wing lightwell
 - c. Proposed gutters and other items (lighting protection) related to roofscape alterations to East Wing and lift extension, including rooflights
 - d. External alterations to existing windows
 - e. External lighting details

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.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under condition 5 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure arrangements to facilitate and fund the public realm work. This will require you agree with the Highway Authority the detailed design of the work and will require you fund its implementation.

Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

3 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

6 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)

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

8 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (I88AA)

9 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)

- 10 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)

- 11 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.

- 12 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 13 With regards to condition 13, 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. The written scheme of investigation will relate to below ground archaeology only and not the standing buildings.
- 14 Condition 14 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.
- 15 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)

Item No.
3

- 16 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: new main entrance signage. (I04AA)

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.

DRAFT DECISION LETTER

Address: National Portrait Gallery , 2 St Martin's Place, London, WC2H 0HE

Proposal: External and internal alterations and extensions to the National Portrait Gallery; including the creation of a new entrance to the north façade and associated works to the public realm involving repositioning of the Henry Irving Statue; erection of a bridge over northern lightwell, an extension within lightwell, and an extension to a lift shaft; alterations to eastern entrance, to gate and railings, to northern lightwell, to service yard, to rooftop plant and structures, to Duveen wing façade following the removal of the Orange Street ramp and other associated alterations, including extensive internal alterations on all floors.

Reference: 19/00457/LBC

Plan Nos: Location Plan; Site Plan; 329_P_010_A; 329_P_011_A; 329_P_012_A; 329_P_013_A; 329_P_014_A; 329_P_015_A; 329_P_016_A; 329_P_020_A; 329_P_023_A; 329_P_027; 329_P_029_A; 329_P_033_A; 329_P_036; 329_P_041_A; 329_P_042; 329_P_050_A; 329_P_051_A; 329_P_052_A; 329_P_053_A; 329_P_054_A; 329_P_055_A; 329_P_056_A; 329_P_057_A; 329_P_061; 329_P_062; 329_P_063; 329_P_064; 329_P_065; 329_P_110_A; 329_P_111_A; 329_P_112_B; 329_P_113_A; 329_P_114_A; 329_P_115_A; 329_P_117_A; 329_P_150_B; 329_P_151_A; 329_P_152_A; 329_P_153_B; 329_P_154_A; 329_P_155_A; 329_P_156_A; 329_P_158_A; 329_P_161_A; 329_P_162_A; 329_P_163_A; 329_P_164_A; 329_P_165_A; 329_P_220_A; 329_P_223_A; 329_P_227_A; 329_P_229_A; 329_P_233_A; 329_P_236_A; 329_P_341_A; 329_P_342_A; 329_P_450_A; 329_P_451_A; 329_P_452_A; 329_P_453_A; 329_P_454_A; 329_P_455_A; 329_P_456_A; 329_P_461_A; 329_P_462_A; 329_P_463_A; 329_P_464_A; 329_P_465_A; 329_P_470_A; 329_P_471_A; 329_P_472_A; 329_P_473_A; 329_P_510; 329_P_511; 329_P_512; 329_P_513; 329_P_514; 329_P_515; 329_P_520; 329_P_521; 329_P_522; 329_P_523; 329_P_524; 329_P_525; 329_P_530; 329_P_531; 329_P_550; 329_P_551; 300A; 301; 303; 304; 305; 306; 307; 308; 503; 504; 511; 515; 522; 528; 533; 536; 310; 311; 312; 605A; 606A; 607; 610; 611; 612; 613; 614; 615; 616; 26916/SK7-1 J; 26916/SK8-1 B; 26916/SK8-2 C; 26916/SK8-3 B; 26916/SK8-4 C; 26916/SK8-5 C; 26916/SK8-6 B; 26916/SK9-1 B; 26916/SK9-2 C; 26916/SK9-3 B; 26916/SK9-5 C; 26916/SK12-1 B; 26916/SK12-2 B; 26916/SK12-3 B; 26916/SK12-4 B; 26916/SK12-5 B; 26916/SK600 2; 26916/SK601 3; 329_SK_190304_001.

For Information Only:

Planning Statement; Design and Access Statement; Heritage Statement; Cover Letter and Schedule of Works.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

- 1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us with details of any proposed cleaning of external stonework or brickwork. You must not start on this part of the works until we have approved what you have sent us. You must then carry out the works in accordance with these details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 Notwithstanding that shown on the approved plans, you must provide us with full details and justification for the use of microcrystalline anti-graffiti coating on the external stonework, including the preparation of test areas for inspection and approval by us if necessary. You must not start on this part of the works until we have approved what you have sent us. You must then carry out the works in accordance with the approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must provide us with details of how you propose to relocate the statue of Henry Irving including the method of working. You must not start on this part of the works until we have approved what you have sent us. You must then carry out the works in accordance with these details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES

1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development:
- f. Alterations to form proposed front doors and new bridge
 - g. Signage
 - h. Alterations, including internal fit out, to form café in East Wing and gardens in East Wing lightwell
 - i. Proposed gutters and other items (lighting protection) related to roofscape alterations to East Wing and lift extension
 - j. Proposed decorative schemes to galleries
 - k. Proposed openings between North Wing and Ondaatje Wing
 - l. Full refurbishment of East Wing (including structural alterations, gallery refurbishment, new staircase, rooflight alterations, fabric upgrades for fire safety)
 - m. Alterations to existing windows, including addition of film, blinds, secondary glazing and/or blocking panels where noted
 - n. Structural alterations to form new opening between Lerner Galleries and existing WC (to become extended galleries) at ground floor North Wing
 - o. Internal alterations to form new entrance hall and proposed new shop, including internal finishes and details
 - p. Structural alterations and refurbishment to North Wing upper and lower basement floors, including all proposed Learning Centre classrooms, offices and ancillary spaces, proposed WCs and lifts – all items currently shown on 1:100 GAs only in application drawings
 - q. Internal and external lighting details
 - r. MEP services installation as a result of the approved works
 - s. Fixed exhibition fit out to galleries

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.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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 5 March 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Abbey Road	
Subject of Report	41 Abbey Road, London, NW8 0AA		
Proposal	Demolition behind retained central bay facade and redevelopment to provide a new building comprising basement, lower ground, raised ground and three upper floors to provide an elderly care facility (Class C2) communal and welfare/medical areas, cycle storage, landscaping and tree works and associated works.		
Agent	Gerald Eve		
On behalf of	FREP3 (Abbey Road) Limited		
Registered Number	18/08414/FULL	Date amended/ completed	2 October 2018
Date Application Received	2 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site contains a five-storey building, which is not listed, but is an Unlisted Building of Merit located within the St. John's Wood Conservation Area. The building has been vacant for over 10 years but was last used as a residential care home for the elderly (Class C2).

The applicant proposes demolition of the entire building except for the central three bay section of the front elevation and erection of a new building with basement level to contain a 26-bed elderly care facility for people with dementia (Class C2).

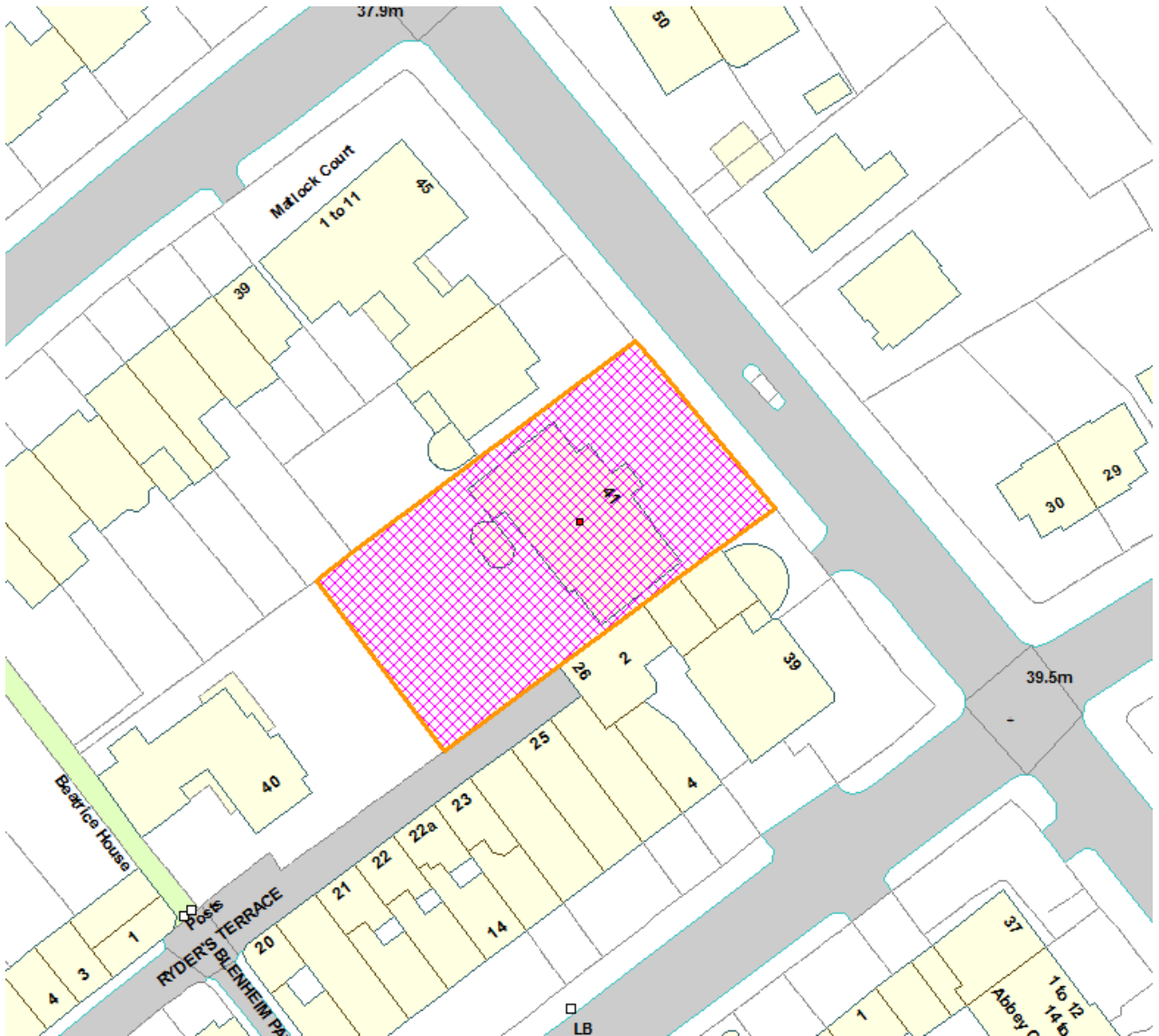
The key considerations are:

- The acceptability of provision of specialist care floorspace.
- The impact of the proposed development on the St Johns Wood Conservation Area, having special regard to the statutory duty to preserve or enhance conservation areas.
- The impact on residential amenity.

- The impact on parking and local highway network.
- The impact on protected trees, including removal of four trees.
- The compliance of the proposed basement excavation and construction management measures with the Basement Development Policy in the City Plan.

The proposed development would preserve the St Johns Wood Conservation Area and would be consistent with the development plan comprised of The London Plan (March 2016), the Draft London Plan (Minor Amendments Version – August 2018), Westminster’s City Plan (November 2016) and the Unitary Development Plan (January 2007). It is therefore recommended that planning permission is granted, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application Site as seen from Abbey Road.

5. CONSULTATIONS

WARD COUNCILLORS FOR ABBEY ROAD

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY

Support the application which is for a needed community asset. Request that the case officer mitigates any loss of amenity to neighbours in terms of parking and noise by ensuring that a neighbourly construction management plan is put into place. Query the location of the acoustic plant enclosure which is near an adjacent property.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions.

LEAD LOCAL FLOOD AUTHORITY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

No response received.

THAMES WATER UTILITIES

No objection. Have recommended informatives in relation to waste and drinking water.

ARBORICULTURAL MANAGER

Object to loss of four trees from this site, three of which are TPO trees. Also consider tree protection details insufficient. This objection is discussed in greater detail below.

BUILDING CONTROL OFFICER

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. As the new construction provides support to the highway, an informative should be included to remind the applicant to obtain a Technical Approval from the City Councils highways engineers before beginning excavation.

WASTE PROJECT OFFICER

Following revision of the scheme, raises no objection, subject to a condition requiring the waste storage to be provided.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 104.

Total No. of replies: 5.

No. of objections: 1.

No. in support: 4.

In summary, the objector raises the following issue:

- There needs to be a traffic plan during construction to minimise harm to neighbours from increased traffic.

In summary, the supporters raise all or some of the following issues:

- The existing building is derelict, and the proposed development will restore it.
- The proposed use is a valuable social and community use.
- There are few specialist dementia care facilities in Westminster and the proposal will prevent patients from having to move from the area.
- The applicant runs a well-regarded facility in Chelsea.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site contains a five-storey building, which is not listed, but is an Unlisted Building of Merit located within the St. John's Wood Conservation Area. The building has been vacant for over 10 years but was last used as a residential care home for the elderly (Class C2).

6.2 Recent Relevant History

13/09115/FULL

Use as seven residential flats (Class C3), alterations to rear elevation including removal of existing conservatory and fire escape stairs, alterations to rear elevation at third floor level, provision of bin and cycle stores in front garden area and installation of photovoltaic panels and erection of new plant enclosure at roof level.
Granted Conditional Permission – 2 June 2015

7. THE PROPOSAL

The applicant proposes demolition of the entire building except for the central three bay section of the front elevation. A new building would be erected behind this retained section of façade that would occupy a similar built envelope to the existing building. The new building would be larger, including a three-metre-deep rear extension at ground and upper ground and a single basement level that would accommodate plant, cycle storage and welfare facilities. It would also be approximately 0.9 m higher than the existing building

The new building would contain a 26-bed elderly care facility for people with dementia (Use Class C2). Parking for three cars, an ambulance bay, cycle parking and a bin store would be provided to the front of this building. The rear garden would include an external plant enclosure and be largely landscaped.

Table 1 – Existing and Proposed Floor Areas

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Care home for the Elderly (Use Class C2)	1168	0	-1168
Care home for elderly people with Dementia (Use Class C2)	0	1795	+1795
Total	1168	1795	+627

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed uses both fall within Use Class C2. Accordingly, the proposed development does not involve a change of use.

Notwithstanding this, the proposed development addresses a recognised need in London and Westminster for specialist dementia care accommodation. The 2017 London Strategic Housing Market Assessment indicates a London-wide need for 870 new 'beds' per year. In Westminster, the Dementia Joint Strategic Needs Assessment (2015) estimates that number of people living with dementia will increase by approximately 820 people by 2013.

Accordingly, the proposed use is consistent with policy 3.8 of the London Plan (March 2016) ("the London Plan"), policy H15 of the Draft London Plan (Minor Amendments Version – August 2018) ("the Draft London Plan"), policy S15 of Westminster's City Plan (November 2016) ("the City Plan" and policy H6 of the Unitary Development Plan (January 2007) ("the UDP").

8.2 Townscape and Design

8.2.1 Existing Building and Site

The building dates originally from the 1830's or 1840's, likely constructed as a single dwellinghouse although the applicants state that from their understanding of the historical development of the property it became a form of care home in 1859. The north and south wings are thought to have been added in 1924 and 1959, respectively. Evidence is also given that the rear elevation of the building was rebuilt around 1954. In addition, the applicants also advise that a section of the rear garden now occupied by a house fronting onto Ryders Terrace was separated from no. 41 Abbey Road in 1976. The mansard is also very likely a later addition to the building. The building still retains a good sense of its originally intended character as a classically inspired villa building, though it is recognised that important elements of its original character and setting have been changed over the years. Notwithstanding that, it is also of importance to note that the building is highlighted as an unlisted building of merit in the City Council's published St John's Wood Conservation Area Audit.

8.2.2 Design Considerations

As set out above, the applicants have set out some convincing evidence that the side extensions are a 20th century addition to the building, and that the rear elevation has been rebuilt in the mid-20th century, and from a consideration of the character and fabric of the building on site there appears evidence that this is the case. It appears clear that the side extensions are more modern additions from their appearance and from evidence on historical maps. The rear elevation is noted to have concrete lintels on window openings and a patina to the brickwork which could suggest a rebuilding. Overall, it is considered that sufficient evidence is present to judge that much of the external fabric aside from the main part of the front elevation is more modern, and in this context the demolition behind the remaining principally original element of the central part of the front façade is considered acceptable. This is subject to the merits of the proposed rebuilding.

The footprint of the building is slightly enlarged from the existing, though the difference is relatively modest aside from the two-storey projection at lower ground and ground floor levels to the rear of the building. In the context of the greater balance given to the recessed side wings to the front elevation, which improves the setting of the main original part of the front elevation, and in context with the removal of the large rear fire escape then the increase in footprint to this building is considered acceptable. The two storey rear addition projects less than the existing rear conservatory, although nonetheless represents a feature of some prominence to the massing of the rear elevation. It is apparent that in this locally specific area, there are several two storey rear extensions, and the building is also in close context with a run of two and three storey mews buildings. The two-storey element also acts to add a layer of interest to the composition of the rear, breaking up its relatively large apparent bulk. As such, and in view of the removal of the existing conservatory and rear fire escape, the footprint and bulk of the building are considered acceptable.

The front elevation will remain in similar form to the existing, though with simplified and less cluttered window detailing to the rebuilt side wings. The front porch will remain in the new development, and whilst the main entrance is set to lower ground floor level for reasons discussed below, the main communal area is set behind the ground floor porch doors which could be anticipated to be in use through the day giving an active focus to this key feature of the frontage of the building. It is recognised that the setting of the building will be altered through the introduction of the ramps and staircases directly in front of the elevation. However, these are required to support the use of the building, are neatly detailed and screened behind short rendered upstand walls, and in the context of the scheme are considered acceptable.

The rear elevation will have a more regular grid of windows and will not incorporate the existing half level windows which respond to the existing staircase. It is recognised that a staggered arrangement of windows can be characteristic of the area. However, the original composition of the building has been obscured through the addition of the very large wings and a range of differing rear elevation windows. Due to its scale and positioning the existing building is set somewhat apart from surrounding buildings. As such and given that the rear elevation proposed will incorporate an attractive composition with traditional sash windows and appropriate arrangement of the composition (as set out above), the approach taken and fenestration pattern proposed is

considered acceptable. The side elevations do incorporate a staggered arrangement to the window positioning as they respond to the position of internal staircases, and this introduces an element of interest to these otherwise relatively simply detailed side elevations.

It is recognised that the lift overrun structure to main roof level will be visible on the skyline of the building in views from street level, as demonstrated by the applicant's visual montages submitted with the application proposals. Officers have previously sought for this to be set further back. However, the applicants advised that this would not be practical for operational/internal layout reasons. Nonetheless, it is recognised that there will be considerable improvements to the front parapet without the unattractive openings cut into it, and the mansard will be of improved design and generally conforming to the City Council's published advice on such extensions. As such, the overrun is considered acceptable. The solar PV panels to roof level may also be visible in some limited views from street level and in views from the upper floors of surrounding buildings. However, they are relatively low profile and in the context of the scheme are considered acceptable.

The plant enclosure to the rear garden will introduce a structure of some size into this rear garden setting and is not clearly shown to the application drawings. However, it is sited just beyond the existing line of the rear external fire escape structure, and in a rear garden with relatively high surrounding walls. Subject to a full consideration in light of drawings to be secured by condition, the structure is considered acceptable. The bin storage area to the front garden is neatly detailed and will not unduly clutter the frontage of the building. The basement is discreet in terms of its external features, being limited to the lightwells positioned against the rear elevation of the above ground building.

8.2.3 Conclusion on Townscape and Design Issues

The proposals are considered in line with policies DES 1, DES 5, DES 6 and DES 9 of the UDP and S25 and S28 in the City Plan. As such the proposals are considered acceptable in design terms. The recommendation is considered in line with the statutory duty set out in s. 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 which sets out that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation, and mindful that considerable weight and importance should be given to the duty.

8.3 Residential Amenity

8.3.1 Loss of Light and Sense of Enclosure

The reasonably modest increase in bulk and mass compared to the existing building coupled with its relationship to surrounding properties would ensure that it does not result in unacceptable loss of sunlight or daylight or a significant increase in sense of enclosure for the occupants of neighbouring properties.

With regards to the neighbouring property to the north (43 Abbey Road), the proposed building would, like the existing building on-site, be located to the side of the building on 43 Abbey Road. The additional depth of the rearward extension to the proposed development would also be located approximately 6.7 m from the boundary with 43

Abbey Road. At this distance this additional mass would not appear overbearing when viewed from 43 Abbey Road. Given the above, the proposed development would not result in unacceptable loss of sunlight or daylight or a significant increase in sense of enclosure for the occupiers of 43 Abbey Road.

With regards to the neighbouring property to the south west (40 Ryders Terrace), the proposed building would be located approximately 32 metres from the dwellinghouse on that site. It would also be partially screened from the proposed development by substantial trees that are to remain at the rear of the site. The proposed development would also have a similar profile to the existing building when viewed from that property. Accordingly, the proposed development would not result in unacceptable loss of sunlight or daylight or a significant increase in sense of enclosure for the occupiers of 40 Ryders Terrace.

With regards to the nearest neighbouring properties to the south east (25 Ryders Terrace, 4 Blenheim Terrace and 39 Abbey Road), the proposed development would occupy a comparable building envelope to the existing building when viewed from those properties. The additional depth of the rearward extension would be screened from 25 Ryders Terrace by the flank wall of that property. Accordingly, the proposed development would not result in unacceptable loss of sunlight or daylight or a significant increase in sense of enclosure for the occupiers of 25 Ryders Terrace, 4 Blenheim Terrace and 39 Abbey Road.

All other residential properties are considered too far from the application site to be impacted by unacceptable levels of light loss and sense of enclosure.

8.3.2 Privacy

The proposed building would have a similar outlook to the front and rear as the existing building. Accordingly, the proposed development would not result in a significant increase in overlooking of 40 Ryders Terrace and properties opposite in comparison to the building it replaces.

The proposed building includes flank windows which have the potential to overlook the immediate neighbours at 39 and 43 Abbey Road. However, there are existing obscure glazed windows on these elevations of the existing building. The proposed drawings show that the rooms served by the flank windows would be bathrooms and stairwells. Accordingly, it is recommended that the proposed windows are obscure glazed and non-opening to maintain the privacy of the occupants of 39 and 43 Abbey Road.

Subject to this condition, the proposed development would not result in significant overlooking of neighbouring properties.

8.3.3 Noise

The proposed development includes new mechanical plant and would provide new residential accommodation. The Environmental Health Officer raises no objection to the proposal and has recommended conditions to ensure that noise from the proposal does not harm the amenity of neighbouring residents and occupants of the proposed care

home. Subject to these conditions, noise from the proposed development would not cause unacceptable harm to the occupants of neighbouring residential properties.

Overall, and given the above, the proposed development would not result in unacceptable harm to the amenity of nearby residents and the proposal would be consistent with policy S29 of the City Plan and policies ENV 6, ENV 7 and ENV 13 of the UDP.

8.4 Transportation/Parking

8.4.1 Car Parking

Policy TRANS21 of the UDP requires one car parking space per 10 residential units for Special Needs Housing such as that proposed. However, this may need to be varied to suit particular cases. Whilst the proposal is unlikely to have residents owning vehicles there are many other uses within Use Class C2 where residents are more independent and could operate or own vehicles. Whilst the current level of onsite car parking is sufficient, concern is raised regarding the potential for the site to change to allow residents with more independence and the impact this could have on the surrounding on-street car parking. A condition is therefore recommended that limits use of the development to a care home for elderly people with dementia. Subject to this condition, the proposed development would be consistent with policy TRANS21 of the UDP.

8.4.2 Cycle Parking

Policy 6.9 of the London Plan requires one cycle parking space per five staff members. Provision of cycle parking for staff will help reduce reliance on other less sustainable modes of transport. With no indication of the likely staff numbers provided, it is not possible to determine the number of cycle parking spaces required. Accordingly, a condition is recommended requiring the provision of further cycle parking details. Subject to this condition, the proposed development would be consistent with policy 6.9 of the London Plan.

8.4.3 Servicing

Policy TRANS20 of the UDP requires off-street servicing. Off-street servicing is available for the development at the front of the site. The service area is not sufficient in size to accommodate the largest service vehicles likely to be attracted to the site such as refuse collection, although should be sufficient for the majority. The arrangements for the refuse vehicle would be no different to the existing. The site is located within a Controlled Parking Zone, which means that single and double yellow lines in the vicinity allow loading and unloading to occur. Accordingly, the servicing arrangements proposed are consistent with policy TRANS20 of the UDP.

8.4.4 Waste

Waste stored on the public highway creates an obstruction to pedestrians and other highway users. It would also have an adverse impact on the public realm. The Waste Project Officer has reviewed the proposal and considers the waste storage

arrangements acceptable. A condition is recommended a condition requiring that the waste storage proposed is provided.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed development has been designed to ensure maximum levels of level access for its intended occupants. This includes the wheelchair ramp at the front of the site and lift access to all floors. Accordingly, the access arrangements propose are acceptable.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees

The proposed development would result in the loss of four trees from the application site. Three TPO trees would be lost at the front of the site (1x Tree of heaven, 1x Cherry and 1 x Lime trees) to make way for bin stores, basement and parking area. A pear tree would also be lost at the rear of the site to make way for basement excavation and a plant enclosure.

The Arboricultural Manager has objected to the proposed tree removals. The Arboricultural Manager does not object in principle to removal of the three trees at the front of the site but notes that the one replacement tree proposed is insufficient and that there is insufficient space at the front of the site for replacement planting. In the absence of sufficient replacement planting, the Arboricultural Manager has objected to the removal of these trees.

With regards to the Pear tree at the rear of the site, the Arboricultural Manager considers notes that the supporting text to policy ENV16 of the UDP sets out that 'The City Council wishes to protect rear gardens from large house extensions, particularly in areas like St John's Wood, which is renowned for its "leafy character". In particular, the City Council wishes to retain pear trees (pyrus) which are found in many private gardens in the north of the borough, given their historical associations with former market gardens'. On this basis the Arboricultural Manger considers removal of the pear tree harmful to visual amenity and the character and appearance of the conservation area. The Arboricultural Manager also notes that there is insufficient space at the rear of the site to provide for the panting of large replacement trees.

The concerns of the Arboricultural Manager are understood. However, these tree removals must be weighed against the benefits of the development. The proposed development would reinstate a long derelict building that is, in its current condition, harmful to the conservation area. While the proposal is not harmful to this heritage asset, it would also allow for its lawful and historic use to continue, thereby ensuring its optimum viable use can continue in accordance with paragraph 196 of the NPPF. The applicant has also been asked to make a financial contribution to tree planting in the area and the committee

will be updated on the outcome of this at the committee meeting. Given the above, an objection to this development on tree preservation grounds would not be sustainable.

The Arboricultural Manager has also raised a number of concerns with the tree protection details submitted, although has recommended conditions to address these shortcomings. Subject to these conditions, the proposed development would sufficiently safeguard trees remaining on and adjacent to the site.

8.7.2 Biodiversity

This application was accompanied by a Bat and Bird Emergence Survey. This survey found that there is a bat roost within the rear elevation of the existing building and recommends its relocation under license. It also recommends the provision of additional mitigation, such as bat boxes and the provision of suitable lighting and landscaping on-site, including retention of mature trees. A condition is recommended to secure this.

The proposed development would also include significant areas of brown roof and a landscaped rear garden. Conditions are recommended to secure these features. Subject to these conditions, the proposed development would be consistent with policy S38 of the City Plan.

8.7.3 Sustainable Urban Drainage (SUDS)

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The application site is also located within a Surface Water Hotspot and the Basement SPD requires that this application is accompanied by a Flood Risk Assessment. The Flood Risk Assessment submitted indicates that the brown roofs proposed and the use of a stormwater attenuation tank under the front paved area will reduce run-off levels to 50% of their current levels. A condition is recommended requiring that these stormwater mitigation measures are installed. Subject to this condition, the drainage system proposed would manage run-off at source and is considered consistent with policies 5.13 of the London Plan and CM28.1 of the City Plan and the Basement SPD.

8.7.4 Energy Efficiency

This application has been accompanied by a BREEAM pre-assessment that demonstrates that the proposed development will achieve BREEAM Excellent. A condition is recommended to secure this. Subject to this condition, the proposed development would be consistent with policies 5.1, 5.2, 5.3 and 5.6 of the London Plan and policies S39 and S40 of the City Plan.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal

consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 London Plan

The application does not raise any strategic issues.

8.10 National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application.

Subject to any relief or exemptions that may be available to the applicant, the estimated Westminster CIL payment is £987,250.00

8.12 Environmental Impact Assessment

The proposed development is not of sufficient scale to require an Environmental Impact Assessment.

8.13 Other Issues

8.13.1 Basement Considerations

The applicant has submitted a Structural Methodology Statement which demonstrates that the basement level proposed can be safely built whilst taking into account the specific ground conditions of the application site. A condition is recommended that requires compliance with the City Council's Code of Construction Practice. Subject to this condition, the proposal complies with part A. 2 of policy CM 28.1 of the City Plan.

The basement level would be single storey, would leave an area of undeveloped land around the perimeter of the site, would not extend under more than 50% of the garden land for this site and would include 1.2 m of soil depth above where it projects into the rear garden. It would also be discreet, with its only external manifestations being two rooflights at garden level at the base of the rear elevation, and a fire escape against the front elevation. Accordingly, the proposed basement meets the size, location and depth limitations set out in Policy CM28.1 in the City Plan.

All other basement considerations have been considered in the preceding sections of this report.

8.13.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise and traffic.

It is a longstanding principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature of construction works, the impact of which can be suitably controlled by conditions. Accordingly, conditions are recommended that limit the hours of construction, including the preclusion of all noisy works of basement excavation on Saturdays, Sundays and bank holidays, and to require the development to be carried out in adherence with the City Council's Code of Construction Practice, which will include monitoring of the site by the Environmental Inspectorate.

8.13.3 Air Quality

The Environmental Health Officer has queried why an Air Quality Assessment did not accompany this application. However, the proposal does not involve a change of use and therefore does not result in the introduction of a sensitive receptor to the area. Accordingly, an Air Quality Assessment is not considered necessary for this development.

(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

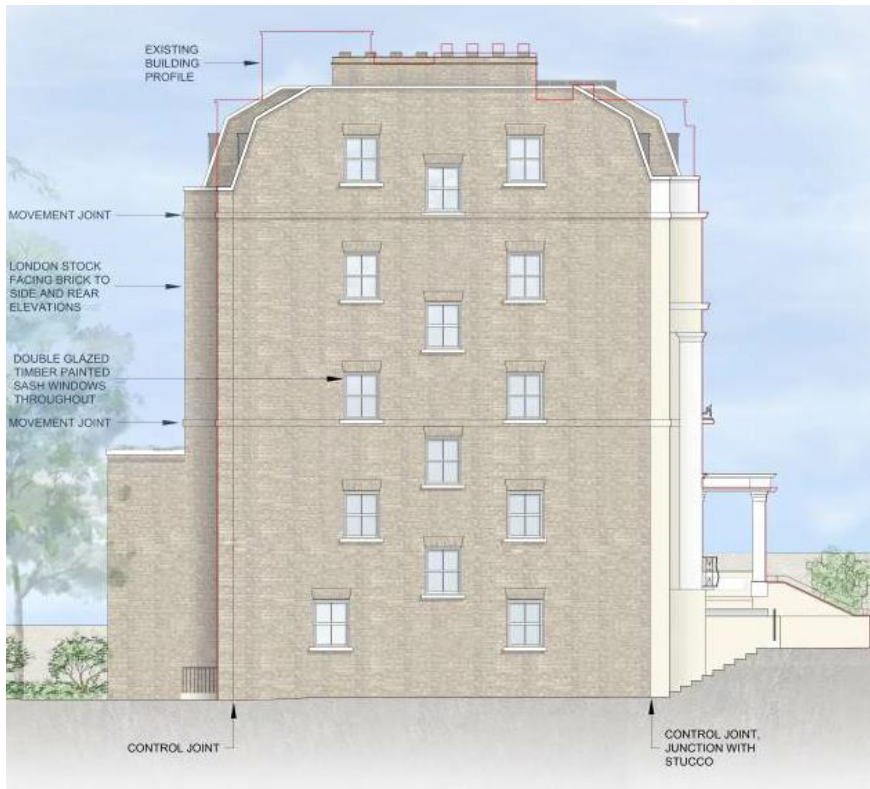
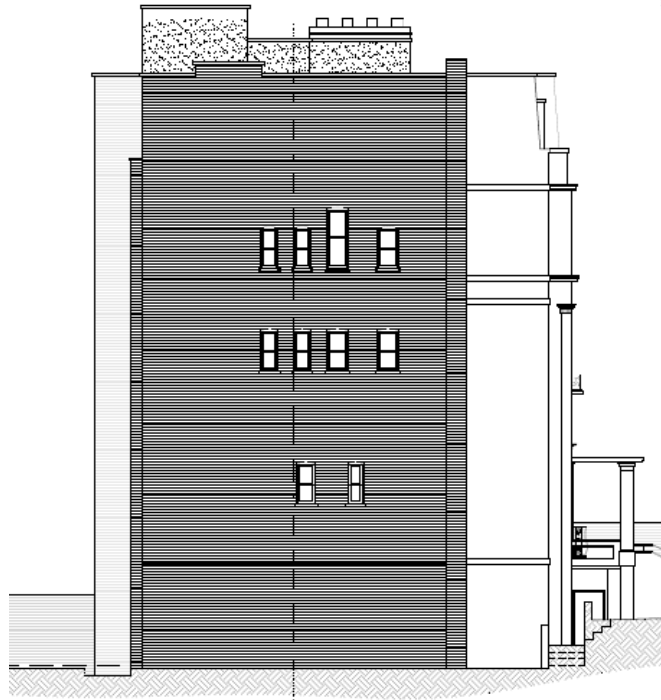
9. KEY DRAWINGS



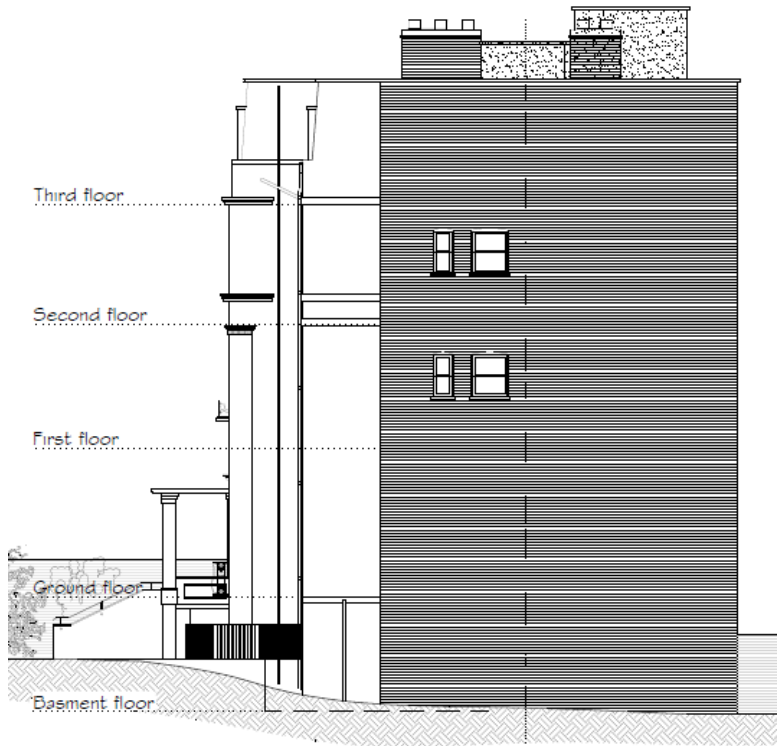
Front Elevation (Existing Top, Proposed Bottom)



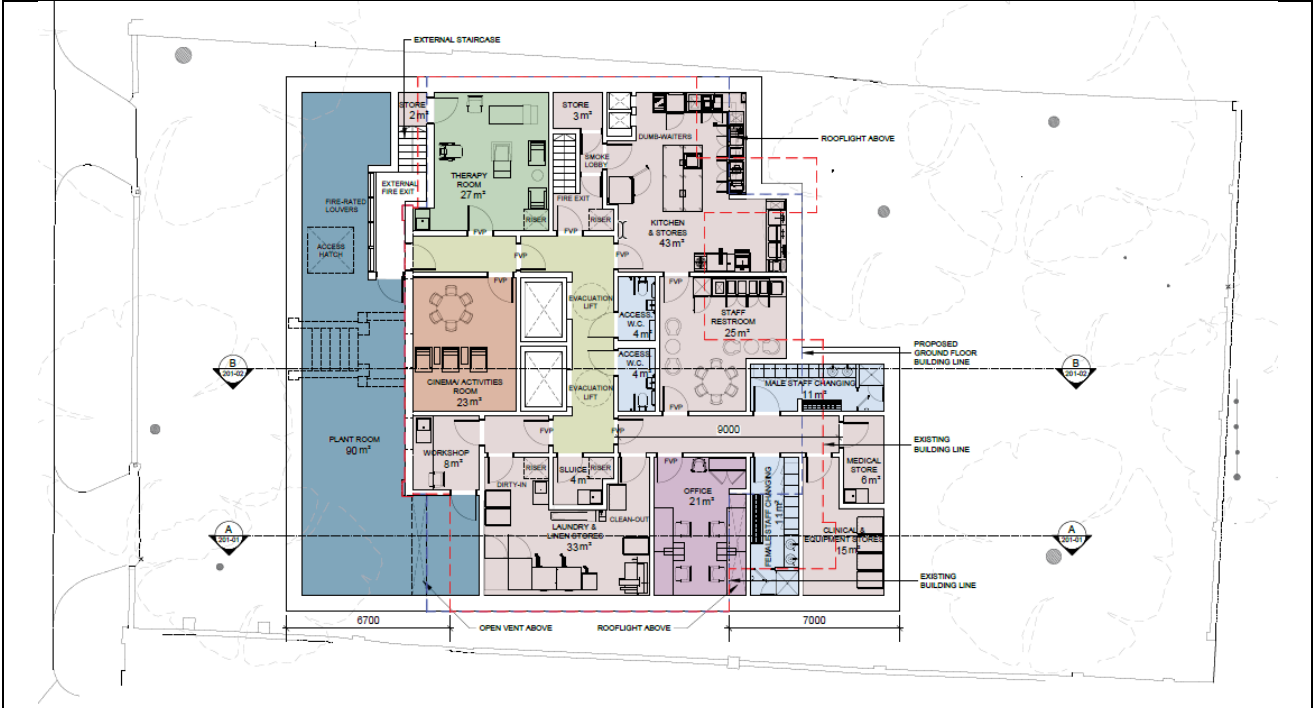
Rear Elevation (Existing Top, Proposed Bottom)



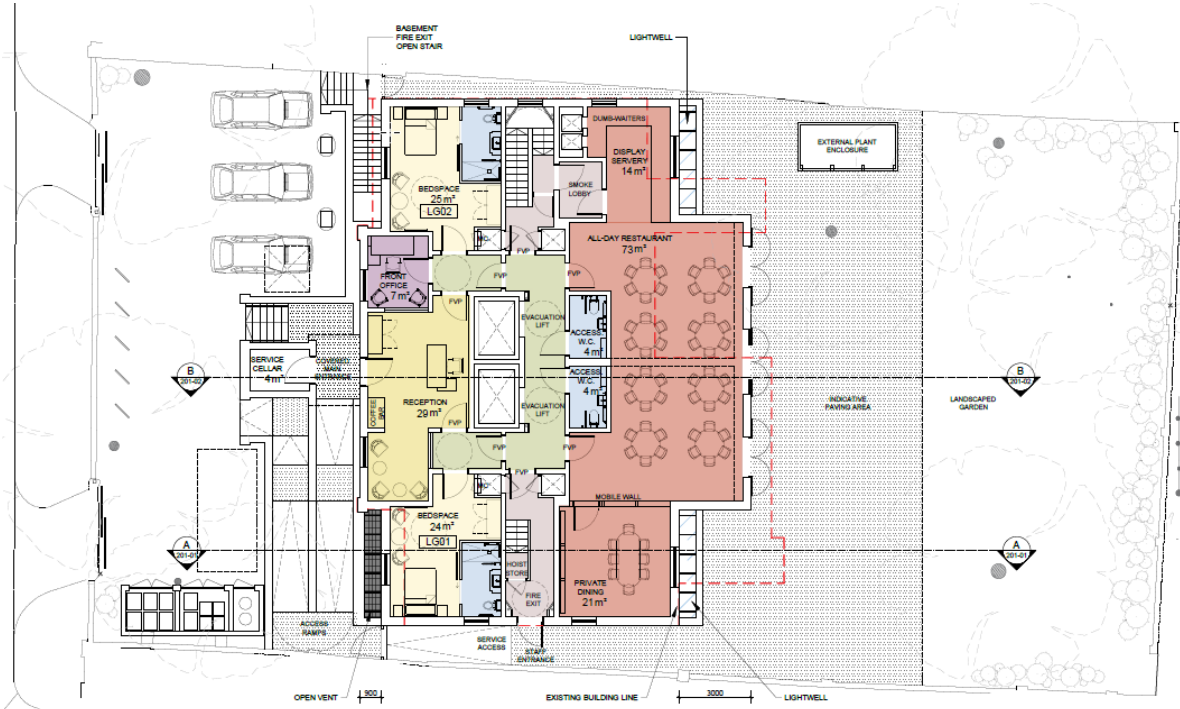
South East Elevation (Existing Top, Proposed Below)



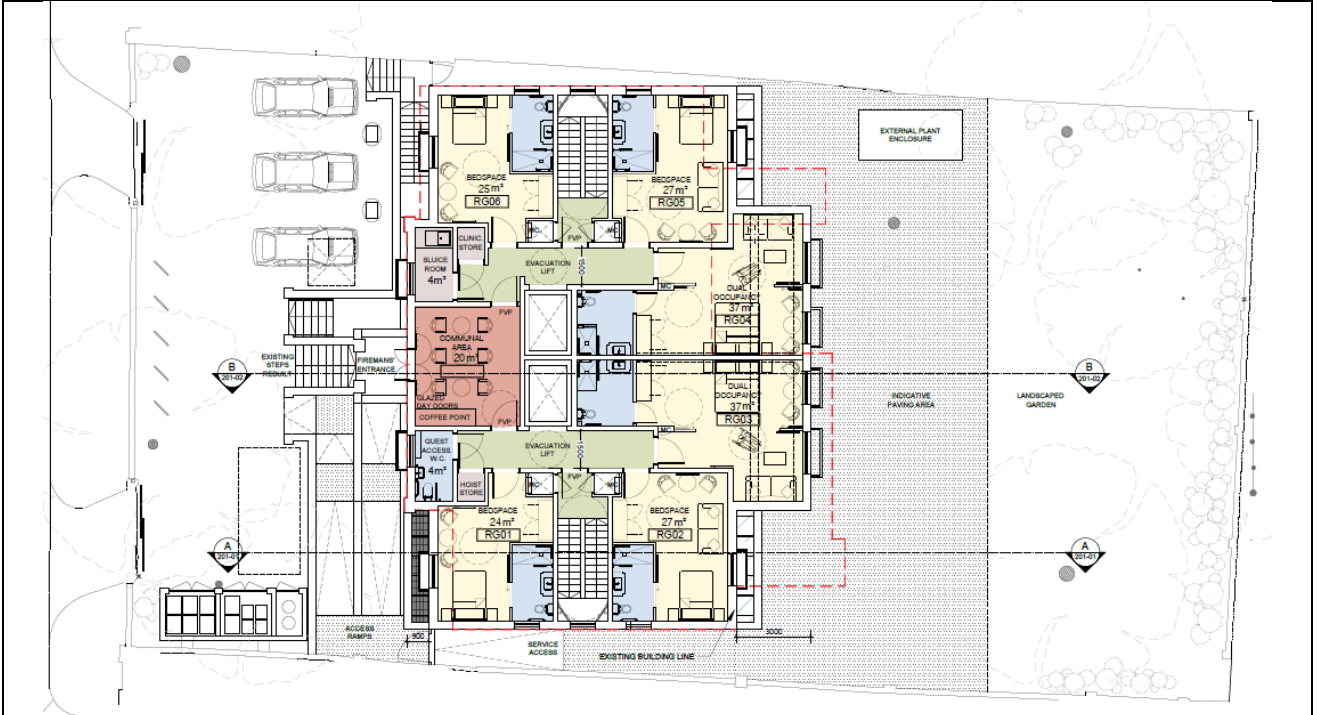
North West Elevation (Existing Top, Proposed Below)



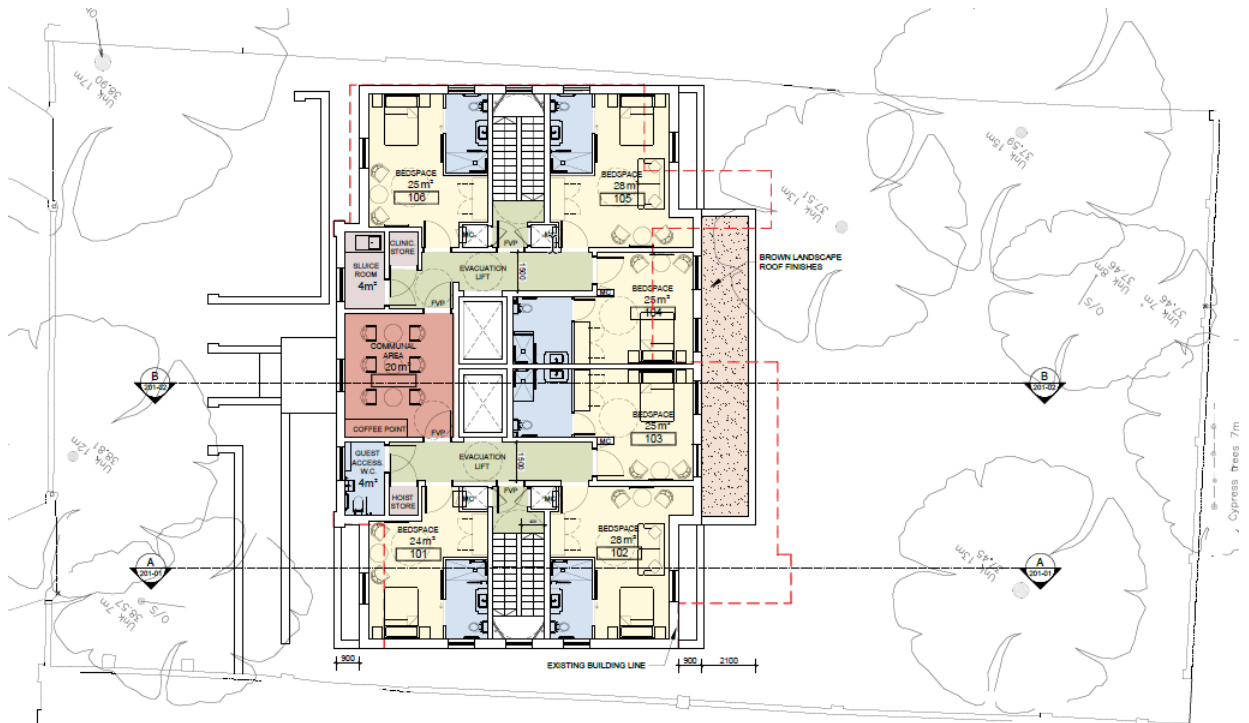
Proposed Basement Plan



Proposed Lower Ground Floor Plan



Proposed Upper Ground Floor Plan



Proposed First Floor Plan



Visualisation of Front of Proposed Development



Visualisation of Rear of Proposed Development

DRAFT DECISION LETTER

Address: 41 Abbey Road, London, NW8 0AA

Proposal: Demolition behind retained central bay facade and redevelopment to provide a new building comprising basement, lower ground, raised ground and three upper floors to provide an elderly care facility (Use Class C2) communal and welfare/medical areas, cycle storage, landscaping and tree works and associated works.

Reference: 18/08414/FULL

Plan Nos: Drawing no's A-PP-SW-000-01 Rev 02, A-PP-HW-500-01 Rev 02, A-PP-HW-501-01 Rev 02, A-PP-HW-5LG-01 Rev 02, A-PP-HW-502-01 Rev 02, A-PP-HW-503-01 Rev 02, A-PP-HW-504-01 Rev 02, A-PP-HW-001-01 Rev 02, A-PP-HW-0LG-01 Rev 02, A-PP-HW-250-01 Rev 02, A-PP-HW-250-02 Rev 02, A-PP-HW-002-01 Rev 02, A-PP-HW-004-01 Rev 02, A-PP-HW-200-01 Rev 02, A-PP-HW-200-02 Rev 02, A-PP-HW-250-03 Rev 02, A-PP-HW-250-04 Rev 02, A-PP-HW-003-01 Rev 02, A-PP-HW-000-01 Rev 02, A-PP-HW-1B1-01 Rev 18, A-PP-HW-102-01 Rev 18, A-PP-HW-100-01 Rev 23, A-PP-HW-251-01 Rev 12, A-PP-HW-251-02 Rev 14, A-PP-HW-251-03 Rev 15, A-PP-HW-251-04 Rev 14, A-PP-HW-101-01 Rev 19, A-PP-HW-106-01 Rev 13, A-PP-HW-103-01 Rev 17, A-PP-HW-104-01 Rev 18, A-PP-HW-201-01 Rev 18, A-PP-HW-201-02 Rev 16, A-PP-SW-100-02 Rev 01, A-PP-SW-100-01 Rev 01

FOR INFORMATION ONLY: Design and Access Statement by Reardon Smith Architects (Dated 24/09/2018), Energy Strategy Report by Elementa Consulting (Dated September 2018), Plant Noise Assessment by Elementa Consulting (Dated 18/09/2018), Bat and Bird Scoping and Bat Emergence Survey Report by Greengage (Dated September 2018), BREEAM Pre-Assessment by Elementa Consulting (Dated September 2018), Letter from Anstey Homes (Dated 30 August 2018), Flood Risk Assessment and SuDS Assessment for Planning by Alan Baxter (Dated September 2018), Planning Statement by Gerald Eve (Dated 25 September 2018), Sustainability Statement by Elementa Consulting (Dated September 2018), Transport Statement by Milestone Transport Planning (Dated September 2018), Ventilation Statement by Elementa (Dated September 2018), Structural Methodology Statement by Alan Baxter (Dated September 2018), Heritage Statement by Alan Baxter (Dated September 2018)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 **Pre Commencement Condition.** 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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

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

- 4 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 St John's Wood 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)

- 5 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

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 St John's Wood 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 put up the plant screen to the rear garden shown on the approved drawings secured by condition 6 of this approval in full before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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 St John's Wood 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 elevations and plan drawings of the new plant enclosure to the rear garden, including details of its 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 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 St John's Wood 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 The sash windows shall operate in a vertically sliding manner only

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 St John's Wood 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 The new windows and external doors shall be formed in glazing and white painted timber framing, with the exception of the entrance doors to the front elevation at lower ground and ground floor levels which shall be formed in glazing and painted timber framing

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 St John's Wood 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)

- 10 You must apply to us for approval of a sample panel of brickwork which shows the colour,

texture, face bond and pointing of the brickwork to face the exterior of the building (except where shown in render on the approved drawings). This (or other clear confirmation) shall demonstrate that the facades of the building will be faced in complete bricks and not brick slips or other panelised brick facing systems. 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 the approved sample. (C27DB)

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 St John's Wood 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 The mansard structure to third floor level shall be clad in natural slates to its pitched roof slopes, and the dormers within the mansard shall be clad in lead to sides, cheeks and roofs

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 St John's Wood 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)

- 12 You must apply to us for approval of an elevation drawing of the new front boundary gates (shown in context with the existing front boundary railings). 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 the elevation drawing. (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 St John's Wood 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)

- 13 The new external metalwork shall be black in colour and maintained as such thereafter

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 St John's Wood 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)

- 14 You must use the property only for a care centre for persons with dementia. You must not use it for any other purpose, including any within Class C2 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 TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 15 The glass that you put in the windows in the north-west and south-east elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). 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 we have approved and must not change it without our permission. (C21DB)

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)

- 16 You must provide the waste store shown on drawing A-PP-SW-100-01 Rev.01 and A-PP-SW-100-02 Rev.01 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the care home. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste 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)

- 17 You must apply to us for approval of details of secure cycle storage for the care home use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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 2016 (R22FA)

- 18 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (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 L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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)

- 20 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(s) 18 of this permission. You must not start work on this part of the development until we have approved

what you have sent us.

Reason:

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

- 21 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)

- 22 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)

- 23 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 24 You must apply to us for approval of sound insulation measures and a Noise Assessment

Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 21 and 22 of this permission. 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 the details approved before the residential units are occupied and thereafter retain and maintain.

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)

- 25 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not cook food on-site until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 26 **Pre-Commencement Condition.** You must apply to us for approval of details of the action you will take to protect bats on the application site. You must not start any work until we have approved in writing what you have sent us (after consulting Natural England). You must carry out these measures according to the approved details before you start to use the building. (C43EA)

Reason:

To make sure the conservation status of a protected species is maintained, and so protect 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. (R43EB)

- 27 You must provide, maintain and retain the following features before you start to use any part of the development, as set out in your application.

- The Brown Roofs shown on drawing no. A-PP-HW-106-01 13;

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

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)

- 28 Before occupation of the development hereby approved, you must submit to us a post-construction certificate that demonstrates that this development meets Building Research Establishment methods ('BREEAM'), 'Excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred

to in the review before you start to use the building. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 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. 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 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 character and appearance of this part of the 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.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to 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 in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- 31 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- identification of individual responsibilities and key personnel.
 - induction and personnel awareness of arboricultural matters.
 - supervision schedule, indicating frequency and methods of site visiting and record keeping
- procedures for dealing with variations and incidents.

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 adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

Informative(s):

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

- 2 **HIGHWAYS LICENSING:**

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.

CONSIDERATE CONSTRUCTORS:

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.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which

relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 4 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 5 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)

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

- 9 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 10 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. (180CB)

- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 The applicant is required to ensure that all non-road mobile machinery used during the demolition and/or construction phase meet the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link: <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: environmentalsciences2@westminster.gov.uk
- 13 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 14 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect

the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

- 15 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 16 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide "Working near our assets" to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.
- 17 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>
- 18 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.

- 19 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)
- 20 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)

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.

BACKGROUND PAPERS - 41 Abbey Road, London, NW8 0AA 18/08414/FULL

1. Application form
2. Response from St John's Wood Society, dated 26 November 2018
3. Response from Thames Water, dated 13 November 2019
4. Response from Waste Project Officer, dated 14 February 2019
5. Response from Highways Planning Manager, dated 14 February 2019
6. Response from Environmental Health Officer, dated 20 November 2018
7. Response from Building Control Officer, dated 30 October 2018
8. Letter from occupier of 43 Abbey Road, London NW8, dated 12 December 2018
9. Letter from occupier of 9 Leamington Road Villas, London W11 1HS, dated 19 December 2018
10. Letter from occupier of 48 Abbey Road, London, dated 6 November 2018
11. Letter from occupier of 43-44 Crutched Friars, London EC3N 2AE , dated 14 December 2018
12. Letter from occupier of 114A Harley Street , London W1G 7JL, dated 3 January 2019

Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB-COMMITTEE	Date 23 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	Army Reserve Centre, 52 - 56 Davies Street, London, W1K 5HR		
Proposal	Use of part basement, ground, first, part second and part third floors of 56 Davies Street as event space (sui generis) for a temporary period of 36 months.		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties		
Registered Number	19/00733/FULL	Date amended/ completed	31 January 2019
Date Application Received	31 January 2019		
Historic Building Grade	No		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 36 months.

2. SUMMARY

The application site comprises part basement, ground, first, part second and part third floors of 56 Davies Street; an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). 52-56 Davies Mews was occupied by the Territorial Army Reserve Centre and Rifles Club, a *Sui Generis* use comprising several military-related activities. The three buildings have been vacant since March 2018 when the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly.

The applicant seeks permission to use the majority of 56 Davies Street as an 'event space' (also a *Sui Generis* use) that will function as a 'blank canvas' upon which brands and organisations can curate working exhibitions, conference events and / or interactive display spaces. Temporary permission is sought for a period of 36 months. No external alterations are proposed.

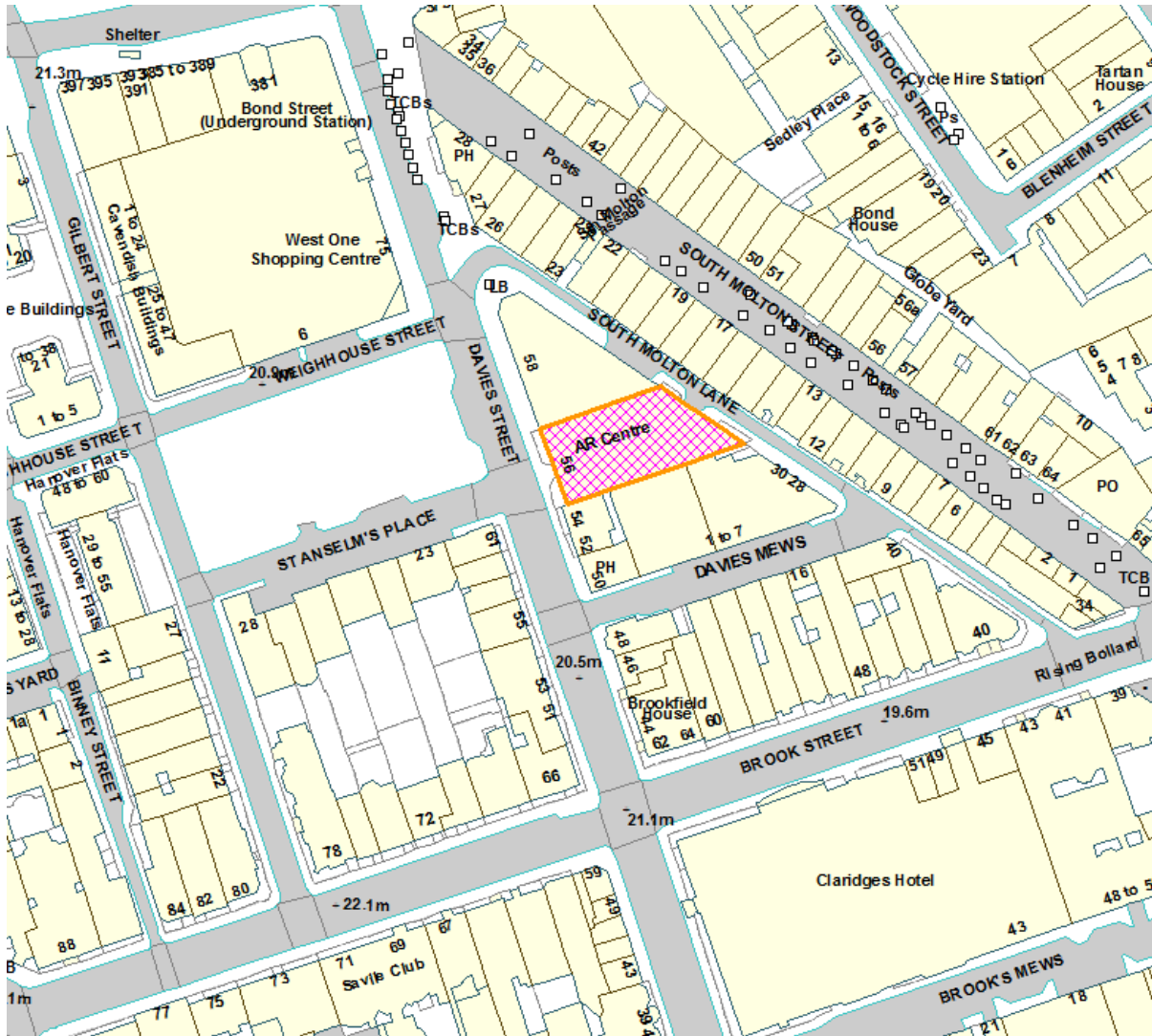
The key issues for consideration are:

- Whether the proposed event space is an acceptable replacement for the lawful longstanding military-related use.

- Whether the proposed event space is acceptable in terms of its impact upon the character and function of the area and upon the amenity of local residents.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). For these reasons it is recommended that conditional permission is granted for a temporary period of 36 months.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation (Davies Street)



Rear elevation (South Molton Lane)



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection in principle but:

- States that Davies Street is not suitable for servicing the use and the rear garage space should be used for off-street servicing.
- Request that a crowd management scheme be secured by condition to avoid visitors queuing on the public highway.
- Provision should be made for off-street cycle parking facilities for staff.

WASTE PROJECT OFFICER

No objection subject to a condition securing details of waste and recyclable material.

METROPOLITAN POLICE

Any response to be reported verbally.

CROSS LONDON RAIL LINKS LTD

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objects to the grant of this application as it stands due to concern about the negative impacts on residential amenity of the hours of operation and the deliveries times.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises part basement, ground, first, part second, and part third floors of 56 Davies Street; an unlisted building located within the Mayfair Conservation Area and the Core CAZ. The site is not located within a 'stress area'.

The floorspace that is the subject of this application formed part of the former Territorial Army Reserve Centre and Rifles Club (*Sui Generis*) that occupied 52, 54 and 56 Davies Street between c.1890 and March 2018. The three buildings have been vacant since the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club

relocated to 127 Piccadilly. 52 and 54 Davies Street are unaffected by the proposal. The main entrance to the site is from Davies Street. To the rear is a garage that provides vehicular access to South Molton Lane.

A Certificate of Immunity from listing was issued by the Secretary of State on 30 August 2016, guaranteeing that 56 Davies Street will not be added to the list for a period of five years from the date of issue.

The application site is surrounded by listed buildings. 58 Davies Street (occupied by Gray's Antiques) is located to the north. 50 Davies Street (The Running Horse Public House), 52 Davies Street, 54 Davies Street and 1-7 Davies Mews and 28-20 South Molton Lane are all located to the south. 14-21 South Molton Lane are located to the east of the site on the opposite side of South Molton Lane. All, but 17 South Molton Street which is Grade II* listed, are Grade II listed.

Records indicate that the nearest residential properties are eight flats within 5 Davies Mews, a third floor flat within 21 South Molton Street, a flat on the upper floors of 24 South Molton Street, 3 x flats on the upper floors of 26 South Molton Street and 11 x flats within 59 Davies Street.

Once complete, to the west of the application site will be Bond Street West Crossrail Station with over-station development that will provide office floorspace. Public realm improvements at the junction of Weighhouse Street, Davies Street and South Molton Lane associated with the new station are currently anticipated to be complete by early June 2019. Design principles for public realm works at the junction of Oxford Street, South Molton Street and Davies Street are set out within the Oxford Street District Place Strategy and Delivery Plan (25 February 2019) but no firm plan for this area has currently been worked up. It is clear, however, that the area surrounding the site will undergo considerable change during the 36 month period sought in this application.

To the north-west of the site is Bond Street Underground Station. The site is location within an Area of Surface Interest under the Crossrail Safeguarding Direction (2008).

6.2 Recent Relevant History

None.

7. THE PROPOSAL

The applicant proposes to use most of the basement floor, the ground floor (including the garage area), the first floor, the staircore at second floor level and part of the third floor of the building for a temporary event space for a period of 36 month. The total floorspace sought is 1,810.8 sq.m (GIA).

The event space would host conferences, working exhibitions and interactive displays; acting as a 'blank canvas' space which brands and organisations can use and flexibly curate into a working exhibition, conference event and/or interactive display space. Such a mix of uses does not fall with a use class and the proposed use is a *sui generis use* (i.e. of its own kind). Depending on the event, the space will either be open to the public

(free or ticketed) or on a closed invite only basis. The applicant outlines how events will not accommodate more than 500 people at any one time.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Regiment headquarters, army reserve centre and drill hall (<i>Sui Generis</i>)	1,810.8	0	-1,810.8
Event space (<i>Sui Generis</i>)	0	1,810.8	+1,810.8
Total	1,810.8	1,810.8	0

The applicant envisages that the event space will be managed by 'Venue Lab' that currently manages the event space at 38 Grosvenor Square pursuant to a temporary planning permission dated 10 October 2017 (Ref: 17/06287/FULL) that expired on 31 March 2019. An application (Ref: 19/01110/FULL) to extend this temporary permission until 30 June 2019 was submitted on 13 February 2019. This application is pending determination.

Given the nature of the proposed use, the applicant cannot be certain over what hours each event will take place. The applicant has, however, stated that the hours of operation, which includes load in and out time are proposed to be as follows:

- 07.00 – 00.00 (Sunday to Wednesday).
- 07.00 – 01.00 (Thursday to Saturday).

Following concerns raised by a local residential in respect to overnight deliveries, the applicant has clarified that, whilst deliveries associated with each event will take place outside of the normal opening hours of each event, they will still take place within the above hours of operation. As such, the above hours are the 'worst case scenario' of all external activity associated with each event.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

The lawful use of 52-56 Davies Street is as a variety of military-related uses. The F (Rifles) Company Reserve regiment had control of the three buildings which contain a large drill hall at first floor level, a large garage accessed from the rear on South Molton Lane, an armoury, a firing range, stores, a mess hall and ancillary meeting rooms. It is understood that activities revolved around the organisation of the regiment, including military training, drills, equipment storage and administrative desk work and meetings.

Whilst this long-standing military use housed in a prominent building is conceivably of international and / or national importance and therefore protected by City Plan Policy S27, equally so could the proposed event use. Such a use promotes Westminster's World City functions through attracting visitors and economic activity to this highly accessible and prominent part of the Core CAZ. Use of the building as an events space would also accord with the aim to support the economic vitality and diversity of the Core CAZ and is considered acceptable in principle, in accordance with City Plan Policies S1, S6 and S18.

This part of Mayfair is mixed use in character comprising primarily commercial offices and retailers, although there are some residential properties. City Plan Policies S22 and S23 and UDP Policies TACE 4 and TACE 5 seek to encourage new conference, tourism, arts and cultural facilities within the Core CAZ subject to the uses being compatible with the character and function of the area, not resulting in an adverse impact on residential amenity, and there being no adverse environmental or traffic effects. City Plan Policy 24 states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

The nature of the proposed use means that the intensity of how the building will be used is likely to vary significantly depending on the particular user at any given time. Although no primary cooking is proposed, use as a flexible event space may at times include an element of 'entertainment'. The proposal is not however for a large entertainment facility in which alcohol will be the main offer. The provision of alcohol would be controlled by licensing.

As set out above, an objection has been received from a local resident on the ground that the proposed hours of operation are excessive, and the City Council should impose restriction on moving of any good outside of the premises between 22.00 and 08.00 in order to protect the amenity of local residents. Whilst these concerns are noted, they needs to be balanced against the advantages of servicing the space prior or after each event welcomes members of the public. In this busy location in the heart of the Core CAZ, it is considered that the proposed operational hours are acceptable and will not cause a material loss of amenity for residents living within the vicinity of the site. Subject to the use operating in accordance with the submitted Operational Management Plan which includes a requirement that security staff are present at all times, the use is considered acceptable as it would be neither harmful to the character and function of the area or residential amenity.

Any entertainment element of the event space use is considered to be appropriate in terms the character and function of the area which is heavily characterised by commercial development and is located within the heart of the Core CAZ just to the south of Oxford Street. This is notwithstanding the residential units that are located close to the application site. The nature of the proposed use and its operating hours are not considered to be harmful to the amenity of these local residents, local environmental quality or the character and function of the area, in accordance with City Plan Policies S24 and S29.

8.2 Townscape and Design

No external alterations are proposed to the building and therefore the character and appearance of the Mayfair Conservation Area will be preserved.

8.3 Transportation/Parking

Highways Planning has no in-principle objection to the proposal, considering that it is unlikely to have a significant impact upon the public highway through trip generation. Indeed, the site is highway accessible and eminently suitable for uses that attract high visitor numbers.

Following concerns from Highways Planning in respect to the initial proposal for on-street servicing from Davies Street despite a large garage that would allow off-street servicing from South Molton Lane, the applicant has confirmed that it is agreeable to servicing from this rear garage. To ensure compliance with City Plan Policy S42, it is recommended that a condition being imposed requiring any servicing to take place within the application site.

In addition, the applicant has revised the proposal to include on-site cycle parking provision that is recommended to be secured by condition.

The submitted Operational Management Plan contains a commitment to ensuring that, should a queue form outside the building, that this will be managed quickly and efficiently. The busy nature of the pavement on the east side of Davies Street due to the ongoing works connected with the Bond Street West Crossrail Station and the increased number of pedestrians expected when the Elizabeth Line opens, means that any queuing on the public highway is not considered to be acceptable. A condition is recommended securing the submission for the City Council's approval of a Crowd Management Scheme prior to the commencement of the event space use. Space within the building should be set aside to allow visitors to wait inside the building before being processed rather than having to queue on the public highway and cause an obstruction to members of the public.

8.4 Economic Considerations

The proposed event space is likely to generate additional visitors to the City and could support economic activity within the Core CAZ, in accordance with City Plan Policy S18.

8.5 Access

The main entrance to the site fronts Davies Street and has three steps leading up to the main entrance. There no level access for wheelchair users to this main entrance. Had the permission sought been permanent, suitable alterations to the building would have been sought to ensure level access was achieved. However, given the temporary nature of the permission, it is considered that this would impose an unreasonable burden upon the applicant. Instead, it is recommended that a condition be imposed securing the submission of further details of level access from the rear from South Molton Lane for the City Council's approval.

8.6 Other UDP/Westminster Policy Considerations

Waste

Waste, which include recycling collections, will be collected from South Molton Lane. A dedicated on-site refuse store is shown on the proposed drawings and is recommended to be secured by condition.

Plant

The plant will remain as per the existing arrangements (i.e. within the building envelope).

8.7 Westminster City Plan

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

8.8 Neighbourhood Plans

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

No pre-commencement conditions are proposed.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application.

No additional floorspace is proposed and therefore no Mayoral or Westminster CIL liability is generated.

8.12 Environmental Impact Assessment

The proposal will not have a significant environmental impact and therefore was not accompanied by an Environmental Statement.

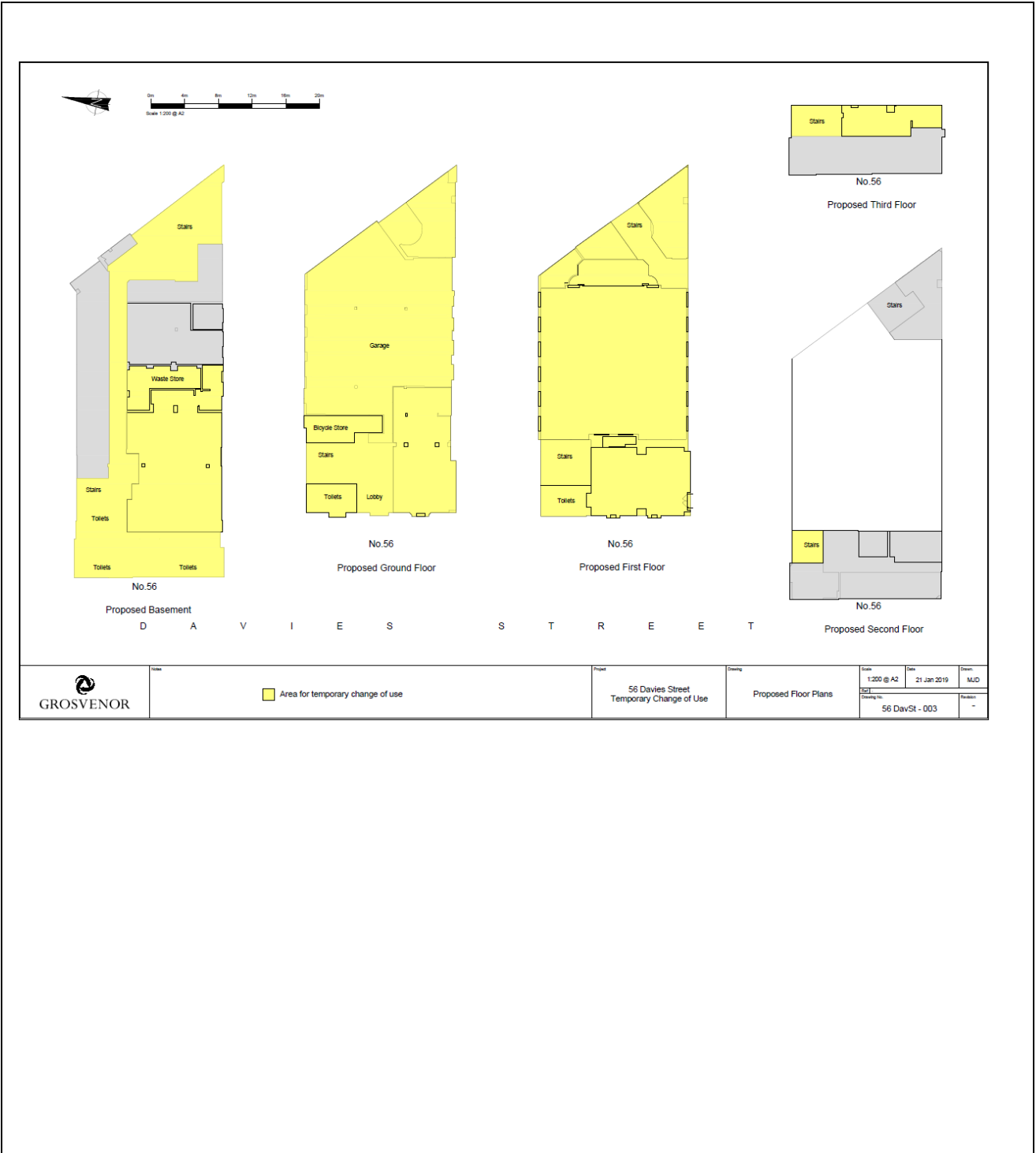
8.13 Other Issues

None.

(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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS



	<p>Area for temporary change of use</p>	<p>56 Davies Street Temporary Change of Use</p>	<p>Proposed Floor Plans</p>	Scale	Date	Drawn
				1:200 @ A2	21 Jan 2019	MJD
				Drawing No.	Revision	
				56 DavSt - 003	-	

DRAFT DECISION LETTER

Address: Army Reserve Centre, 52 - 56 Davies Street, London, W1K 5HR

Proposal: Use of part basement, ground, first, part second and part third floors of 56 Davies Street as event space (sui generis) for a temporary period of 36 months.

Plan Nos: 56 DavSt - 003 and Operational Management Plan.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 Prior to commencement of the event space hereby approved, you must provide the separate stores for waste and materials for recycling shown on drawing number 56 DavSt-003. You must clearly mark them and make them available at all times to everyone using the event space.

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)

- 3 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

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

- 4 You must provide each of the seven cycle parking space shown on the approved drawings prior to commencement of the event space hereby approved. Thereafter the cycle spaces must be retained and the space used for no other purpose.

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 2016 (R22FA)

- 5 No loading or unloading shall take place and customers shall not be permitted within the premises before 07.00 or after 00.00 (Sunday to Wednesday), or before 07.00 or after 01.00 (the following morning) (Thursday to Saturday).

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 TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 The event space use allowed by this permission can continue until 30 April 2022. After that the part of the building we have approved for event space use must return to its previous use. (C03BA)

Reason:

At the request of the applicant.

- 7 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises.

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 8 Details of a Crowd Management Scheme shall be submitted to and approved by the City Council prior to the commencement of the event space use hereby approved. The use shall then be carried out in accordance with the approved details at all times.

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)

- 9 You must apply to us for approval of arrangements showing how you will give people with disabilities access to the site from South Molton Lane. You must not commence the event space use hereby approved until we have approved what you have sent us. You must then provide these access arrangements at all times.

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 10 The maximum capacity of the event space hereby approved shall be 500 guests.

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 TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 The event space use hereby approved shall be operating in accordance with the Operational Management Plan hereby approved. This is with the exception of the requirements of any conditions to this permission.

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 TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 5 Under Condition 7 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.

Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation).

- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 7 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 8 For the purpose of Condition 8, due to the construction of the Bond Street West Crossrail Station, it is imperative that visitors do not queue on the pavement on the east side of Davies Street. Further consideration should be given to how visitors can be processed within the building in order to ensure that there is no obstruction to the free movement of pedestrians outside the site.

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