



City of Westminster

# Committee Agenda

Title: **Planning (Major Applications) Sub-Committee**

Meeting Date: **Tuesday 8th June, 2021**

Time: **6.30 pm**

Venue: **18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Robert Rigby (Chairman)	Jim Glen
David Boothroyd	Louise Hyams
Geoff Barraclough	James Spencer

**\*In line with legislation and continuing Covid-19 precautions, Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams.**

**The Council must have due regard to safe social distancing measures as advised by the government and therefore the meeting room capacity for personal attendance will be capped. Members of the public and press are therefore encouraged to view the meeting virtually using the link to the live meeting.**

**For those who wish to attend in person 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.**

**If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.**

**Tel: 07870 548348; Email: [gwills@westminster.gov.uk](mailto:gwills@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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 pecuniary interests or any other significant interest in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the meeting as a correct record of proceedings held on

- 13 April 2021
- 20 April 2021

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

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

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting.

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

All committee meetings open to the public are being broadcast

**(Pages 5 - 14)**

live using Microsoft Teams. For information on participating in the virtual Committee please see the following link.

<https://www.westminster.gov.uk/stream-council-meetings>

To access the recording after the meeting please revisit the Media link.

- |  |                          |
|--|--------------------------|
| <b>1. DEVELOPMENT SITE BOUNDED BY EBURY STREET, PIMLICO ROAD, AVERY FARM ROW, EBURY SQUARE AND CUNDY STREET LONDON</b> | <b>(Pages 19 - 198)</b>  |
| <b>2. DARWIN HOUSE, 104 GROSVENOR ROAD, LONDON SW1V 3LH</b>  | <b>(Pages 199 - 278)</b> |
| <b>3. 50 EASTBOURNE TERRACE LONDON W2 6LG</b>  | <b>(Pages 279 - 308)</b> |

**Stuart Love  
Chief Executive  
28 May 2021**

## Order of Business

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

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

This page is intentionally left blank



CITY OF WESTMINSTER

## MINUTES

### Planning (Major Applications) Sub-Committee

#### MINUTES OF PROCEEDINGS

Minutes of a virtual meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 13th April, 2021**,

**Members Present:** Councillors Robert Rigby (Chair), David Boothroyd, Geoff Barraclough, Jim Glen, Louise Hyams and James Spencer

**Also Present:** Councillor Eoghain Murphy in his capacity as Ward Councillor, addressed the Sub-Committee on Item 1 in objection to the application.

#### **1 MEMBERSHIP**

1.1 There were no changes to the membership.

#### **2 DECLARATIONS OF INTEREST**

2.1 The Chairman explained that a week before the meeting, all six Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report; together with bundles of the letters or e-mails received in respect of this application containing objections or giving support. 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 Sub-Committee, it did not mean that the issue had been ignored.

2.2 Councillor Boothroyd declared that he was the Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. He was precluded from working on any schemes in Westminster under the company's code of conduct.

Some Thorncliffe clients had also engaged Gerald Eve as planning consultants who were separately representing the applicants tonight. Councillor Boothroyd did not deal directly with clients or other members of project teams, and planning consultants were not themselves clients.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 16 February 2021 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 129 - 137 MARYLEBONE ROAD, LONDON NW1 5QD**

Demolition and redevelopment of the mews building, partial demolition of the 1960s building and roof extension, facade alterations to the 1930s building all in connection with continued Class E use, associated cycle parking, landscaping, servicing area, external terraces, rooftop plant enclosure and associated external works.

An additional representation was received from Gerald Eve (06.04.21).

Duncan Roe addressed the Sub-Committee in support of the application.

Ed Williams addressed the Sub-Committee in support of the application.

Professor Raj Kapoor addressed the Sub-Committee in objection to the application.

Pallab Ghosh addressed the Sub-Committee in objection to the application.

Councillor Eoghain Murphy in his capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

#### **RESOLVED UNANIMOUSLY:**

1. That conditional permission, be granted subject to:
  - i) An S106 legal agreement to secure the following obligations:
    - a) Employment and skills contribution of £45,211.95 index linked and payable on commencement of development.
    - b) Highways works associated with and required to facilitate the development including but not limited to amendments to vehicular access and relocation of on-street car parking bays.
    - c) Carbon Off-set payment of £197,505 index linked and payable on commencement of development.
    - d) Monitoring costs

- ii) The following additional informatives:
  - a) Occupiers of the building to be requested to use their best endeavours to encourage the use of electric servicing vehicles;
  - b) Office works to be discouraged from receiving personal deliveries on site; and
  - c) Positive community liaison to be encouraged through the Code of Construction Practice process.
  
- 2. That if the legal agreement had not been completed within 6 weeks from the date of the Committee's resolution then:
  - a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not:-
  
  - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale, and that the proposals were unacceptable in the absence of benefits that would have been secured; if so the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

The Meeting ended at 8.18pm.

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

This page is intentionally left blank



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 20th April, 2021**, Please note that this will be a virtual meeting.

**Members Present:** Councillors Robert Rigby (Chairman), David Boothroyd, Geoff Barraclough, Jim Glen, Louise Hyams and James Spencer

**Also Present:** Councillor Murad Gassanly

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 The Chairman explained that a week before the meeting, all six Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report; together with bundles of the letters or e-mails received in respect of this application containing objections or giving support. 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 Sub-Committee, it did not mean that the issue had been ignored.

2.2 Councillor Jim Glen declared that he resided in Pimlico and knew some of the objectors. He advised that there had been no correspondence with any of the objectors and would approach the application with an open mind.

2.3 Councillor James Spencer declared that he resided in Pimlico and knew some of the objectors. He advised that there had been no correspondence with any of the objectors and would approach the application with an open mind.

2.4 Councillor Boothroyd declared that he was the Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. He was precluded from working on any schemes in Westminster under the company's code of conduct.

2.5 He also declared that he had been contacted by one of the registered speakers who wished to discuss their concerns about the process. Councillor Boothroyd confirmed that it had been explained that he could not discuss any planning matters with the speaker.

### **3 Minutes**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 13 April 2021 be signed by the Chair as a correct record of proceedings.

### **3 PLANNING APPLICATIONS**

#### **1 EBURY BRIDGE ESTATE, EBURY BRIDGE ROAD, LONDON, SW1W 8PX**

A mixed use development in outline for residential floorspace and ancillary residential facilities (Class C3) non-residential floorspace comprising flexible retail (Classes A1 - A4), community (Class D1), leisure (Class D2) and workspace (Class B1) floorspace; provision of basement; new pedestrian and vehicular access; and associated amenity space, open space, plant, landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works; and detailed planning consent for Blocks 7 and 8 comprising residential floorspace and ancillary residential facilities (Class C3); provision of a basement; new pedestrian and vehicular access; and associated amenity space landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works.

Late Representations were received from the Ebury Bridge Community Futures Group (20.04.21), (20.04.21), Local Resident (20.04.21) and Local Resident (20.04.2021)

The presenting officer tabled the following amendments to the report, Conditions 25, 46, 52 & 54 and three additional conditions.

#### **Condition 25**

You must apply to us for approval of details of the on-site children's play space facilities for Phase 1. The details shall include:

- i. the provision of a minimum of 909sqm of play space;
- ii. surface treatment; siting, design, equipment / features, how consideration has been given to play accessibility for all abilities
- iii. confirmation that all play areas within the public realm will be open to all residents at all times with no segregation on the basis of tenure;
- iv. confirmation that all play areas within the podium level will be open to all residents of Blocks 7 and 8 at all times with no segregation on the basis of tenure; and
- v. any site management controls that may apply and in what circumstances.
- vi. safety features for the play space within the town square.

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 approved. All play space shall be retained as approved.

#### **Revised Condition 46**

You must provide the following sustainability features for Phase 1 as set out in the Energy and Sustainability Statement (July 2020): -

- ground source heat pumps (unless otherwise agreed in writing)
- air source heat pumps.

You must not remove any of these features.

#### **Revised Condition 52**

You must apply to us for approval of detailed drawings of the following parts of the development for Phase 1:

- i. The vehicle circulation routes including a vehicle swept path analysis.
- ii. The pedestrian routes (shared surface and segregated).
- iii. The bollards and/or gates at the vehicle access point (see informative 9); and
- iv. Signage for the road system to indicate a one-way operation.

You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the development in accordance with the details approved.

#### **Revised Condition 54**

Unless otherwise indicated on the approved drawings the internal private road network within the development must operate only as a one-way system.

#### **New Condition 89**

You must apply to us for approval of details of the following SuDS features within Phase 1:

- Blue roofs to Buildings 7 and 8 to show extent and design.
- Bio-retention systems/Rain gardens
- Permeable paving to show extent and design
- Detention Basins/Ponds; and
- Below ground attenuation tank (min volume 160 cubic metres)

You must not occupy any 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 submitted prior to the occupation of any part of the development. You must not remove any of these features.

#### **New Condition 90**

You must apply to us for approval of details of a privacy scheme for the external roof terraces within Phase 1 and for development plots within the outline area. 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 privacy scheme approved prior to the use of any external terrace within the relevant part of

the development. You must thereafter manage the development in accordance with the details approved.

### **New Condition 91**

You must apply to us for approval of details of a Whole Life Cycle scheme for the 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 development in accordance with the scheme approved.

Replacement of paragraph on p72 of the committee report that starts with “In terms of sunlight...”

In terms of sunlight the significance effects applied by the applicant are:

Impacts are considered neutral if;

- The retained APSH remains above 25% (with 5% of APSH occurring in the winter months) or within 0.8 times the annual or winter sun baseline values, or;
- there is a reduction equal to or less than 4% APSH

Impacts are considered not significant adverse if;

- the APSH value, expressed as a ratio, is between 0.7 or 0.8 times the baseline value, or;
- the APSH value achieved remains greater than 20%, or;
- there is a reduction equal to or less than 5% APSH

Impacts are considered significant adverse if;

- the APSH value, expressed as a ratio, is between 0.6 or 0.7 times the baseline value, or;
- the APSH value achieved remains greater than 15%, or;
- there is a reduction equal to or less than 10% APSH
- the APSH value, expressed as a ratio, is less than 0.6 times the baseline value, or;
- the APSH value achieved is less than 15%, or;
- there is a reduction more than 10% APSH

Richard Hyams addressed the Sub-Committee in support of the application

Rachel Reilly addressed the committee in support of the application

Bela Nascimento addressed the Sub-Committee in objection to the application.

Tom McGregor in his capacity as Chair of the Ebury Bridge Community Futures Group addressed the Sub-Committee in support of the application.

Councillor Murad Gassanly in his capacity as Ward Councillor addressed the Sub-Committee in support to the application.

**RESOLVED:**

That conditional permission be granted as amended subject to the additional Conditions as set above and

1. Subject to the views of the Mayor of London, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to a unilateral undertaking to secure the following:
  - a) Provision of 142 x affordable housing units within the detailed area (Blocks 7 and 8) made up of 98 x social rent tenure and 44 x intermediate tenure (comprising 28 London Living Rent units and 16 Intermediate Ownership Units. The market units within Blocks 7 and 8 not to be occupied until all 142 affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.
  - b) Provision of a minimum of 50% affordable housing when measured in habitable rooms (Masterplan wide). Of those affordable habitable rooms across the Masterplan that are an uplift against the existing provision, 60-70% should be provided as intermediate and 30-40% should be provided as social rent. The market units within each subsequent phase not to be occupied until all affordable housing units are ready for occupation. The obligation to be subject to an early, mid and late stage review.
  - c) Undertaking of highways works on Ebury Bridge Road for each phase of development including access, parking bays, bus stop relocation and associated traffic management orders.
  - d) A Walkways Agreement to safeguard a publicly accessible route through the site.
  - e) An Employment and Skills Plan and a contribution of £190,993.96 (index linked) to support the Westminster Employment Service including measures for Ebury residents (payable on a pro rata basis and submitted prior to the commencement of the relevant phase of development)
  - f) Car club membership for the occupiers of all residential units for a period of 25 years.
  - g) The space for a Cycle Hire Docking Station extension within the private public realm (not on highway) at a location to be agreed with the City Council and TfL, to provide before first occupation of the adjoining building and retain for the life of the development.
  - h) Provision of a minimum of 2 car club spaces to be provided within the site and made available to a car club operator at no cost to them prior to occupation of the phase within which they are located.
  - i) The dedication of part of the site on Ebury Bridge Road as public highway prior to first occupation of the relevant phase of development.
  - j) Payment of £282,928 (index linked) towards the City Council's Carbon Off Set fund for the detailed area (payable prior to commencement of development).
  - k) An updated energy plan for the outline area to be submitted prior to commencement of relevant phase of development. Where a net zero-carbon shortfall for any individual building with a development phase is identified, the carbon offset contribution is required to be paid prior to commencement of the relevant phase.
  - l) The long-term retention, access to and maintenance of any play space within the development.

- m) The provision of a 158sqm (minimum) community space facility to be provided within the relevant phase of development. The space to be provided in perpetuity at a peppercorn rent and made ready for occupation prior to occupation of market units within the same phase of development.
  - n) The costs of monitoring the S106 legal agreement.
2. If the unilateral undertaking has not been completed within six weeks of the date of the Committee resolution, then:
    - a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
    - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
  3. That Committee authorises the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land currently adjacent to Ebury Bridge Road to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the dedication and to make the final agreement. The applicant will be required to cover all costs of the City Council in progressing the agreement.
  4. That additional informative which requires for conditioned security assessment to consider inclusion of CCTV in the estate and the use of single leaf doors to residential entrances and for the conditioned site wide management plan to include consideration of clutter to balconies.

The Meeting ended at 9.10 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 8th June 2021  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<p><b>RN(s):</b>  <b>Application 1</b>            20/03307/FULL</p> <p><b>Application 2</b>            20/03308/LBC</p> <p>Churchill</p>	<p>Development Site            Bounded By Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square And Cundy Street London</p>	<p><b>Application 1:</b> Comprehensive residential-led mixed-use redevelopment, including demolition of Kylestrome House, Lochmore House, Laxford House, Stack House, Walden House and structures attached to Coleshill Flats; tree removal and pollarding; erection of a partial sub-basement, basement and buildings varying in height from five to 11 storeys, to provide affordable homes (Class C3), market homes (Class C3), senior living accommodation (comprising Class C3 and / or Class C2), alongside a range of uses at partial sub-basement, basement and ground floor level including retail (Class A1), restaurants / cafes (Class A3), drinking establishments (Class A4); offices (Class B1), community space (Class D1), cinema (Class D2); use of the lower ground floor of the Coleshill Flats as retail and / or workspace (Class A1 and / or B1); provision of new pedestrian routes; basement car parking; basement and ground floor circulation, servicing, refuse,, ancillary plant and storage; provision of hard and soft landscaping; landscaping works and creation of new play facilities at Ebury Square; rooftop PV panels; rooftop plant equipment; refurbishment and relocation of Arnridd Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of the telephone boxes on Orange Square; and other associated works.(This is a phased development for CIL purposes).</p> <p><b>Application 2:</b> Demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Arnridd Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square; and other associated works in connection with comprehensive residential-led mixed-use development.</p>	Grosvenor Estate Belgravia
<p><b>Recommendation</b></p> <p><b>Application 1</b></p> <p>1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:</p> <p>a) Provision of 88 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 44 x intermediate rent tenure (rents set at London Living Rent values for Churchill ward up to a maximum household income of £60,000.) The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 44 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage</p>				

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 8th June 2021  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

review.

- b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerb lines, footway widening, relocated memorial fountain, relocated TfL bus stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development.
  - c) A Walkways Agreement to secure access for the public across the site.
  - d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development)
  - e) Car club membership for the occupiers of all residential units for a period of 25 years.
  - f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development).
  - g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development).
  - h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development).
  - i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be:
    - i. Zone 1: In or close to the locations shown on planning application drawing ref 288\_P20.100 Rev B
    - ii. Zone 2: Within 200m of the development site
    - iii. Zone 3: Within Churchill and/or Belgravia wards
    - iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster
  - j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the City Council's Carbon Off Set fund. (payable prior to commencement of relevant phase of development).
  - k) The long term retention, access to and maintenance of any play space within the development.
  - l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards.
  - m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent.
  - n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period.
  - o) Provision of public art to the value of £75,000.
  - p) The provision of a travel plan and the cost of monitoring the plan.
  - q) The setting up of a Community Forum for the duration of the development works.
  - r) The costs of monitoring the S106 legal agreement.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land currently adjacent to Ebury Street to enable this development to take place. That the

**CITY OF WESTMINSTER**  
**PLANNING APPLICATIONS SUB COMMITTEE – 8th June 2021**  
**SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

	<p>Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the dedication and to make the final agreement. The applicant will be required to cover all costs of the City Council in progressing the agreement.</p> <p><b>Application 2</b></p> <ol style="list-style-type: none"> <li>1. Grant conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1.</li> </ol>			
Item No	References	Site Address	Proposal	Applicant
2.	<p><b>RN(s):</b> 20/06899/COFUL</p> <p>Churchill</p>	<p>Darwin House 104 Grosvenor Road London SW1V 3LH</p>	<p>Redevelopment of the site on a phased basis. Phase 1 - Demolition of 23 garages and former Balmoral Castle Public House. Phase 2 - Erection of a part seven storey, part six storey and part five storey building to provide community supporting housing (Class C3) (Block A). Phase 3 - Demolition of Darwin House. Phase 4 - Erection of part five storey and part four storey building to provide housing (Class C3) (Block B). All together with new public open space, hard and soft landscaping, car parking, cycle parking, plant and other associated works in each phase.</p>	<p>Westminster City Council</p>
<p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>1. Grant conditional permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following: <ol style="list-style-type: none"> <li>a) provision of 52 x residential units as Community Supportive Social Rented Housing (34 x 1 bedroom flats in Block A) and Intermediate Rented Housing (18 x 1 bedroom flats in Block B) in accordance with the affordability criteria specified by the Housing Development Manager;</li> <li>b) provision of car club membership for 25 years for each residential flat;</li> <li>c) walkways agreement to secure access through the site;</li> <li>d) a contribution of ££21,090 (index linked) to the Carbon Off-set fund;</li> <li>e) a financial contribution of £6,954 to the Westminster Employment Service (index linked and payable on commencement of development) and;</li> <li>f) the cost of monitoring the agreement.</li> </ol> </li> <li>2. If the unilateral undertaking has not been completed within six weeks then: <ol style="list-style-type: none"> <li>a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</li> <li>b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ol> </li> </ol>				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 8th June 2021  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

3.	<b>RN(s):</b> 21/00264/FULL  Hyde Park	50 Eastbourne Terrace London W2 6LG	Change of use of Retails Units at ground and lower ground floor level along Craven Road from Classes A1/A2/A3 to Gym, Retail and or Restaurant (Class E).	CSHV IUK ET OFFICECO LIMITED
<b>Recommendation</b> Grant conditional permission.				

# Agenda Item 1

Item No.
----------

<b>1</b>
----------

<b>CITY OF WESTMINSTER</b>	
<b>PLANNING MAJOR APPLICATIONS</b>	<b>Date</b> 8 June 2021
	<b>Classification</b> For General Release
<b>Addendum Report of</b> Director of Place Shaping and Town Planning	<b>Ward(s) involved</b> Churchill
<b>Subject of Report</b>	<b>Development Site Bounded By Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square And, Cundy Street, London,</b>
<b>Proposal</b>	<p>Application 1</p> <p>Comprehensive residential-led mixed-use redevelopment, including demolition of Kylestrome House, Lochmore House, Laxford House, Stack House, Walden House and structures attached to Coleshill Flats; tree removal and pollarding; erection of a partial sub-basement, basement and buildings varying in height from five to 11 storeys, to provide affordable homes (Class C3), market homes (Class C3), senior living accommodation (comprising Class C3 and / or Class C2), alongside a range of uses at partial sub-basement, basement and ground floor level including retail (Class A1), restaurants / cafes (Class A3), drinking establishments (Class A4); offices (Class B1), community space (Class D1), cinema (Class D2); use of the lower ground floor of the Coleshill Flats as retail and / or workspace (Class A1 and / or B1); provision of new pedestrian routes; basement car parking; basement and ground floor circulation, servicing, refuse,, ancillary plant and storage; provision of hard and soft landscaping; landscaping works and creation of new play facilities at Ebury Square; rooftop PV panels; rooftop plant equipment; refurbishment and relocation of Anrird Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of the telephone boxes on Orange Square; and other associated works.(This is a phased development for CIL purposes).</p> <p>Application 2</p> <p>Demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Anrird Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square; and other associated works in connection with comprehensive residential-led mixed-use development.</p>
<b>Agent</b>	Gerald Eve
<b>On behalf of</b>	Grosvenor Estate Belgravia

<b>Registered Number</b>	20/03307/FULL 20/03308/LBC	<b>Date amended/ completed</b>	23 April 2021
<b>Date Application Received</b>	27 May 2020		
<b>Historic Building Grade</b>	Coleshill Flats (grade II); Arnridd Johnston Obelisk (grade II); Marquess of Westminster Memorial Drinking Fountain (grade II); telephone kiosks on Orange Square (grade II).		
<b>Conservation Area</b>	The site falls partly within the Belgravia Conservation Area.		

## 1. RECOMMENDATION

### Application 1

1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:
  - a) Provision of 88 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 44 x intermediate rent tenure (rents set at London Living Rent values for Churchill ward up to a maximum household income of £60,000.) The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 44 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.
  - b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerb lines, footway widening, relocated memorial fountain, relocated TfL bus stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development.
  - c) A Walkways Agreement to secure access for the public across the site.
  - d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development)
  - e) Car club membership for the occupiers of all residential units for a period of 25 years.
  - f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development).
  - g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development).
  - h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development).
  - i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be:
    - i. Zone 1: In or close to the locations shown on planning application drawing ref 288\_P20.100 Rev B
    - ii. Zone 2: Within 200m of the development site
    - iii. Zone 3: Within Churchill and/or Belgravia wards

- iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster
- j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the City Council's Carbon Off Set fund. (payable prior to commencement of relevant phase of development).
  - k) The long term retention, access to and maintenance of any play space within the development.
  - l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards.
  - m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent.
  - n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period.
  - o) Provision of public art to the value of £75,000.
  - p) The provision of a travel plan and the cost of monitoring the plan.
  - q) The setting up of a Community Forum for the duration of the development works.
  - r) The costs of monitoring the S106 legal agreement.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land currently adjacent to Ebury Street to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the dedication and to make the final agreement. The applicant will be required to cover all costs of the City Council in progressing the agreement.

#### Application 2

1. Grant conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1.

## 2. SUMMARY

These applications were presented to the Planning (Major Applications) Sub-Committee on 16 February 2021. The committee resolved to defer the application to allow for officers to discuss with applicant the implications of reducing the height of Building A1 by a storey. The purpose of reducing the height of Building A1 being to reduce the levels of harm to the residential amenity of the neighbouring residents (with particular reference to daylight and sunlight gains). Following a substantial debate on this item the Committee generally considered the application to be acceptable in all other respects save for the identified harm caused by the height of Building A1.

The previous committee report is attached as Appendix 4 and the committee minutes as a background paper.

Following the committee meeting, the applicant has undertaken a detailed review to understand the implications of removing the top floor of Building A1, this was with particular regard to design, daylight / sunlight levels at neighbouring residential buildings and scheme viability. The applicant advises that removing the top floor of Building A1 would result in daylight and sunlight benefits to properties on Ebury Street but the resultant loss of senior living accommodation would lead to the loss of 15 affordable homes in order to achieve a financially neutral position (this would be the conversion of intermediate rent homes in Building B2/3). The applicant considers that one of the key benefits to the original proposals was the delivery of affordable homes and the applicant did not want to propose the loss of 15 affordable homes.

The applicant has therefore sought to find a design which can achieve very similar daylight / sunlight benefits as removing a full storey from Building A1 but mitigate the loss of affordable housing. The scheme revisions therefore propose to introduce a generous set back to the fifth floor instead of its complete removal. The revisions submitted propose the following changes to scheme:

### Building A

- The fifth floor of Building A1 has been set back from the Ebury Street frontage and the architectural typology changed to a pavilion.
- An external terrace would be provided at the fifth floor of Building A1.
- The design of the mansard roof to Building A1 has been adjusted to reflect the omission of one floor of mansard.
- The design of the roof form at Building A2 has been changed to be consistent with the revised rooftop pavilion at Building A1.
- The structural slab thicknesses have been reduced across the whole of Building A resulting in an overall reduction in building height of circa 150 mm.
- An additional floor of accommodation is proposed at the Cundy Street wing which connects Buildings A1 and A2.

### Building B

- On the 7th and 8th floor of Building B2/3 five intermediate rent homes (all 1 x bedrooms) will be converted to market homes.

**Building C**

- The structural slab thicknesses have been reduced across the whole of Building C resulting in an overall reduction in building height of circa 300 mm.

**City Plan 2019-2040 (April 2021)**

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021. As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The policies in the City Plan 2019-2040 that are considered relevant to the determination of this proposed development are:

- Policy 1 – Westminster’s Spatial Strategy.
- Policy 7 – Managing Development for Westminster’s people.
- Policy 8 – Housing delivery.
- Policy 9 – Affordable housing.
- Policy 10- Housing for specific groups.
- Policy 12 – Housing quality.
- Policy 13 – Supporting economic growth.
- Policy 14 – Town centres, high streets and the CAZ.
- Policy 15 – Visitor economy.
- Policy 16 – Food, drink and entertainment.
- Policy 17 – Community infrastructure and facilities.
- Policy 24 – Sustainable transport.
- Policy 25 – Walking and cycling.
- Policy 26 – Public transport and infrastructure.
- Policy 27 – Parking.
- Policy 28 – Highway access and management.
- Policy 29 – Freight and servicing.
- Policy 32 – Air quality.
- Policy 33 – Local environmental impacts.
- Policy 34 – Green infrastructure.
- Policy 35 – Flood risk.
- Policy 36 – Energy.
- Policy 37 – Waste Management.
- Policy 38 – Design principles.
- Policy 39 – Westminster’s heritage.
- Policy 40 – Townscape and architecture.
- Policy 43 – Public realm.
- Policy 44 – Security measures in the public realm.
- Policy 45 – Basement developments.

Officers consider that the proposed development is in general compliance with the above policies with the exception of the following:

Policy 7 - Managing Development for Westminster's people

For the reasons set out below the proposed development is considered to conflict with Policy 7 Part A.

Policies 38 (Design principles) 39(Westminster's heritage) and 40 (Townscape and architecture)

For the reasons set out below the proposed development is not considered to fully comply with these policies.

Policy 27 – Parking

This policy states that parking standards in the London Plan will apply to all developments. London Plan (2021) parking standards require the provision of disabled spaces only whereas the proposed development will provide 29 general parking spaces and 9 disabled spaces. However it is considered that an exception to policy should be made in this instance given that the proposed development was submitted in May 2020 and as such could be considered a legacy scheme. At the meeting on 16 February the committee considered the application to be acceptable in terms of parking provision, which was prior to the adoption of the City Plan 2019 - 2040. Given the committee resolution, the retention of 29 general parking spaces within the proposed development is considered acceptable.

Policy 45 – Basement developments

This policy states that basement developments should not comprise more than one storey beneath the lowest original floor level but that exceptions may be made on large sites with high levels of accessibility for construction. The proposed development proposes a large single basement; however, it also includes a partial sub-basement in two small areas to allow for the cinema and an area of plant. Given the small scale of the partial basement and the fact that that the proposed development occupies a large site with a high level of accessibility for construction, the retention of the partial sub-basement within the proposed development is considered acceptable.

**Daylight / Sunlight**

Additional daylight / sunlight analysis prepared by the applicant's daylight consultant GIA forms part of the revised submission. GIA's analysis of this scheme has looked at the potential daylight and sunlight alterations that may occur to all surrounding relevant residential properties. However, for the purposes of this addendum report, officers have focused on the 19 properties situated closest to Block A1 along Mozart Terrace, Ebury Street and Cundy Street which will have a view of the proposed massing changes, namely 102 Eaton Terrace, 162-188 Mozart Terrace, 190-194 Ebury Street, and 1 Ebury Square – Blocks A and B.

As set out in the main report, officers have given weight to the suggested alternative 15% VSC retained value in assessing the impact of this proposed development because of the importance of the development overall in achieving benefits which are material considerations to be weighed in the balance.

Removal of fifth floor

Of the 547 windows assessed within the above 19 properties, 441 windows have existing VSC levels of 15% or greater (80.6%) For the original scheme, 391 windows of the total 547 assessed (71.5%) from the selection of properties noted above meet the criteria of 15%. This increases to 394 (72%) when the top floor of Building A1 is fully removed. The properties that would benefit from this are 162 Mozart Terrace (one window) and 170 Mozart Terrace (two windows). For NSL there is an increase in the number of rooms showing compliance with the baseline BRE Guidelines from 216 rooms for the original scheme, to 222 rooms with the fifth floor fully removed. For APSH there is an

increase in the number of windows showing compliance with the baseline BRE Guidelines from 294 windows for the original scheme, to 306 windows within the fifth floor fully removed.

It is important to note that whilst overall the removal of the fifth floor is beneficial in daylight / sunlight terms, for 1 Ebury Square, for Block B there would be both small improvements to the daylight / sunlight impact and small reductions compared to the original scheme. A number of windows within Block B will benefit from the reduced massing on Ebury Street whilst a small number of windows on the upper floors will be negatively impacted by the additional massing proposed to level 6 on Cundy Street. This would be the same for both the fifth floor removal option and the current scheme.

#### The revised scheme with a stepped back fifth floor storey

The analysis by GIA demonstrates that the same number of windows achieve a minimum of 15% VSC when comparing the fifth floor removal option with the current proposal which proposes a stepped back fifth floor storey.

Of the 547 windows assessed within the above 19 key properties, 394 (72%) will continue to enjoy VSC levels of 15% or greater. Of the 153 windows which will experience retained VSC levels of less than 15%, the majority (147 windows) will experience either no change or a small improvement (0.1-0.3%) when comparing the fifth floor removal option with the current proposal. The six remaining windows will retain 0.1% less VSC when comparing the current proposal with the fifth floor removal option. For NSL, GIA advise that there is no change between the fifth floor removal scheme and the current proposal in relation to the number of rooms achieving BRE compliance. For sunlight 306 windows within the selected properties meet the baseline BRE guidelines for APSH for the fifth floor removal option, with 303 windows meeting the baseline BRE Guidelines for the current proposal.

The numerical data for the daylight /sunlight impact to properties on Ebury Street and 1 Ebury Square for the current proposal with the stepped back fifth floor compared to the original scheme presented to committee is set out in full in the tables in Appendix 1 (daylight) and Appendix 2 (sunlight).

#### Conclusion on daylight / sunlight

Officers are satisfied that in daylight / sunlight terms the impact on neighbouring properties from either removing the fifth floor of Building A1 or introducing the proposed set back is substantially similar. To clarify, the current proposal for a stepped back fifth floor on Building A1 provides a very similar level of daylight / sunlight benefit to removing the top floor of Building A1 (the fifth floor removal option) but mitigates the loss of floor area and therefore the loss of affordable housing.

Overall the revisions proposed by the applicant are beneficial in amenity terms. Despite the reductions in massing proposed, the overall impact on residential amenity in terms of daylight / sunlight remains significant. Policy 7 (Part A) of the City Plan 2019 - 2040 (April 2021) states that development will be neighbourly by 'protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing , privacy and overlooking'. For the reasons set out in the main report in Appendix 1, the proposed development would conflict with Part A of this policy.

#### **Land Use- Affordable Housing**

Within the newly adopted City Plan 2019-2040 (April 2021) Policy 9 is relevant in terms of affordable housing provision. This policy states that proposals involving the demolition of existing affordable housing will not be permitted unless it is replaced by at least an equivalent amount of affordable

housing floorspace. Additional affordable housing will be maximised in such redevelopment proposals.

A Financial Viability Appraisal (FVA) formed part of the original submission. The City Council's appointed viability consultant BNP Paribas agreed that the scheme which was presented to committee would result in a profit of Gross development Value (GDV) of 11.1%. This was below the agreed return threshold for this mixed use development of 17.8%.

The applicant advises that the removal of the fifth floor at Building A1 would have led to a reduction in senior living floorspace of 815 sqm GIA and 14 habitable rooms. The FVA addendum submitted sets out that 15 intermediate rent units would need to be converted to private sale in Building B2/3 to achieve a financially neutral result.

The reduction in private senior living floorspace in Building A1 currently proposed would lead to a loss of 212 sqm GIA and five habitable rooms. The FVA addendum submitted sets out that 5 intermediate rent units would need to be converted to private sale in Building B2/3 to achieve a financially neutral result. On this basis the applicant proposes that five units in Building B at floors seven and eight convert from affordable (intermediate rent) to market housing. The revised scheme will therefore provide a total of 75 market residential units within Building B. As a result the revised scheme will provide 44 intermediate affordable units as opposed to 49 in the original scheme with all rent levels remaining as originally proposed. In terms of floorspace the amount of market housing (Class C3) will increase from 12,732 sqm to 13,128 sqm and the amount of affordable housing will reduce from 10,360 sqm to 9,919 sqm. In terms of habitable rooms there would be a reduction to the affordable housing provision from 37% in the original scheme to 36% currently proposed (based on the maximum independent living scenario). Updated tables for the percentage of affordable housing for the indicative design scheme, maximum independent living scenario and the maximum assisted living scenario, both including and excluding the C2 assisted living units, are set out in Appendix 3.

BNP Paribas has assessed the FVA addendum and consider the conclusions stated by Quod (the applicant's viability consultant) to be reasonable. On this basis BNP advise that the revised scheme is delivering the maximum possible amount of affordable housing in accordance with Policy 9 of the City Plan 2019-2040 (April 2021) and Policy H8( E) of the London Plan (2021).

The position with regard to the reprovision of social rent accommodation for Walden House remains unchanged compared to the original proposal. In this respect the revised scheme fully complies with Policy 9 of the City Plan 2019-2040.

### **Townscape and Design**

Within the newly adopted City Plan 2019-2040 (April 2021) the policies relevant to townscape and design considerations are considered to be:

Policy 1 – this is Westminster's spatial strategy and seeks to support intensification and growth, while at the same time integrating with existing townscape and protecting the city's heritage assets.

Policy 38 – this sets out design principles, requiring exemplary standards of high quality, sustainable and inclusive urban design and architecture. Development should respond to its context, place people at the heart of design to create inclusive places, incorporate sustainable design and promote excellence in contemporary design.

Policy 39 relates to Westminster's heritage and how it will be valued, and that development should optimise the positive role of the historic environment. The policy also seeks to preserve the setting of designated heritage assets and supports the conservation of non-designated heritage assets. Parts B, I, K and R, are of most relevance.

Policy 40 relates to townscape and architecture, requiring development to be sensitively designed having regard to the surrounding townscape. Part C relates to extensive developments and indicates they should maximise opportunities to enhance the character, quality and functionality of the site and its surroundings, including creating new compositions and points of interest. Part F explains that new development affecting strategic and local views will contribute positively to their characteristics, composition and significance.

Policy 43 relates to public realm and required development to contribute to well-design, clutter-free public realm, integrating high-quality soft landscape as part the streetscape design. The policy promotes inclusive and accessible public realm.

The changes made to block A involve predominantly the top two storeys of the block, including replacing the two-storey mansard with a single storey mansard and a setback vertical pavilion style storey above. To further reduce the overall height of the block, the floor to ceiling heights have also been reduced. The architectural character of the building remains largely as before, though on Ebury Street block A will have a reduced scale.

The hybrid roof form of block A is a product of improved sunlight and daylight level whilst limiting the loss of affordable units. As a result, it is not considered to exhibit the design quality and consolidated appearance of the previously proposed scheme.

It is acknowledged that within the immediate vicinity and street level views along Ebury Street, the pavilion storey of the proposal will be barely discernible, allowing the mansard to be the prominent roof form and the building to appear as a more consolidated composition. Only in longer views from the north along Eaton Terrace will the pavilion be clearly visible against the backdrop of block A2. Whilst the combination of roof forms is less ordered than previously proposed, the pavilion storey has a common architectural language with the wider site, and therefore reads as if it were a separate block within the development as opposed to directly connected to Block A.

Additional changes made to the scheme include a reduction in floor to ceiling heights of block C to reduce its overall height, as well as additional floors on block A along Cundy Street, which results in a more successful negotiation between the primary frontage of block A and block A2.

The revised form and design of the block A is undesirable from a design perspective, nevertheless it has been demonstrated by verified views that the setback pavilion storey will only be perceivable in limited public views, and unlikely to have a considerable detrimental visual impact on them. Equally, the delivery of more affordable units is an overriding public benefit and one which is felt to counterbalance the undesirable design aspects of the amended scheme.

Overall for the reasons set out in the main report in Appendix 1, the proposed development conflicts with policies in the newly adopted City Plan 2019-2040 (April 2021) relating to townscape and design. Specifically these policies are 38, 39 and 40.

### **Environmental Statement**

An ES Addendum has been submitted with the revised scheme. This concludes that the proposed

amendments do not alter the conclusions of the assessment as reported in the May 2020 ES. This conclusion is accepted by officers.

### **Other Matters**

The revised scheme proposes to provide a small area of amenity space at fifth floor level for the senior living accommodation. Given the location of the terraces at high level and their small scale, it is not considered that these would result in loss of amenity through overlooking or noise and disturbance to residents on the opposite side of Ebury Street. The applicant indicates that screening is proposed and it is recommended that full details of this are secured by condition.

The applicant has agreed to set up a Community Forum for the duration of the development works, something that is sought by the Belgravia Residents' Association. This is welcome and can be secured as part of the S106 legal agreement.

### **Consultation Responses to Revised Scheme**

The responses received as a result of the council's re-consultation for the revised scheme are summarised in section 5 of this addendum report. The majority of the issues raised as part of the re-consultation are already addressed in the main report set out in Appendix 4 and as such are not considered in this addendum report. It is noted that two further letters of support have been received.

One letter of objection asks the question as to what has changed to make the height of B1 warmly welcomed and encouraged by the Council when, a few years ago, the height of 1 Ebury Square was kept under control? The development at 1 Ebury Square was approved by the council in 2012 based on the planning policies in place at the time. Despite this every planning application is assessed on its own merits and the merits of the current development and the justification for recommending that the proposed development be approved is set out in detail in the main report.

In terms of the continued objection to the location of the play space facilities in Ebury Square Gardens, it is considered that this has already been addressed in the main report. In response to the original objections received from Semley House residents the original committee report states:

"Objections have been received from residents to the play space in Ebury Square Gardens including some who consider that the play space should be located within the development itself. Whilst these concerns are understood, the quality of the play space provided in Ebury Square Gardens will be higher than if it was provided on-site and it has the advantage of being publicly accessible. The applicant has amended the scheme to break up the play space into three play areas in order to reduce the visual impact on the gardens. Whilst the play space will introduce more activity into the gardens, this would not be so harmful to the environment as to warrant its removal from the scheme. The design implications of the play space in Ebury Square gardens is set out in Section 8.3 of this report."

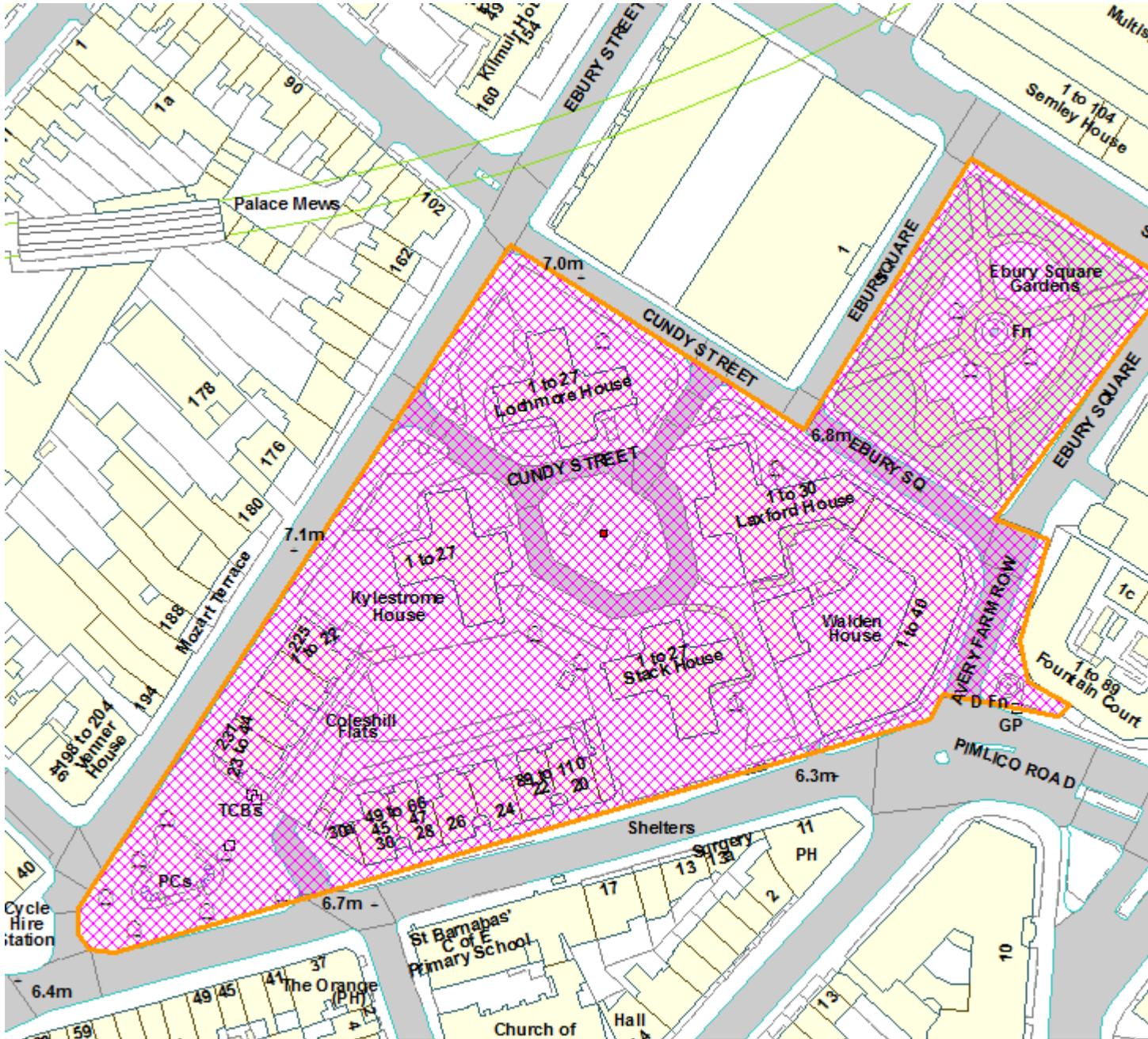
One letter of objection raises the issue about the height of the development and Policy 41 of the new City Plan. This policy relates to tall buildings and sets out general design principles in circumstances where they might be acceptable. The letter of objection considers that the proposal conflicts with this policy. The policy states that tall buildings are defined as buildings of twice the prevailing context height or higher or those which will result in a significant change to the skyline. In this instance the proposed development is not considered to be a tall building within the definition set out in Policy 41 as the highest part of the proposed development, Building B1 at 48.8m, is not considered to be twice the prevailing context height. Whilst it is accepted that there are buildings of various heights in the vicinity of the Building B1, to the north and east of Building B1 there are four buildings which are in

excess of 30m which are 1 Ebury Square (Block B), Semley House, Fountain Court and 10 Pimlico Road. The height of Building B1 would have to extend to approximately 60m or so before this policy would apply.

**Conclusion**

The proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. Specifically these policies are Policies 7 (Part A), 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). Despite the revisions to the scheme, the proposed development does comply with policies 1, 8 and 9 of the City Plan 2019-2040 (April 2021) which seeks to optimise housing delivery and to optimise the delivery of new affordable homes. In taking an overall view, and for the reasons set out in the original report to committee, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. There continue to be other significant public benefits arising from the proposed development as revised that are material considerations, namely the delivery of specialist older person's housing, the provision of on-site affordable housing that would meet the housing needs of Walden House residents and the regeneration and growth benefits such as new public routes through the site, the provision of new shops, a cinema and other amenities and new workspaces. The proposed development as revised would also continue to meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



**Aerial view of application site showing Cundy Street flats, Walden House, Coleshill Flats , Orange Square and Ebury Square**

## 5. CONSULTATIONS

Re-consultation was carried out on the revised scheme on 29 April 2021 with the following responses received:

Belgravia Residents Association

The Association has met with Grosvenor and are pleased that they took on board the concerns of the residents on rights of light and the proposed amendments. A community liaison group should be secured as part of the approval.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1062

Total No. of replies: 14 (from 11 addresses)

No. of objections: 12

No. in support: 2

The objection letters arising from the re-consultation raise the following issues:

- Loss of natural light and natural sky to a living room within Coleshill Flats on the north side of the building. While a lot of attention and press has been paid to the Mozart Terrace issues with right to light, we have had no one consider the impact on the residents of Coleshill Flats.
- The car park being turned into a communal space is supported but such a space needs to be locked at night to ensure a quiet night for the residents of all the developments.
- Object to height of Building B
- The proposal will be a ghost town development.
- Impact on local infrastructure e.g. GP's.
- Impact on local parking and congestion.
- Development would significantly change the local character of the area.
- Loss of Cundy Street flats.
- It would significantly increase pollution during construction.
- Harmful impact on local environmental quality.
- With the introduction of the new Westminster Development Plan and its restrictions to 'taller buildings' an objection is raised to the height proposed of Building B1 (42.5M) which does not conform to any neighbouring building on the SKYLINE/SKYSCAPE in Ebury Square. (the highest being Semley House at 39/0M). It will also affect the amount of sunlight/shadow in the Ebury Square Garden. The proposed appearance, bulk and height of this building is out of keeping with other buildings in the square, and indeed with other buildings in the Cundy Street Quarter.
- Loss of parking facilities on lower part of Cundy Street thus reducing much needed parking facilities for local residents in Semley House.
- Continued objection to new play space in Ebury Square Gardens
- Questions raised about: location of play space and why it can't be put within the application site boundary?; why B1 is so tall?; what has changed to make the height of B1 warmly welcomed and encouraged by the Council when, a few years ago, the height of 1 Ebury Square was kept under control?; why is affordable housing the deciding

factor?

- Loss of light to Fountain Court and Ebury Square Gardens, lack of car parking and construction impact from deeper foundations.

Other non-planning matters raised

- What is the price comparison between the lighter coloured cladding proposed for the rest of the complex and the dark red brick to be used for the B1 building?
- How many of the Council Committee members actually live in the Semley area and therefore fully comprehend the extent of the negative impact of such an excessively high building, which is adjacent to the Conservation Area of Ebury Street?
- Will the proposed new retail and cinema facilities in the development be affordable?
- The proposal reinforces the evidence that when Grosvenor Estate applies for planning applications, big or small, Westminster Council duly approves.

Letters of support:

- In this area that has seen insufficient community development over the last decade, it's wonderful to see this new, high-quality housing project. I give my full support to this new initiative and hope this will encourage others to update the dated infrastructure of this beautiful prime location
- I strongly support this new development. I am a young person who's rented an apartment in Pimlico for the past 3 years but cannot afford a new home anywhere near because of the exorbitant prices. The only way to robustly bring down prices is to increase supply. This is a welcome initiative.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk).

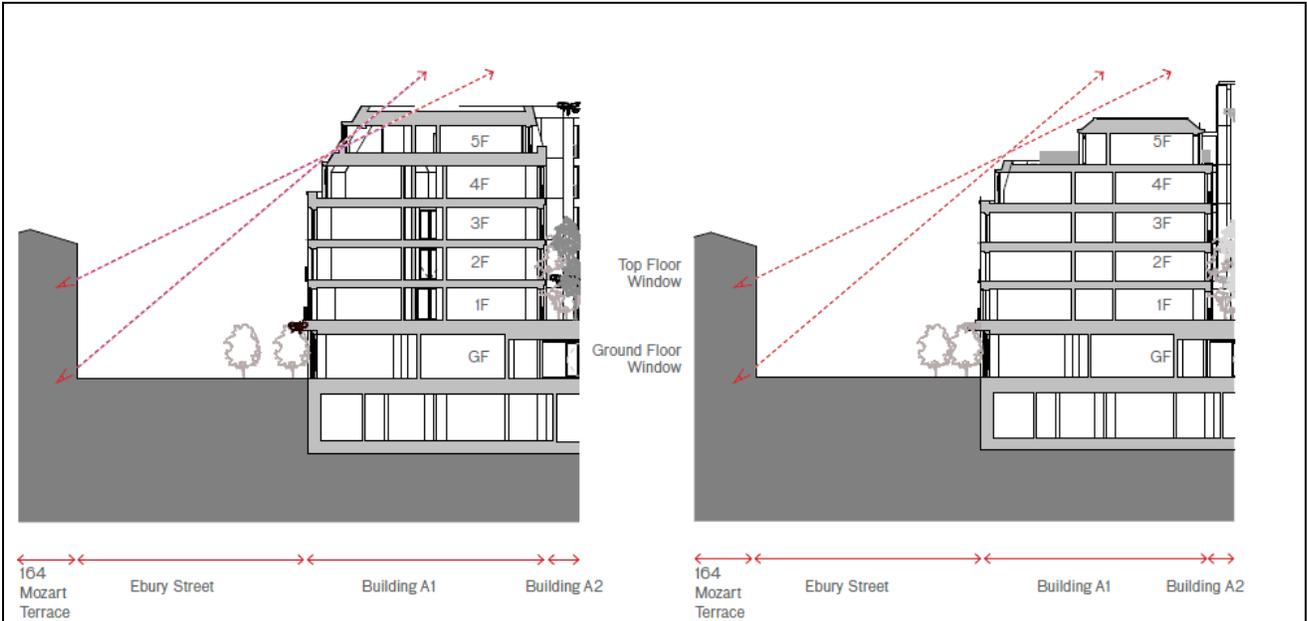
6. KEY DRAWINGS



**Building A1 as originally submitted**



**Building A1 as currently proposed**

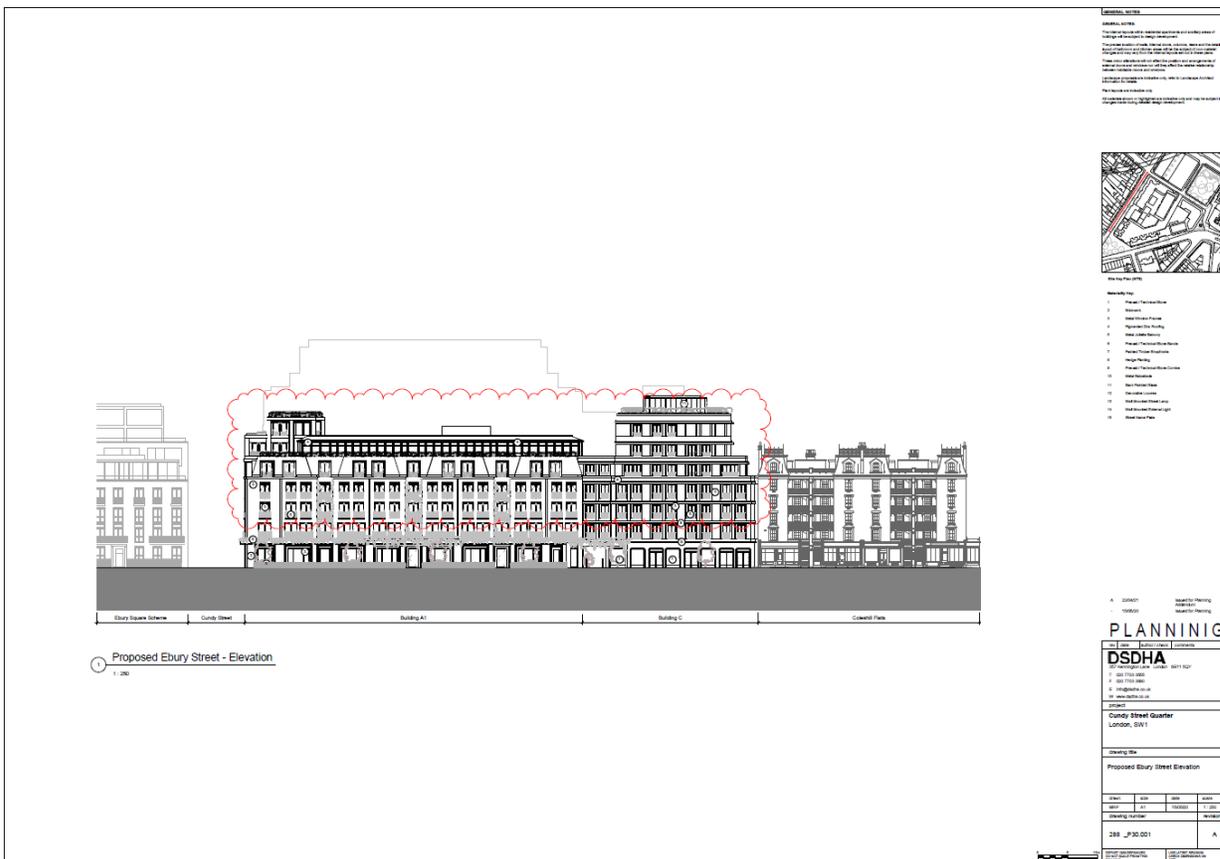


Section of Building A1 drawing showing proposal as originally submitted (left) and currently proposed (right).



Bay study of Building A1 drawing showing proposal as originally submitted (left) and currently proposed (right).





Proposed Ebury Street elevation

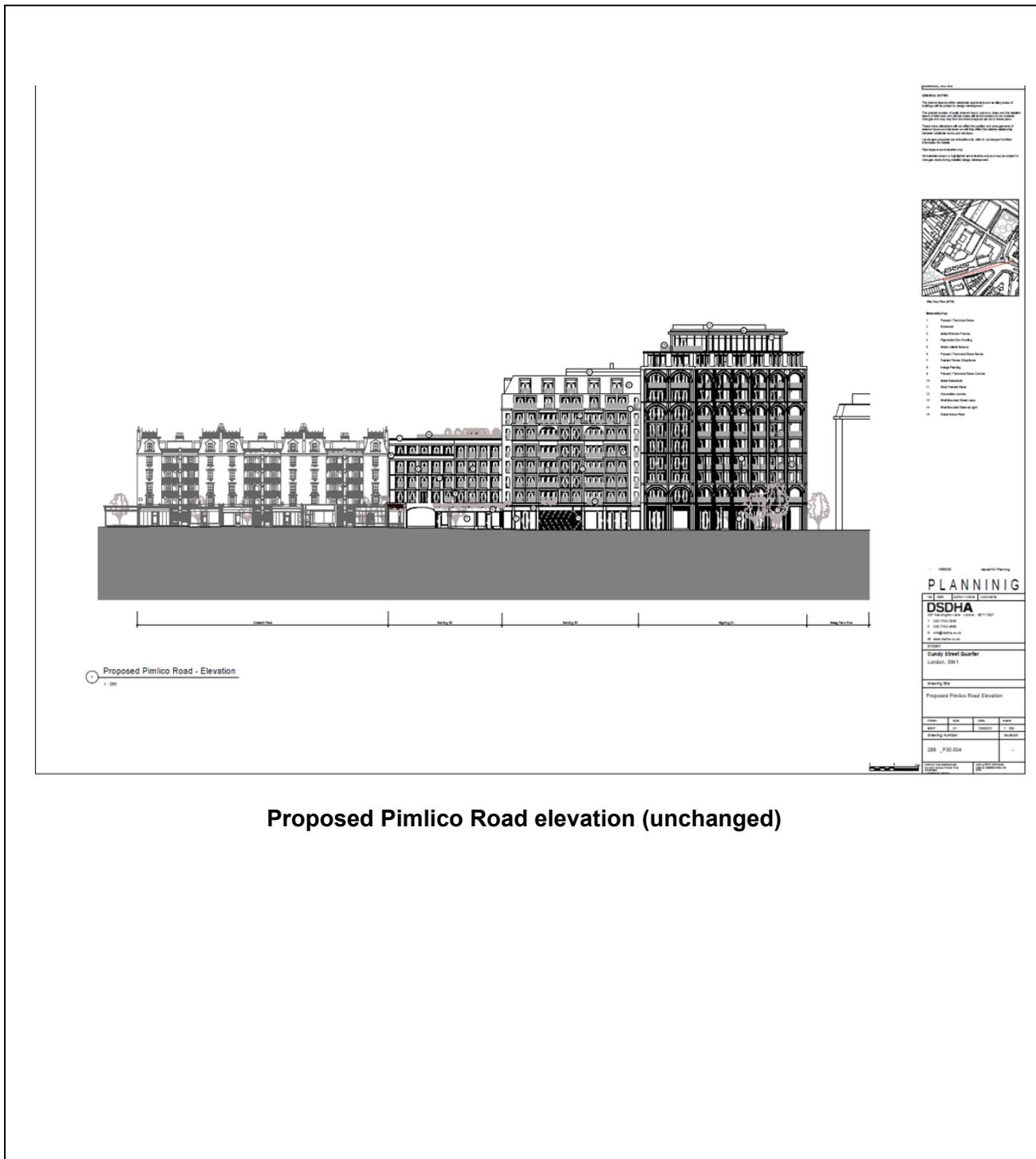


**Proposed Cundy Street elevation**





Proposed Site Section AA



Proposed Pimlico Road elevation (unchanged)



**Proposed ground floor arrangement showing commercial units (unchanged)**

**DRAFT DECISION LETTER**

**Address:** Development Site Bounded By Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square And, Cundy Street, London,

**Proposal:** Comprehensive residential-led mixed-use redevelopment, including demolition of Kylestrome House, Lochmore House, Laxford House, Stack House, Walden House and structures attached to Coleshill Flats; tree removal and pollarding; erection of a partial sub-basement, basement and buildings varying in height from five to 11 storeys, to provide affordable homes (Class C3), market homes (Class C3), senior living accommodation (comprising Class C3 and / or Class C2), alongside a range of uses at partial sub-basement, basement and ground floor level including retail (Class A1), restaurants / cafes (Class A3), drinking establishments (Class A4); offices (Class B1), community space (Class D1), cinema (Class D2); use of the lower ground floor of the Coleshill Flats as retail and / or workspace (Class A1 and / or B1); provision of new pedestrian routes; basement car parking; basement and ground floor circulation, servicing, refuse,, ancillary plant and storage; provision of hard and soft landscaping; landscaping works and creation of new play facilities at Ebury Square; rooftop PV panels; rooftop plant equipment; refurbishment and relocation of Arnrid Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of the telephone boxes on Orange Square; and other associated works. (The application is an Environmental Impact Assessment (EIA) development and is accompanied by an Environmental Statement (ES), which may be viewed with the planning application documents).

**Reference:** 20/03307/FULL

**Plan Nos:** Proposed Drawings: 288\_P10.050; 288\_P10.051; 288\_P10.052; 288\_P10.053; 288\_P10.054; 288\_P10.055; 288\_P10.056; 288\_P10.057; 288\_P20.098; 288\_P20.099 Rev B; 288\_P20.100 Rev B; 288\_P20.101 Rev A; 288\_P20.102 Rev A; 288\_P20.103 Rev A; 288.P20.104 Rev A; 288\_P20.105 Rev A; 288\_P20.106 Rev A; 288\_P20.107 Rev A; 288\_P20.108 Rev A; 288\_P20.109 Rev A; 288\_P20.110 Rev A; 288\_P20.111 Rev A; 288\_P30.001 Rev A; 288\_P30.002 Rev A; 288\_P30.003; 288\_P30.004; 288\_P30.005 Rev A; 288\_P30.006 Rev A; 288\_P30.007 Rev A; 288.P30.008; 288\_P30.009 Rev A; 288\_P30.010; 288\_P40.001 Rev A; 288\_P40.002 Rev A; 288\_P40.003 Rev A; 288\_P40.004; 288\_P40.005 Rev A.,

Application Documents, Design and Access Statement, dated May 2020; Design and Access Statement Addendum, dated October 2020; Design and Access Statement Addendum no. 2, dated April 2021; Planning Statement, dated May 2020; Energy and Whole Life Carbon Assessment, dated May 2020; Daylight & Sunlight - Impact on Neighbouring Properties Report, dated May 2020; Daylight and Sunlight Addendum dated 22/04/21; Daylight & Sunlight - Internal Daylight, Sunlight and Overshadowing Report, dated May 2020; Daylight and Sunlight Window Maps, email dated 30 November 2020; Signed Appendix A - Code of Construction Practice, dated 28 April 2020; Historic Buildings Report, dated May 2020; Conditions Survey and Method Statement, dated May 2020; Environmental Impact Assessment, dated May 2020; Transport Assessment including Framework

Item No.
1

Construction Logistics Plan and Deliveries and Servicing Plan, and Travel Plan, dated May 2020; Transport Assessment Addendum, dated October 2020; Waste Strategy Clarification, 3 December 2020; Noise and Vibration Assessment, dated May 2020; Affordable Housing Statement, dated May 2020; Affordable Housing Addendum Statement (April 2021), Financial Viability Assessment, dated May 2020; Structural Methodology Statement, dated May 2020; Fire Strategy Report, dated May 2020; Economic Statement, dated May 2020; Ventilation and Extraction Statement, dated May 2020; Flood Risk Assessment and Sustainable Drainage Strategy Report, dated May 2020; Arboricultural Report Rev 2, December 2020; Design Amendments Letter, dated 23 October 2020; Statement of Community Involvement, dated May 2020; Response Letter with Appendices, dated 12 October 2020; Environmental Statement Addendum (April 2021), Environmental Statement of Conformity Letter, dated October 2020; Contour Drawing - 18 November 2020; Building A Occupancy Letter, dated 25 November 2020; Daylight Letter, dated 25 November 2020; Building A Senior Living Roof Treatments, November 2020; Design Note: Indicative location for External Gates, December 2020; Designing out Crime Response, dated 08 January 2021.,

For information purposes only, M000483-2-2-DR-013 A; M000483-2-2-DR-014 A; M000483-2-2-DR-015 A; M000483-2-2-DR-016 C; M000483-2-2-DR-018 A; M000483-2-2-DR-004 A; M000483-2-2-DR-006 C; M000483-2-2-DR-008 B; M000483-2-2-DR-020 A; M000483-2-2-DR-003 C; M000483-2-2-DR-010 D; M000483-2-2-DR-023 A; M000483-2-2-DR-024 B; M000483-2-2-DR-025 B; M000483-2-1-DR-054 A.

Location Plan: 288\_P10.001; Site Plan: 288\_P10.002, , Existing Plans: 288\_P10.003; 288\_P10.011; 288\_P10.012; 288\_P10.013; , 288\_P10.014; 288\_P10.021; 288\_P10.022; 288\_P10.023; 288\_P10.024., , Demolition Plans: 288\_P10.039; 288\_P10.040; 288\_P10.041; 288\_P10.042; , 288\_P10.043; 288\_P10.044; 288\_P10.045; 288\_P10.046; 288\_P10.047. , , Proposed site plan: 288\_P20.003 Rev B., , CIL Phasing Plans: 288\_P20.004; 288\_P20.005; 288\_P20.006; , 288\_P20.007; , , , , , ,

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641  
07866037944

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 **Pre Commencement Condition.** No demolition or development shall take place until a 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, which shall include the statement of significance and research objectives, and, A. 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 WSI.

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

- 5 No piling works shall be commenced in relation to (a) Buildings A & C and (b) Building B until detailed design and construction method statements for all the ground floor

structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which: , (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,, (ii) Accommodate ground movement arising from the construction thereof,, (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures,, , The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the relevant buildings are occupied.

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33BD)

- 6 **Pre Commencement Condition.** , Prior to the commencement of development (including any demolition or site clearance), a phasing plan for the development proposal, including all buildings outlined on Drawings P20.004, P20.005, P20.006 and P20.007 (or any subsequent approved revisions thereafter), and the uses within, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved phasing plans.

Reason:

In the interests of proper planning, for the purposes of CIL and to ensure that the planning benefits of the scheme are delivered in accordance with the approved development.

- 7 The community space annotated on drawing P20.100 Rev B as Class D1 shall only be used as a community space. You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it). You must provide the community space within 3 months of the practical completion of Building C.

Reason:

In order to ensure that the public benefits set out in the application are delivered through the provision of a sustainable mixed use development. This is as set out in Policy 1 of the City Plan 2019 - 2040 (April 2021) and GG1 of the London Plan (2021).

- 8 (A) Notwithstanding the details shown on drawings P20.099, P20.100, P20.101, P20.102, P20.103, P20.104, P20.105, P20.106, P20.107, P20.108, P20.109 and P20.110 you must not commence above ground works on Building A, until details of the disposition of senior living accommodation and other permitted types of accommodation within Building A have been submitted to and approved by the, Local Planning Authority., , (B) Building A

must be built in accordance with the details approved., , (C) The total number of senior living units in Building A must always be between 91 and 142;,, (D) Subject to (C) nothing in this condition prevents the reconfiguration of the mix of accommodation in Building A following occupation of Building A.

**Reason:**

In the interests of proper planning and to ensure that the council can assess the implications of the implemented layout in terms of car parking provision, CIL and the late stage review mechanism for affordable housing. This is as set out in Policies 27 and 9 of the City Plan 2019 - 2040 (April 2021).

- 9 You must apply to us for approval of details of the external public realm as follows:, , i) A plan (at a suitable scale) showing the proposed hard landscaping across the site;,, ii) Samples of materials and facing materials of all elements of hard landscaping;,, iii) External playspace including all roof top place space;,, iv) Location and type of the 92 Sheffield stands;,, vi) Details of storage crates beneath paving slabs to restrict water discharge rates; and, vi) Locations for external tables and chairs associated with the commercial units., , You must not start work of these parts of the development until we have approved what you have sent us. Thereafter you must carry out the external public realm / landscaping prior to occupation of the relevant phase of development.

**Reason:**

To make sure that the appearance of the external public realm / landscaping is suitable, that it contributes to the character and appearance of the area and (where relevant the Belgravia Conservation Area) and to make sure that the development provides the environmental sustainability features included in your application. This is as set out in Policies 38, 39, 40, 34 and 35 of the City Plan 2019 - 2040 (April 2021). ,

- 10 The combined total floorspace falling within the commercial units annotated on drawing P20.100 Rev B as class A3 of the Town and Country (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) shall not exceed 750 sq.m (GIA). No individual class A3 units shall exceed 499 sq.m (GIA).

**Reason:**

In order to ensure that the public benefits set out in the application are delivered through the provision of a sustainable mixed use development and to protect residential amenity, the character and function of the local area and local environmental quality. This is as set out in Policies 16 and 33 of the City Plan 2019 - 2040 (April 2021) and GG1 of the London Plan (2021).

- 11 The combined total floorspace falling within the commercial units annotated on drawing P20.100 Rev B as class A4 of the Town and Country (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) shall not exceed 150 sq.m (GIA).

**Reason:**

In order to ensure that the public benefits set out in the application are delivered through the provision of a sustainable mixed use development and to protect residential amenity,

the character and function of the local area and local environmental quality. This is as set out in Policies 16 and 33 of the City Plan 2019 - 2040 (April 2021) and GG1 of the London Plan (2021).

- 12 The combined total floorspace falling within the commercial unit annotated on drawing P20.100 Rev B as B1 of the Town and Country (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) shall not exceed 900 sq.m (GIA).

Reason:

In order to ensure that the public benefits and security benefits of mixed use active frontages are delivered, in particular along the new public routes. This is as set out in Policies 1 and 38 of the City Plan 2019 - 2040 (April 2021) and GG1 of the London Plan (2021).

- 13 The retail food store within Building B annotated on drawing P20.100 Rev B as A1 must be used only for convenience sales.

Reason:

The application was assessed on the basis that the unit identified as Retail A1 Food would be provided as a food store only. The use of this store for comparison shopping would not comply with Policy 14 of the City Plan 2019 - 2040 (April 2021).

- 14 The senior living accommodation within Building A comprising Class C2 and/or Class C3 allowed by this permission must not be occupied until you have achieved practical completion of the Class C3 residential units within Building C to our satisfaction. (C02DA)

Reason:

In order to ensure that the public benefits set out in the application are delivered through the provision of a sustainable mixed use development. This is as set out in Policy 1 of the City Plan 2019 - 2040 (April 2021) and GG1 of the London Plan (2021).

- 15 The seven commercial units annotated on drawing P20.100 Rev B as Class A1/A3/A4 shall only be used for the following purposes: (i) For the display or retail sale of goods, other than hot food, principally to visiting members of the public; and / or (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises; and/or (iii) Public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision. You must not use these units for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it). The Class A3 and A4 uses shall be subject to the cap on floorspace set out in conditions 10 and 11.

Reason:

To ensure that the development is carried out in accordance with the use sought and

assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the public benefits and security benefits of active frontages along the new public routes are delivered, in accordance with Policies 7, 16, 29, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 16 The six commercial units annotated on drawing P20.100 Rev B as Class A1 shall only be used for the display or retail sale of goods, other than hot food, principally to visiting members of the public. You must not use these units for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the public benefits and security benefits of active frontages along the new public routes are delivered, in accordance with Policies 7, 16, 29, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 17 The commercial unit annotated on drawing P20.100 Rev B as Class A1/A3/B1 shall only be used for the following purposes: (i) For the display or retail sale of goods, other than hot food, principally to visiting members of the public; and / or (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises; and/or (iii) for offices You must not use these units for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it). The Class A3 and B1 uses shall be subject to the cap on floorspace set out in conditions 10 and 12., , ,

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the public benefits and security benefits of active frontages along the new public routes are delivered, in accordance with Policies 7, 16, 29, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 18 Within 3 months of the practical completion of the community space, annotated on drawing P20.100 Rev B as D1, you must apply to us for approval of details for an operational management plan. Thereafter you must manage the community space in accordance with the details approved.

Reason:

Insufficient details were submitted with the application to demonstrate how this community space would be used and managed. This is in accordance with Policy 17 of the City Plan 2019 - 2040 (April 2021).

- 19 You must apply to us for approval of details of the ventilation system to get rid of cooking smells for the eight commercial units annotated on drawing P20.100 Rev B as class A3 uses, including details of how it will be built and how it will look. You must not carry out any primary cooking in these units until we have approved what you have sent us and you have carried out the work according to the approved details. For the avoidance of doubt the Class A3 uses comprise 3 units on the ground floor of Block A and 5 units on the ground floor of Block B.

Reason:

To ensure that cooking odours are adequately dispersed, in accordance with Policy 16 and 33 of the City Plan 2019 - 2040 (April 2021), .

- 20 Customers shall not be permitted within the commercial units annotated on drawing P20.100 Rev B as class A4 and/or class A3 uses hereby approved before 07.00 or after 00.00 (midnight) on Monday to Thursday (not including bank holidays and public holidays), before 07.00 or after 00.30 (the following day) on Friday and Saturday and before 08.00 or after 23.30 on Sundays.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 21 You must apply to us for approval of details of an operational management plan for each commercial unit annotated on drawing P20.100 Rev B as class A3 and class A4 use. You must not occupy any unit for Class A3 and/or Class A4 use until we have approved what you have sent us. The plan should include numbers of covers, servicing, smoking policy and hours of operation for any tables and chairs approved under condition 9., You must then carry out the Class A3 and Class A4 uses in accordance with the approved plan.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 22 You must provide a minimum of 393 long stay cycle parking spaces with 159 provided prior to occupation of Buildings A and C and 230 prior to occupation of Building B. You must also provide 32 long stay cycle spaces for use by Coleshill Flats residents prior to the occupation of Building A. In the event that the basement of Coleshill Flats is used for affordable work/retail space, you must provide a further 4 spaces prior to the occupation of this use. ,

Reason:

To provide cycle parking spaces for people using the development as set out in Policy T5 (Table 10.2) of the Publication London Plan 2020 and to ensure existing cycle parking is re-provided for Coleshill Flats.

- 23 You must provide a minimum of 92 short stay cycle parking spaces within 6 months of the

completion of the development. Details of the location of the short stay cycle parking to be submitted under condition 9.,

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 24 You must carry out the development in accordance with the approved Servicing Management Plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 25 You must apply to us for approval of a car park management plan for the car parking spaces allocated to (1) Building A and for the car parking spaces allocated to (2) Building B1. You must not occupy either Building A or Building B until we have approved what you have sent us. Thereafter you must manage the development in accordance with the details approved.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22BC)

- 26 You must provide each car parking space shown on the approved drawings and each car parking space shown for residential use shall only be used for the parking of vehicles of people living in the residential part of this development and in accordance with the car park management plan details approved under condition 25 . (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22BC)

- 27 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the class A3 and A4 use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the class A3 and A4 use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;, (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 28 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:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49BB)

- 29 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the activity noise breakout from the commercial units annotated on drawing P20.100 Rev B as Class A3 and A4 uses will comply with the Council's noise criteria as set out in Condition 27 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 30 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) 31 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 31 (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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 32 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:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

- 33 (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:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and

those working nearby. (R50AC)

- 34 **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 1, 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., , 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 Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

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

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

- 36 The design and structure of the development shall be of such a standard that it will protect adjoining residential properties from ground borne noise from underground railway lines (Crossrail 2) so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

- 37 You must apply to us for the approval of an external lighting strategy for the development. This must include: , -Drawings (plans and elevations) to show location and position of proposed lights, -Manufacturers specification of proposed lights, -Lighting level details relative to nearby properties to show details of potential, -light spillage, -Hours of operation of the lighting., , You must not install external lighting until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the approved strategy.

Reason:

To ensure that artificial lighting is set at an appropriate level for a healthy and safe environment and to protect the residential amenity of residents within the development. This is as set out in Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021).

- 38 You must apply to us for approval of detailed drawings of the following parts of the development - , , i) Railings to Ebury Square;; ii) Balconies for Buildings A and C;; iii) Balconies for Building B;; iv) Gates to Elizabeth Place Gardens;; v) Shopfront design for each type, indicating materials and finishes - including elevations and sections;; vi) Typical bay studies for Buildings A and C showing windows and roofs/dormers details, sections and elevations scaled 1:50;; vii) Typical bay studies for Building B showing windows and roofs/dormers details, sections and elevations scaled 1:50;; viii) New windows and doors for Coleshill Flats (scaled 1:10 elevations and sections); and, ix) Signage strategy for the site. , x) Roof terraces to Building A1 at fifth floor level. , , You must not start any work on these parts of the development until we have approved what you have sent us in respect of that part. You must then carry out the work according to these details.

Reason:

To make sure that the appearance of the external public realm / landscaping is suitable and that it contributes to the character and appearance of the area and (where relevant the Belgravia Conservation Area). This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE), , ,

- 39 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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 40 You must apply to us for approval of a brick sample panel(s) to be viewed on site. You must not start any work on the brick work 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 41 You must apply to us for approval of detailed drawings showing the following alterations to the scheme: , (i) the materiality and fenestration arrangement of the eighth and ninth floor of Building A2., (ii) a redesigned residential entrance to Building C to include a chamfered corner at the ground floor retail unit. , 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 42 The relocation of the Arnridd Johnston obelisk, water fountain and K6 telephone boxes, must be undertaken in full within 6 months of the completion of the development and in accordance with the Condition Survey and Method Statement Prepared by Donald Insall Associates May 2020.

Reason:

In accordance with the terms of the planning permission and to ensure that the public benefits set out in the application are delivered through the provision of a sustainable mixed use development. This is as set out in Policies 1 and 39 of the City Plan 2019 - 2040 (April 2021) and GG1 of the London Plan (2021).

- 43 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 44 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building B1, you must carry out the scheme according to the approved details. , You must maintain the approved public art and keep it on this site. You must not move or remove it (except in case of emergencies necessitating temporary removal).

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 45 **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 in relation to the phasing plan approved under condition 46. You must not start any demolition, site clearance or building work for the relevant phase of 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 make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 46 You must apply to us for a tree phasing plan setting out the phasing and timing of the works in relation to trees that are to be retained. 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.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 47 **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: , - 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 make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 48 Notwithstanding the information provided, you must apply to us for approval of detailed drawings of a soft landscaping scheme which includes: (i) the number, size, species and position of trees and shrubs, (ii) details of the planting pits of the trees to include full dimensions, (iii) details of a management plan for all soft landscaping within the public realm and private amenity areas. 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. If you remove any trees or find that they are dying, severely damaged or diseased, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 49 You must provide the residents communal garden adjacent to Elizabeth Place and play spaces shown on the approved drawings prior to occupation of the relevant phase of development. The residents communal garden and playspace at first floor level in B1 must be made available to all residents of Building B at all times. In addition the residents shall be made available to all residents in Coleshill Flats.

Reason:

To ensure that the communal amenity and play space is provided as set out in the application. This is set out in Policy 12 of the City Plan 2019 - 2040 (April 2021) and D6 of the London Plan (2021).

- 50 You must apply to us for approval of a management plan for each completed stage of public realm within the development. The phasing and timing of the public realm works shall be in accordance with the details approved in condition 51. Thereafter you must manage the development in accordance with the details approved.

Reason:

In order to ensure the provision of a healthy, safe and sustainable mixed use development and that the public benefits set out in the application are delivered. This is as set out in Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021).

- 51 You must apply to us for a public realm phasing plan setting out the phasing and timing of the public realm works. You must then carry out the work according to the approved details.

Reason:

In order to ensure the provision of a healthy, safe and sustainable mixed use development and that the public benefits set out in the application are delivered. This is as set out in Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021).

- 52 For a period of 12 months after the first occupation of any part of Buildings A and C you

must monitor the areas beneath the under crofts (Five Fields Row) connecting Buildings A and C for any incidences of crime or anti-social behaviour. After 12 months you must prepare a report detailing whether your monitoring has made you aware of any such incidents for our approval in consultation with the Metropolitan Police. If there have been any incidents then your report must include proposals for how you will manage the areas in the future with a view to avoiding such incidents. ,

Reason:

In order to ensure the provision of a healthy, safe and sustainable mixed use development and that the public benefits set out in the application are delivered. This is as set out in Policies 7, 38 and 44 of the City Plan 2019 - 2040 (April 2021).

- 53 For a period of 12 months after the first occupation of any part of Building B you must monitor the areas beneath the under croft (Cliffords Row) for any incidences of crime or anti-social behaviour. After 12 months you must prepare a report detailing whether your monitoring has made you aware of any such incidents for our approval in consultation with the Metropolitan Police. If there have been any incidents then your report must include proposals for how you will manage the areas in the future with a view to avoiding such incidents.

Reason:

In order to ensure the provision of a healthy, safe and sustainable mixed use development and that the public benefits set out in the application are delivered. This is as set out in Policies 7, 38 and 44 of the City Plan 2019 - 2040 (April 2021).

- 54 You must provide the waste and recycling stores shown on drawings 288\_P20.099B and 288\_P20.100B prior to occupation of each phase of development. The Coleshill refuse store shall be provided prior to the occupation of any commercial units within Building C. Thereafter you must retain the waste and recycling stores and you must not use them for any other purpose. The waste shall be transported in accordance with the details approved in the Waste Strategy Clarification document dated 3 December 2020.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 55 You must apply to us for approval of detailed drawings to show where plant space has been provided to allow for the future connection to a district heating network. You must not use any part of the basement until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved.

Reason:

To ensure that the development is designed to allow for the cost-effective connection to a future heat network a later date. This is as set out in SI 3 of the London Plan (2021).

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

plan in relation to the living roof / brown roof at main roof level 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 make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 57 You must provide the following sustainability features as shown on the approved drawings before occupation of any part of Building B, , - Air source heat pumps;; - a minimum of a 35kWp photovoltaic solar array; and , - Blue roofs as specified in the Flood Risk Assessment & Sustainable Drainage Strategy Report (Planning Issue) dated 19/05/2020., , You must not remove any of these features., ,

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 58 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roofs for i) Buildings A and C and ii) Building B 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 Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 59 You must apply to us for approval of details of the following parts of the development - , , i) bird and bat boxes, , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these details and thereafter retain them. (C26DB)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 60 No residential units shall be occupied until confirmation has been provided to us that either:- all surface 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:

Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

- 61 You must not commence above ground works on Building A until you have applied to us for approval of a management plan for the Class C2 assisted living accommodation. The management plan shall set out whether the Class C2 accommodation will have the following attributes: , , o personal care and accommodation are provided together as a package with no clear separation between the two , o the person using the service cannot choose to receive personal care from another provider, o people using the service do not hold occupancy agreements such as tenancy agreements, licensing agreements, licences to occupy premises, or leasehold agreements or a freehold, o likely CQC-regulated activity<sup>72</sup> will be 'accommodation for persons who require nursing or personal care', , Thereafter you must manage Class C2 assisted living accommodation in accordance with the details approved.

Reason:

To assess whether the Class C2 assisted living accommodation falls within the definition of care home accommodation as set out in H13 of the London Plan (2021).

- 62 Unless otherwise shown on the approved drawings, you must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces. (C26NA)

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

### **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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.
- 3 Condition 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.
- 4 Part of this site and adjacent properties are 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.
- 5 Some of the trees adjacent to 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.
- 6 You must ensure that the details you submit to satisfy the tree protection conditions are prepared in conjunction with a construction management plan/ site logistics, as adequate protection of trees on/ adjacent to the site will rely heavily on an appropriate means of construction.
- 7 Condition 58 of this permission requires the submission of detailed information with regard the green roof systems at the property. You are advised that the Council will expect this to be an intensive green roof system and not a sedum roof system as an intensive green roof will have additional biodiversity benefits.

- 8 The works to the highway shown on the approved drawings are indicative only and will ultimately require approval from our Highways team and may also require a S278 Agreement.
- 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 email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). 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).
- 10 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to: a) Provision of 88 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 44 x intermediate rent tenure (rents set at London Living Rent values for Churchill ward up to a maximum household income of £60,000.) The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 44 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review., b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerblines, footway widening, relocated memorial fountain, relocated TfL bus stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development. , c) A Walkways Agreement to secure access for the public across the site., d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development), e) Car club membership for the occupiers of all residential units for a period of 25 years., f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development)., g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development)., h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development)., i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be: i. Zone 1: In or close to the locations shown on planning application drawing ref 288\_P20.100 Rev B, ii. Zone 2: Within 200m of the development site , iii. Zone 3: Within Churchill and/or Belgravia wards, iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster, j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the council's Carbon Off Set fund. (payable

prior to commencement of relevant phase of development), k) The long term retention, access to and maintenance of any play space within the development., l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards., m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent., n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period., o) Provision of public art to the value of £75,000., p) The setting up of a Community Forum for the duration of the development works., q) The costs of monitoring the S106 legal agreement.

- 11 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's 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](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.
- 12 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, for example by issuing regular bulletins about site progress.
- 13 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](http://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: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk) , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

Please note: the full text for informatives can be found in the Council's Conditions, Reasons

Item No.
<b>1</b>

& 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:** Development Site Bounded By Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square And, Cundy Street, London,

**Proposal:** Demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Arnrid Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square; and other associated works in connection with comprehensive residential-led mixed-use development.

**Reference:** 20/03308/LBC

**Plan Nos:** Existing, 288\_P10.011, 288\_P10.012, 288\_P10.024, , Demolition, 288\_P10.039, 288\_P10.040, 288\_P10.041, 288\_P10.042, 288\_P10.043. , 288\_P10.044, 288\_P10.045, 288\_P10.046, , 288\_P10.047., , Proposed, 288\_P10.050, 288\_P10.051, 288\_P10.052, 288\_P10.053, 288\_P10.054, 288\_P10.055, 288\_P10.056, 288\_P10.057., 288\_P10.100. 288\_P30.010., CSQ-L-TLG450-PL-B001, , CSQ-L-TLG450-SS-103, CSQ-L-TLG450-SS-104, , Historic Buildings Report (dated May 2020).

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641  
07866037944

**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 The relocation of the Obelisk, Fountain and K6 Telephone boxes, must be undertaken in full and within 6 months of the completion of the development and in accordance with the Condition Survey and Method Statement Prepared by Donald Insall Associates May 2020.

Reason:

To protect the special architectural or historic interest of these listed structures. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 3 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 Belgravia Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development - , , i) Railings to Ebury Square, ii) New windows and doors for Coleshill Flats (scaled 1:10 elevations and sections), iii) New shopfront to south side of Clifford's Row., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details., , ,

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 Belgravia Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Belgravia Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (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 (March 2021), the City Plan (April 2021), 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:, Policies 38, 39

Item No.
<b>1</b>

and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.

**APPENDIX 1 - BRE DAYLIGHT ANALYSIS****VERTICAL SKY COMPONENT AND DAYLIGHT DISTRIBUTION****102 Eaton Terrace**

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	BRE compliant			56.6	35.5	37.3%
	W2/B01	BRE compliant					
	W3/B01	BRE compliant					
R1 Unknown	W1/ F00	14.3	11	23.1%	86.7	60.9	29.7%
R1 Unknown	W1 F01	BRE compliant			91	61.5	32.4%
	W2/ F01	16.7	12.4	25.7%			
R1 Unknown	W1/ F02	BRE compliant			85.6	57.1	33.3%
	W2/F02	BRE compliant					

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	BRE compliant			56.6	37..3	34.1%
	W2/B01	BRE compliant					
	W3/B01	BRE compliant					
R1 Unknown	W1/ F00	14.3	11.8	17.5%	86.7	65	25.1%
R1 Unknown	W1 F01	BRE compliant			91	68.2	25.1%
	W2/ F01	16.7	13.7	17.5%			
R1 Unknown	W1/ F02	BRE compliant			85.6	57.1	33.3%
	W2/F02	BRE compliant					

**162 Mozart Terrace**

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bedroom	W1/ B01	BRE compliant			71.3	37.6	47.2%
	W2/ B01	BRE compliant					
R2 Dining room	W2/ F00	24.7	18.8	23.9%	94.4	53.1	43.7%
	W3/ F00	24.8	18.9	23.8%			
R1 Drawing room	W1/ F01	27.1	21.6	20.3%	BRE compliant		

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bedroom	W1/ B01	BRE compliant			71.3	38.9	45.5%
	W2/ B01	BRE compliant					
R2 Dining room	W2/ F00	24.7	20	19.0%	94.4	55	41.8%
	W3/ F00	24.8	20.1	18.6%			
R1 Drawing room	W1/ F01	27.1	23.3	14.0%	BRE compliant		

## 164 Ebury Street

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	14.3	9.6	32.9%	64.9	30	53.8%
	W2/ B01	VSC compliant					
R2 Unknown	W2/ F00	24.7	18.4	25.5%	95.6	50.6	47.1%
	W3/ F00	24.7	18.5	25.1%			
R1 Unknown	W1/ F01	27	21.1	21.9%	91.1	65.2	28.5%
R2 Unknown	W2/ F01	27	21.2	21.5%	99.2	69	30.4%
	W3/F01	27	21.4	20.7%			
R1 Unknown	W1/F02	BRE compliant			88.8	63.8	28.1%
R2 Unknown	W2/F02	BRE compliant			99.2	68.3	31.1%
	W3/F02	BRE compliant					
R1 Unknown	W1/F03	BRE compliant			86.1	59.8	30.5%
R2 Unknown	W2/F03	BRE compliant			85.6	55.8	34.8%

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	14.3	10.6	25.9%	64.9	32.7	49.7%
	W2/ B01	VSC compliant					
R2 Unknown	W2/ F00	24.6	19.8	19.5%	95.6	54.3	43.1%
	W3/ F00	24.7	19.9	19.1%			
R1 Unknown	W1/ F01	27	23	14.8%	91.1	77	15.5%
R2 Unknown	W2/ F01	27	23.1	14.4%	99.2	79.1	20.3%
	W3/F01	27	23.2	14.1%			
R1 Unknown	W1/F02	BRE compliant			88.8	78.2	11.9%
R2 Unknown	W2/F02	BRE compliant			99.2	79.8	19.5%
	W3/F02	BRE compliant					
R1 Unknown	W1/F03	BRE compliant			86.1	70.7	17.9%
R2 Unknown	W2/F03	BRE compliant			85.6	64.1	25.1%

## 166 Ebury Street

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Living room	W1/ B01	14.6	11.1	24.0	67.2	24.9	62.9%
	W2/ B01	17.8	13.1	26.4			
	W3/ B01	16.4	11.9	27.4			
R2 Dining room	W2/ F00	24.8	18	27.4	87.7	41.2	53.0%
	W3/ F00	24.7	18.1	26.7			
R2 Drawing room	W1/ F01	27.3	20.7	24.2	98.4	59.7	39.3%
	W2/F01	27.2	20.8	23.5			
	W3/F01	27.1	21	22.5			

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Living room	W1/ B01	14.6	11.9	17.9	67.2	27.6	58.9%
	W2/ B01	17.8	14.1	20.8			
	W3/ B01	16.4	12.8	21.5			
R2 Dining room	W2/ F00	24.8	19.4	21.8	87.7	44.6	49.2%
	W3/ F00	24.7	19.5	21.1			
R2 Drawing room	W1/ F01	27.3	22.7	16.8	98.4	67.1	31.7%
	W2/F01	27.2	22.8	15.9			
	W3/F01	27.1	22.9	15.2			

## 168 Ebury Street

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	16	11.8	26.2	92.3	32.3	65.0%
	W2/ B01	17.8	13.1	26.4			
R2 Unknown	W2/ F00	24.7	<b>17.1</b>	30.8	95.4	34.3	64.0%
	W3/ F00	24.8	<b>17.4</b>	29.8			
R1 Unknown	W1/ F01	26.7	<b>19.5</b>	27.0	93.3	50.3	46.1%
R2 Unknown	W2/ F01	27.1	<b>20</b>	26.2	98.7	50.8	48.5%
	W3/F01	27.2	<b>20.3</b>	25.4			
R1 Unknown	W1/F02	29.6	<b>23</b>	22.3	94.7	54.1	42.9%
R2 Unknown	W2/F02	29.6	<b>23.2</b>	21.6	98.4	54.4	44.7%
	W3/F02	29.6	<b>23.3</b>	21.3			
R1 Unknown	W1/F03	BRE compliant			93.2	57.8	38.6%
R2 Unknown	W2/F03	BRE compliant			97.5	57.8	40.7%
	W3/F03	BRE compliant					

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	16	12.6	21.3	92.3	35.7	61.3%
	W2/ B01	17.8	14.1	20.8			
R2 Unknown	W2/ F00	24.7	<b>18.5</b>	25.1	95.4	38.7	59.5%
	W3/ F00	24.8	<b>18.8</b>	24.2			
R1 Unknown	W1/ F01	26.7	<b>21.4</b>	19.9	93.3	59.9	35.8%
R2 Unknown	W2/ F01	27.1	<b>21.9</b>	19.2	98.7	60.4	38.8%
	W3/F01	27.2	<b>22.2</b>	18.4			
R1 Unknown	W1/F02	29.6	<b>25.3</b>	14.2	94.7	66.2	30.0%
R2 Unknown	W2/F02	29.6	<b>25.5</b>	13.9	98.4	67.2	31.7%
	W3/F02	29.6	<b>25.6</b>	13.5			
R1 Unknown	W1/F03	BRE compliant			93.2	65.8	29.4%
R2 Unknown	W2/F03	BRE compliant			97.5	70.6	27.6%
	W3/F03	BRE compliant					

### 170 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Kitchen	W1/ B01	18	12.2	32.2	98.9	31.8	67.8%
R2 Living Room	W2/ F00	21.8	14.7	32.6	99.1	37.4	62.3%
R1 Bedroom	W1/ F01	20.4	14.4	29.4	98.5	48.4	50.8%
	W2/ F01	24.6	17.9	27.2			
R1 Bedroom	W1/ F02	23.5	18.1	23.0	98.7	49.4	49.9%
	W2/ F02	28.1	22	21.7			

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Kitchen	W1/ B01	18	13.2	26.7	98.9	35.3	64.3%
R2 Living Room	W2/ F00	21.8	16.1	26.1	99.1	43	56.6%
R1 Bedroom	W1/ F01	20.4	16	21.6	98.5	58.2	40.9%
	W2/ F01	24.6	19.7	19.9			
R1 Bedroom	W1/ F02	23.5	20.1	14.5	98.7	60.8	38.4%
	W2/ F02	28.1	22	21.7			

## 172 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Dining room	W1/ B01	18.2	12.3	32.4	74.7	20	73.2%
	W2/ B01	16.0	8.5	46.9			
R2 Living room	W3/ B01	20.2	12.9	36.1	83.5	21	74.8%
R1 Unknown	W1/ F00	23.7	15	36.7	NSL compliant		
	W2/ F00	24.0	15.1	37.1			
	W5/ F00	BRE compliant					
	W5/ F00	BRE compliant					
R2 Bedroom	W3/F00	24.4	15.3	37.3	93.1	29.2	68.6 %
	W4/F00	24.5	15.4	37.1			
R1 Unknown	W1/F01	25.5	17.2	32.5	97	32.6	66.4%
	W2/F01	25.8	17.3	32.9			
R2 Unknown	W3/F01	26	17.4	33.1	85.4	30	64.9%
R3 Unknown	W4/F01	26.1	17.4	33.3	92.7	28.7	69.1%
	W5/F01	26.2	17.5	33.2			
R1 Unknown	W1/F02	27.5	19.8	28.0	90.4	36.5	59.6%
	W2/F02	27.8	19.9	28.4			
R2 Unknown	W3/F02	28.1	20	28.8	93.5	34.6	63.0%
	W4/F02	28.2	20.1	28.7			

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Dining room	W1/ B01	18.2	13	28.6	74.7	21.7	71.0%
	W2/ B01	16.0	9.2	42.5			
R2 Living room	W3/ B01	20.2	13.7	32.2	83.5	22.7	72.8%
R1 Unknown	W1/ F00	23.7	16	32.5	NSL compliant		
	W2/ F00	24.0	16.2	32.5			
	W5/ F00	BRE compliant					
	W5/ F00	BRE compliant					
R2 Bedroom	W3/F00	24.4	16.5	32.1	93.1	32.7	64.9%
	W4/F00	24.5	16.6	32.1			
R1 Unknown	W1/F01	25.5	18.5	27.5	97	37.1	61.7%
	W2/F01	25.8	18.7	27.2			
R2 Unknown	W3/F01	26	18.9	27.3	85.4	34.1	60.1%
R3 Unknown	W4/F01	26.1	19	27.2	92.7	33.1	64.3%
	W5/F01	26.2	19.1	27.1			
R1 Unknown	W1/F02	27.5	21.6	21.5	90.4	41.8	53.7%
	W2/F02	27.8	21.8	21.6			
R2 Unknown	W3/F02	28.1	22.1	21.4	93.5	42	55.1%
	W4/F02	28.2	22.2	21.3			

## 174 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	17.6	12.1	31.3	58.8	17.2	70.7%
R2 Unknown	W2/ B01	BRE compliant			55	14.6	73.5%
R1 Unknown	W1/ F00	23.4	15.2	35.0	96.6	38.4	60.2%
	W2/ F00	23.4	15.1	35.5			
R1 Unknown	W1/ F01	25.6	17.9	30.1	73.7	44.7	39.4%
R3 Unknown	W2/ F01	25.7	17.9	30.4	95.5	43.3	54.6%
	W3/ F01	25.8	17.8	31.0			
R1 Unknown	W1/F02	28	21	25.0	74.3	46.8	37.0%
R3 Unknown	W2/F02	28.1	21	25.3	95	47.6	49.9%
	W3/F02	28.2	21	25.5			

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	17.6	12.7	27.4	58.8	18.6	68.4%
R2 Unknown	W2/ B01	BRE compliant			55	14.6	73.5%
R1 Unknown	W1/ F00	23.4	16	31.6	96.6	42.3	56.2%
	W2/ F00	23.4	16	31.6			
R1 Unknown	W1/ F01	25.6	18.9	26.2	73.7	49.3	33.1%
R3 Unknown	W2/ F01	25.6	19	25.8	95.5	46.8	51.0%
	W3/ F01	25.7	19.1	25.7			
R1 Unknown	W1/F02	28	22.4	20.0	74.3	53.4	28.2%
R3 Unknown	W2/F02	28.1	22.6	19.6	95	51.5	45.8%
	W3/F02	28.2	22.7	19.2			

## 176 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Dining room	W1/ B01	19.4	12.9	33.5%	77.7	43.9	43.5%
R3 Living room	W2/B01	14.6	10.2	30.1%	78.5	42.1	46.4%
R1 Bedroom	W1/ F00	22.3	16.1	27.8%	95.3	73	23.4%
R2 Living room	W2/ F00	16.6	12.5	24.7%	88.4	69.5	21.3%
R1 Bedroom	W1/ F01	23.8	17.8	25.2%	93.1	69	25.9%
R2 Bedroom	W2/ F01	26.1	20.4	21.8%	93.3	70.2	24.7%
R3 Living room	W3/F01	BRE compliant			77.6	59.1	23.9%
R1 Bedroom	W1/F02	BRE compliant			86.8	54.8	36.8%
R2 Bedroom	W2/F02	BRE compliant			89.5	67.4	24.8%
R3 LKD	W3/F02	BRE compliant			70.5	43.6	38.2%

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Dining room	W1/ B01	19.4	13.3	31.4%	77.7	45.4	41.6%
R3 Living room	W2/B01	14.6	10.4	28.8%	78.5	43.1	45.1%
R1 Bedroom	W1/ F00	22.3	16.6	25.6%	95.3	74.2	22.1%
R2 Living room	W2/ F00	16.6	12.7	23.5%	88.4	71	19.7%
R1 Bedroom	W1/ F01	23.8	18.4	22.7%	93.1	70.2	24.6%
R2 Bedroom	W2/ F01	26.1	21	19.5%	93.3	71.7	23.1%
R3 Living room	W3/F01	BRE compliant			77.6	61.7	20.5%
R1 Bedroom	W1/F02	BRE compliant			86.8	55.4	36.2%
R2 Bedroom	W2/F02	BRE compliant			89.5	67.4	24.8%
R3 LKD	W3/F02	BRE compliant			70.5	43.6	38.2%

### 180 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	15.1	9.1	39.7	67	23.8	64.4%
R2 Unknown	W2/ B01	20.8	13.8	33.7	95.7	31.2	67.4%
	W3/ B01	19.2	13.2	31.2			
R1 Unknown	W1/ F00	24.7	17.2	30.4	96	47.7	50.3%
	W2/ F00	24.8	17	31.5			
R2 Unknown	W2/ F01	27.2	20.3	25.4	96.3	65	32.5%
	W3/ F01	27.3	20.1	26.4			
R2 Unknown	W2/F02	30	23.7	21.0	97.2	74.2	23.7%
	W3/F02	30	23.5	21.7			

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	15.1	9.3	38.4	67	25.1	62.6%
R2 Unknown	W2/ B01	20.8	14.	32.4	95.7	31.2	67.4%
	W3/ B01	19.2	13.2	31.2			
R1 Unknown	W1/ F00	24.7	17.5	29.1	96.3	47.7	50.3%
	W2/ F00	24.8	17.3	30.2			
R2 Unknown	W2/ F01	27.2	20.7	23.9	96.3	66.2	31.3%
	W3/ F01	27.3	20.5	24.9			
R2 Unknown	W2/F02	30	24.2	19.1	97.2	75.9	21.9%
	W3/F02	30	24	20.0			

## 180 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	15.1	9.1	39.7	67	23.8	64.4%
R2 Unknown	W2/ B01	20.8	13.8	33.7	95.7	31.2	67.4%
	W3/ B01	19.2	13.2	31.2			
R1 Unknown	W1/ F00	24.7	17.2	30.4	96	47.7	50.3%
	W2/ F00	24.8	17	31.5			
R2 Unknown	W2/ F01	27.2	20.3	25.4	96.3	65	32.5%
	W3/ F01	27.3	20.1	26.4			
R2 Unknown	W2/F02	30	23.7	21.0	97.2	74.2	23.7%
	W3/F02	30	23.5	21.7			

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	15.1	9.3	38.4	67	25.1	62.6%
R2 Unknown	W2/ B01	20.8	14.	32.4	95.7	31.2	67.4%
	W3/ B01	19.2	13.2	31.2			
R1 Unknown	W1/ F00	24.7	17.5	29.1	96.3	47.7	50.3%
	W2/ F00	24.8	17.3	30.2			
R2 Unknown	W2/ F01	27.2	20.7	23.9	96.3	66.2	31.3%
	W3/ F01	27.3	20.5	24.9			
R2 Unknown	W2/F02	30	24.2	19.1	97.2	75.9	21.9%
	W3/F02	30	24	20.0			

## 182 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bedroom	W1/ B01	18.5	14	24.3	95.5	32.6	65.9%
	W2/ B01	18.3	14.2	22.4			
R1 Dining Room	W1/ F00	23.9	18.3	23.4	95.9	54.2	43.5%
	W2/ F00	24.1	17.9	25.7			
R1 Bedroom corridor	W2/ F01	26.8	21.3	20.5	BRE compliant		

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bedroom	W1/ B01	18.5	14.1	23.8	95.5	32.8	65.7%
	W2/ B01	18.3	14.3	21.4			
R1 Dining Room	W1/ F00	23.9	18.5	22.6	95.9	54.8	42.9%
	W2/ F00	24.1	18.2	24.2			
R1 Bedroom corridor	W2/ F01	26.8	21.8	18.0	BRE compliant		

## 184 MOZART TERRACE

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	Room / NSL Loss (%)
R1 Unknown	W1/ B01	BRE compliant			67.2	22	67.2%
	W2/ B01	BRE compliant					
R2 Unknown	W2/ F00	BRE compliant			81.3	49.3	39.4%
	W3/ F00	BRE compliant					
R1 Unknown	W1/ F01	BRE compliant			81.1	62.8	22.6%
R2 Unknown	W2/F01	BRE compliant			84.1	65.2	22.4%
	W3/F01	BRE compliant					
R2 Unknown	W2/F02	BRE compliant			82.8	61.7	25.5%
	W4/F02	BRE compliant					

REVISED SCHEME							
Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	Room / NSL Loss (%)
R1 Unknown	W1/ B01	BRE compliant			67.2	22.3	66.8%
	W2/ B01	BRE compliant					
R2 Unknown	W2/ F00	BRE compliant			81.3	50.	38.5%
	W3/ F00	BRE compliant					
R1 Unknown	W1/ F01	BRE compliant			81.1	63.2	22.1%
R2 Unknown	W2/F01	BRE compliant			84.1	65.7	21.9%
	W3/F01	BRE compliant					
R2 Unknown	W2/F02	BRE compliant			82.8	62.2	24.9%
	W4/F02	BRE compliant					

## 186 MOZART TERRACE

ORIGINAL SCHEME							
Room and use	Window /Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Additional sitting room (for staff)	W1/ B01	BRE compliant			45	26.2	41.8%
R1 Dining room	W1/ F00	BRE compliant			71.4	45.6	36.0%

	W2/F00	BRE compliant			
R2 Sitting room	W2/ F01	BRE compliant	80.6	63.3	21.4%
	W3/F01	BRE compliant			
R2 Bedrooms	W2/ F02	BRE compliant	75.6	56.7	25.0%
	W3/ F02	BRE compliant			

REVISED SCHEME							
Room and use	Window /Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Additional sitting room (for staff)	W1/ B01	BRE compliant			45	26.2	41.8%
R1 Dining room	W1/ F00	BRE compliant			71.4	45.6	36.0%
	W2/F00	BRE compliant					
R2 Sitting room	W2/ F01	BRE compliant			80.6	63.3	21.4%
	W3/F01	BRE compliant					
R2 Bedrooms	W2/ F02	BRE compliant			75.6	56.7	25.0%
	W3/ F02	BRE compliant					

### Ebury Square – Block A

ORIGINAL SCHEME							
Room / Use	Window/ Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL loss
R1 Living room	W4-F00	24.5	12.7	48.2%	BRE compliant		
R2 Kitchen	W5-F00	21.4	9.4	56.1%	90.1	60.6	32.7%
Dining	W6-F00	15.6	9.8	37.2%			
	W7-F00	13.6	9.3	31.6%			
R1 LKD	W4/F01	27.2	15.9	41.5%	BRE compliant		
R2 Bed	W5/F01	24.4	12.5	48.8%	94.3	71.2	24.5%
	W6/F01	17.8	11.9	33.1%			
R3 Bed	W7/F01	15.8	11.4	27.8%	71.1	45.2	36.4%
R1 LKD	W4/F02	29.9	19.6	34.4%	BRE compliant		
R2 Bed	W5/F02	27.3	16.2	40.7%	BRE compliant		
	W6/F02	20.4	14.5	28.9%			
R3 Bed	W7/F02	18.4	14.1	23.4%	73.2	51.8	29.2%
R3 LKD*	W4/F03	32.9	24.4	25.8%	BRE compliant		
R2 Bed	W5/F03	30.7	21	31.6%	BRE compliant		
	W6/F03	23.6	17.8	24.6%			
R3 Bed	W7/F03	BRE compliant			78.9	62	21.5%

REVISED SCHEME							
Room / Use	Window/ Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL loss
R1 Living room	W4-F00	24.5	13	46.9%	BRE compliant		

Item No.
<b>1</b>

R2 Kitchen	W5-F00	21.4	9.6	55.1%	90.1	60.2	33.2%
Dining	W6-F00	15.6	9.8	37.2%			
	W7-F00	13.6	9.3	31.6%			
R1 LKD	W4/F01	27.2	16.5	39.3%	BRE compliant		
R2 Bed	W5/F01	24.4	13	46.5%	94.3	71.2	24.5%
	W6/F01	17.8	11.9	33.1%			
R3 Bed	W7/F01	15.8	11.4	27.8%	71.1	45.2	36.4%
R1 LKD	W4/F02	29.9	20.5	31.4%	BRE compliant		
R2 Bed	W5/F02	27.3	17.1	37.4%	BRE compliant		
	W6/F02	20.4	14.5	28.9%			
R3 Bed	W7/F02	18.4	14.1	23.4%	73.2	51.4	29.7%
R3 LKD*	W4/F03	32.9	26	20.7%	BRE compliant		
R2 Bed	W5/F03	30.7	22.5	26.7%	BRE compliant		
	W6/F03	23.6	17.8	24.6%			
R3 Bed	W7/F03	BRE compliant			78.9	61.5	22.1%

1 EBURY SQUARE – BLOCK A							
ORIGINAL SCHEME							
Room/Use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	Room / NSL
R2 Bedroom	W6-F00	0.3	0	100%	29.3	15.5	47.2%
R4 Living room	W8-F00	1.3	0.1	92.3%	33.8	19.7	41.7%
R10 Bedroom	W14/F01	BRE compliant			40.6	39.4	2.8%
R11 Living / kitchen / dining	W16-F01	BRE compliant			95.4	71.8	24.8%
	W17-F01	23.5	6.9	70.6%			
	W18-F01	24.7	6.6	73.3%			
R13 Bed	W20/F01	25.1	6.2	75.3%	92.7	12.3	86.7%
R15 LKD*	W21/F01	24.2	6	75.2%	96.3	92.9	3.5%
	W22/F01	22.7	5.9	74%			
	W23/F01	11.3	8.7	23%			
	W24/F01	4.8	0.8	83.3%			
R11 Bedroom	W17/F02*	26.4	9.1	65.5%	96.6	75.8	21.6%
R 11 Dressing	W18/F02	27.5	8.6	68.7%			
R14 Bedroom	W21/F02	27.2	7.7	71.7%	71.7	10.6	86.4%
R15 LKD*	W22/F02	26	7.5	71.2%	BRE compliant		
	W23/F02	12.6	9.4	25.4%			
	W24/F02	6	1	83.3%			
	W25/F02	32.3	<b>25.7</b>	20.4%			
R11 Bedroom*	W17/F03	29.7	12.3	58.6%	BRE compliant		
R11 Dressing	W18/F03	30.6	11.5	62.4%			
R14 Bedroom	W21/F03	30.5	<b>20.5</b>	67.2%	82.5	14.8	82%
R15 LKD*	W22/F03	29.6	9.6	67.6%	BRE compliant		
	W23/F03	13.8	10.1	26.8%			
	W24/F03	7.2	1.2	83.3%			
R11 Bedroom	W17/F04	33	16.8	49.1%	BRE compliant		
R11 Dressing	W18/F04	33.7	15.6	53.7%			
R14 Bedroom	W21/F04	33.6	12.9	61.6%	95.8	20.5	78.6%
R15 LKD*	W22/F04	33	12.6	61.8%	BRE compliant		
	W23/F04	14.7	10.9	25.9%			
	W24/F04	8.1	1.4	82.7%			
R11 Bedroom	W17/F05	36.2	<b>22.7</b>	37.3%	BRE compliant		
R11 Dressing	W18/F05	36.5	<b>21</b>	42.5%			
R14 Bedroom	W21/F05	36.5	<b>16.3</b>	55.3%	96.4	28.1	70.8%
R15 LKD*	W22/F05	36.1	<b>16.2</b>	55.1%	BRE compliant		
	W23/F05	18.1	14.2	21.5%			
	W24/F05	8.8	2	77.3%			
R11 LKD	W17/F06	37.5	<b>25.5</b>	32%	BRE compliant		
	W18/F06	38.9	<b>24.1</b>	38%			
	W19/F07	13.8	10.3	25.4%	BRE compliant		
R10 Bedroom	W20/F07	7.1	2	71.8%	BRE compliant		

REVISED SCHEME							
Room/Use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	Room / NSL
R2 Bedroom	W6-F00	0.3	0	100%	29.3	21.1	28.0%
R4 Living room	W8-F00	1.3	0.2	84.6%	33.8	20.9	38.1%
R10 Bedroom	W14/F01	BRE compliant			40.6	39.8	1.9%
R11 Living / kitchen / dining	W16-F01	BRE compliant			95.4	72.2	24.3%
	W17-F01	23.5	7	70.2%			
	W18-F01	24.7	6.7	72.9%			
R13 Bed	W20/F01	25.1	6.3	74.9%	92.7	12.3	86.7%
R15 LKD*	W21/F01	24.2	6	75.2%	96.3	92.9	3.5%
	W22/F01	22.7	5.9	74%			
	W23/F01	11.3	8.7	23%			
	W24/F01	4.8	0.8	83.3%			
R11 Bedroom	W17/F02*	26.4	9.3	64.8%	96.6	76.1	21.2%
R 11 Dressing	W18/F02	27.5	8.7	68.4%			
R14 Bedroom	W21/F02	27.2	7.8	71.3%	77.7	10.7	86.2%
R15 LKD*	W22/F02	26	7.5	71.2%	BRE compliant		
	W23/F02	12.6	9.4	25.4%			
	W24/F02	6	1	83.3%			
	W25/F02	32.3	25.7	20.4%			
R11 Bedroom*	W17/F03	29.7	12.5	57.8%	BRE compliant		
R11 Dressing	W18/F03	30.6	11.7	61.8%			
R14 Bedroom	W21/F03	30.5	10.1	66.9%	82.5	15	81.8%
R15 LKD*	W22/F03	29.6	9.8	67.1%	BRE compliant		
	W23/F03	13.8	10.1	26.8%			
	W24/F03	7.2	1.2	83.3%			
R11 Bedroom	W17/F04	33	17	48.5%	BRE compliant		
R11 Dressing	W18/F04	33.7	15.7	53.4%			
R14 Bedroom	W21/F04	33.6	13	61.3%	95.8	20.7	78.4%
R15 LKD*	W22/F04	33	12.7	61.5%	BRE compliant		
	W23/F04	14.7	10.9	25.9%			
	W24/F04	8.1	1.4	82.7%			
R11 Bedroom	W17/F05	36.2	21.7	40.1%	BRE compliant		
R11 Dressing	W18/F05	36.5	20.1	44.9%			
R14 Bedroom	W21/F05	36.5	16.1	55.9%	96.4	28.5	70.4%
R15 LKD*	W22/F05	36.1	16.1	55.4%	BRE compliant		
	W23/F05	18.1	14.2	21.5%			
	W24/F05	8.8	2	77.3%			
R11 LKD	W17/F06	37.5	25	33.3	BRE compliant		
	W18/F06	38.9	23.9	38.6%			
	W19/F07	13.8	10.2	25.5%	BRE compliant		
R10 Bedroom	W20/F07	7.1	2	71.8%	BRE compliant		

## APPENDIX 2 - BRE SUNLIGHT ANALYSIS

## 1 Ebury Square (Block A)

ORIGINAL SCHEME							
Room and use	Window/ Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Living room	W1-W4/00	52	7	38	3	26.90%	57.1%
R2 Kit-dining	W5-W7/00	59	14	22	0	62.7%	100.0
R3 Bedroom	W8/F00	21	6	15	0	28.6%	100.0%
R1 LKD	W1-W4/ F01	62	13	47	4	24.2%	69.2%
R2 Bedroom	W5-6/F01	64	14	30	0	53.1%	100.0%
R3 Bedroom	W7/F01	29	8	16	0	44.8%	100.0%
R4 Bedroom	W8/F01	24	7	19	2	20.8%	71.4%
R2 Bedroom	W5-W6/ F02	69	17	41	0	40.61%	100.0%
R3 Bedroom	W7/F02	35	13	22	1	37.1%	92.3%
R2 Bedroom	W5-W6/ F03	73	21	50	2	31.5%	90.5%
R3 Bedroom	W7/F03	39	14	28	3	28.2%	78.6%

REVISED SCHEME							
Room and use	Window/ Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Living room	W1-W4/00	52	7	40	3	24.50%	57.1%
R2 Kit-dining	W5-W7/00	59	14	24	0	60.0%	100.0
R3 Bedroom	W8/F00	21	6	15	0	28.6%	100.0%
R1 LKD	W1-W4/ F01	62	13	50	5	20.6%	61.5%
R2 Bedroom	W5-6/F01	64	14	31	0	51.6%	100.0%
R3 Bedroom	W7/F01	29	8	16	0	44.8%	100.0%
R4 Bedroom	W8/F01	24	7	18	1	25%	85.7%
R2 Bedroom	W5-W6/ F02	69	17	45	1	34.8%	94.1%
R3 Bedroom	W7/F02	35	13	22	1	37.1%	92.3%
R2 Bedroom	W5-W6/ F03	73	21	54	3	26%	85.7%
R3 Bedroom	W7/F03	39	14	28	3	28.2%	78.6%

## 1 Ebury Square – Block B

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R7 Living room	W12/F00	28	6	23	2	17.9%	66.7%
R11 Bedroom	W16/F01	62	17	13	0	79.0%	100.0%
R14 Bedroom	W21/F01	55	11	10	0	81.8%	100.0%
R11 Bedroom	W16-W18/ F02	65	18	22	0	66.2%	100.0%
R14 Bedroom	W21/F02	64	15	14	1	78.1%	93.3%
R11 Bedroom	W16-W18/ F03	70	21	36	1	48.6%	95.2%

R14 Bedroom	W21/F03	68	18	20	1	70.6%	94.4%
R11 Bedroom	W16-W18/ F04	74	24	44	2	40.5%	91.7%
R14 Bedroom	W21/F04	74	23	29	1	60.8%	95.7%
R14 Bedroom	W21/F05	79	27	41	2	48.1%	92.6%

REVISED SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R7 Living room	W12/F00	28	6	23	2	17.9%	66.7%
R11 Bedroom	W16/F01	62	17	16	0	75.0%	100.0%
R14 Bedroom	W21/F01	55	11	11	1	80%	90.9%
R11 Bedroom	W16-W18/ F02	65	18	26	1	61.2%	94.4%
R14 Bedroom	W21/F02	64	15	15	1	76.6%	93.3%
R11 Bedroom	W16-W18/ F03	70	21	38	1	47.2%	95.2%
R14 Bedroom	W21/F03	68	18	20	1	70.6%	94.4%
R11 Bedroom	W16-W18/ F04	74	24	47	2	38.2%	91.7%
R14 Bedroom	W21/F04	74	23	29	1	60.8%	95.7%
R14 Bedroom	W21/F05	79	27	41	2	48.1%	92.6%

### 166 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Living room	W1-W3/ B01	38	7	26	4	34.2%	42.9%

REVISED SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Living room	W1-W3/ B01	38	7	25	4	31.6%	42.9%

### 168 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	32	4	21	3	34.4%	25.0%
R2 Unknown	W2/F00	42	10	26	4	38.1%	60.0%
R1 Unknown	W1/F01	45	9	29	2	35.6%	77.8%

REVISED SCHEME							
Room and	Window /	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter

use	Floor						
R1 Unknown	W1/B01	32	4	23	3	28.1%	25.0%
R2 Unknown	W2/F00	42	10	30	5	28.6%	54.5%
R1 Unknown	W1/F01	45	9	36	4	20.0%	55.6%

### 170 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Kitchen	W1/B01	21	1	10	0	52.4%	100.0%
R2 Living room	W2/F00	27	4	10	0	63.0%	100.0%
R1 Bedroom	W1-W2/F01	34	5	19	0	44.1%	100.0%
R1 Bedroom	W1-W2/F02	45	8	35	4	22.2%	50.0%

REVISED SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Kitchen	W1/B01	21	1	10	0	52.4%	100.0%
R2 Living room	W2/F00	27	4	16	0	40.7%	100.0%
R1 Bedroom	W1-W2/F01	34	5	25	2	26.5%	60.0%
R1 Bedroom	W1-W2/F02	45	8	38	4	15.6%	50.0%

### 172 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1	W1-W2/ B01	37	6	20	2	45.9%	66.7%
R2 Living room	W3/B01	39	7	24	5	38.5%	28.6%
R1 Unknown	W1-W2/F00	54	11	31	4	42.6%	63.6%

REVISED SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1	W1-W2/ B01	37	6	20	2	45.9%	66.7%
R2 Living room	W3/B01	39	7	26	5	33.3%	28.6%
R1 Unknown	W1-W2/F00	54	11	34	6	39.3%	53.8%

## 174 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	26	1	17	0	34.6%	100.0%

REVISED SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	26	1	17	0	34.6%	100.0%

## 176 Mozart Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Annual	Winter	Annual	Winter	Annual	Winter
R1 Dining room	W1/B01	32	8	19	3	40.6	62.5%
R3 Living room	W3/B01	39	5	25	4	28.6	55.6%
R1 Bedroom	W1/F00	39	9	27	4	30.8%	55.6%
R1 Bedroom	W1/F01	35	6	23	2	34.3%	66.7%
R1 Bedroom	W1/F02	46	8	36	4	21.7%	50.0%

REVISED SCHEME							
Room and use	Window / Floor	Annual	Winter	Annual	Winter	Annual	Winter
R1 Dining room	W1/B01	32	8	19	3	40.6	62.5%
R3 Living room	W3/B01	39	5	25	4	28.6	55.6%
R1 Bedroom	W1/F00	39	9	29	4	25.6%	55.6%
R1 Bedroom	W1/F01	35	6	23	2	34.3%	66.7%
R1 Bedroom	W1/F02	46	8	37	4	19.6%	50.0%

## 102 Eaton Terrace

ORIGINAL SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/F00	24	3	17	0	29.2%	100%
R1 Unknown	W1/F01	39	10	31	4	20.5%	60.0%

REVISED SCHEME							
Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/F00	24	3	20	1	20.0%	75.0%
R1 Unknown	W1/F01	39	10	34	6	12.8%	40.0%

**Appendix 3 - Affordable Housing by habitable room, unit and floorspace updated for revised scheme. (based on ES Parameter schemes)**

	Habitable rooms	Units	GIA
<b>Building A (C2)</b>	130	115	13,018
<b>Building A (C3)</b>	49	24	5,169
<b>Market (C3)</b>	230	75	13,128
<b>Intermediate</b>	108	44	4,347
<b>Social Rent</b>	146	44	5,572
<b>Total</b>	663	302	41,234
<b>AH Percentage</b>	38%	29%	24%
<b>AH Percentage (excluding C2)</b>	48%	47%	35%

**Table AE.1 – Maximum Assisted Living scheme**

	Habitable rooms	Units	GIA
<b>Building A (C2)</b>	0	0	0
<b>Building A (C3)</b>	225	90	18,187
<b>Market (C3)</b>	230	75	13,128
<b>Intermediate</b>	108	44	4,347
<b>Social Rent</b>	146	44	5,572
<b>Total</b>	709	253	41,234
<b>AH Percentage</b>	36%	35%	24%

**Table AE.2 – Maximum Independent Living scheme**

	Habitable rooms	Units	GIA
<b>Building A (C2)</b>	112	100	11,407
<b>Building A (C3)</b>	74	35	6,780
<b>Market (C3)</b>	230	75	13,128
<b>Intermediate</b>	108	44	4,347
<b>Social Rent</b>	146	44	5,572
<b>Total</b>	670	298	41,234
<b>AH Percentage</b>	38%	30%	24%
<b>AH Percentage (excluding C2)</b>	46%	44%	33%

Table A3.3 – Design Scheme

## APPENDIX 4 – PREVIOUS COMMITTEE REPORT

<b>CITY OF WESTMINSTER</b>	
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 February 2021
	<b>Classification</b> For General Release
<b>Report of</b> Director of Place Shaping and Town Planning	<b>Ward(s) involved</b> Churchill
<b>Subject of Report</b>	<b>Development Site Bounded By Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square And, Cundy Street, London, ,</b>
<b>Proposal</b>	<p>Application 1</p> <p>Comprehensive residential-led mixed-use redevelopment, including demolition of Kylestrome House, Lochmore House, Laxford House, Stack House, Walden House and structures attached to Coleshill Flats; tree removal and pollarding; erection of a partial sub-basement, basement and buildings varying in height from five to 11 storeys, to provide affordable homes (Class C3), market homes (Class C3), senior living accommodation (comprising Class C3 and / or Class C2), alongside a range of uses at partial sub-basement, basement and ground floor level including retail (Class A1), restaurants / cafes (Class A3), drinking establishments (Class A4); offices (Class B1), community space (Class D1), cinema (Class D2); use of the lower ground floor of the Coleshill Flats as retail and / or workspace (Class A1 and / or B1); provision of new pedestrian routes; basement car parking; basement and ground floor circulation, servicing, refuse,, ancillary plant and storage; provision of hard and soft landscaping; landscaping works and creation of new play facilities at Ebury Square; rooftop PV panels; rooftop plant equipment; refurbishment and relocation of Anrird Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of the telephone boxes on Orange Square; and other associated works.(This is a phased development for CIL purposes)</p> <p>Application 2</p> <p>Demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Anrird Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square; and other associated works in connection with comprehensive residential-led mixed-use development.</p>
<b>Agent</b>	Gerald Eve
<b>On behalf of</b>	Grosvenor Estate Belgravia

<b>Registered Number</b>	20/03307/FULL 20/03308/LBC	<b>Date amended/ completed</b>	27 May 2020
<b>Date Application Received</b>	27 May 2020		
<b>Historic Building Grade</b>	Coleshill Flats (grade II); Arnridd Johnston Obelisk (grade II); Marquess of Westminster Memorial Drinking Fountain (grade II); telephone kiosks on Orange Square (grade II).		
<b>Conservation Area</b>	The site falls partly within the Belgravia Conservation Area		

## 7. RECOMMENDATION

### Application 1

1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:

a) Provision of 93 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 49 x intermediate rent tenure (rents set at

London Living Rent values for Churchill ward up to a maximum household income of £60,000.)

The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 49 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.

b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerb lines, footway widening, relocated memorial fountain, relocated TfL bus stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development.

c) A Walkways Agreement to secure access for the public across the site.

d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development)

e) Car club membership for the occupiers of all residential units for a period of 25 years.

f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development).

g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development).

h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development).

i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be:

i. Zone 1: In or close to the locations shown on planning application drawing ref 288\_P20.100 Rev B

ii. Zone 2: Within 200m of the development site

- iii. Zone 3: Within Churchill and/or Belgravia wards
- iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster
- j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the City Council's Carbon Off Set fund. (payable prior to commencement of relevant phase of development).
- k) The long term retention, access to and maintenance of any play space within the development.
- l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards.
- m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent.
- n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period.
- o) Provision of public art to the value of £75,000.
- p) The provision of a travel plan and the cost of monitoring the plan.
- q) The costs of monitoring the S106 legal agreement.

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

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

3. That Committee authorises the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land currently adjacent to Ebury Street to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the dedication and to make the final agreement. The applicant will be required to cover all costs of the City Council in progressing the agreement.

Application 2

- 1. Grant conditional listed building consent.
- 2. Agree the reasons for granting listed building consent as set out in Informative 1.

## 8. SUMMARY

The application site comprises the land and buildings bounded by Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square and Cundy Street. The site also includes the basement of Coleshill Flats (Grade II listed) and the open space at Orange Square and Ebury Square Gardens. Most of the site lies outside a conservation area except the Coleshill Flats and car park and Orange Square which are located within the Belgravia Conservation Area.

Permission is sought for the demolition of the four Cundy Street flat blocks (111 private flats) and Walden House (40 affordable homes) and for the comprehensive redevelopment of the site. The scheme proposes the construction of three new buildings to provide senior living accommodation (Building A), 70 private and 49 intermediate residential (Building B) and 44 social rented residential units (Building C). The senior living accommodation will provide care for over 65's either in class C3 residential units or class C2 assisted living units. The applicant is seeking flexibility as to the final layout of Building A through a condition. The scheme includes flexible shop, restaurant, drinking establishment and office uses within classes A1/A3/A4/B1 uses together with a cinema (class D2) and community space. (class D1). A new single level basement will provide off-street servicing facilities.

The new buildings seek to reinstate the historic street pattern and comprise up to 10 storeys for Building A, 11 storeys for Building B and 8 storeys for Building C. The new buildings are brick built with stone detailing and with zinc, brick panels or metal cladding at high level. The scheme includes new internal pedestrian routes through the centre of the site including a new east-west route to link Orange Square and Ebury Square via the rear courtyard to Coleshill Flats. A new north-south route would link Pimlico Road with Ebury Street. There will be a new area of open space where the four internal routes meet. The

Public realm works are proposed to the public open spaces at Orange Square and Ebury Square Gardens and include new children's play facilities in Ebury Square Gardens. The Arnrid Johnston Obelisk (Grade II), the Marquess of Westminster Memorial Drinking Fountain (Grade II) and pair of telephone kiosks on Orange Square and due to be relocated or moved as part of the proposals..

At Coleshill Flats permission is sought for the use of nine residential units at basement level as affordable work/retail space within class B1/A1. The existing residents will be offered new accommodation in Building C.

The key issues raised by this application are:

- The principle of the demolition of the Cundy Street flats and Walden House;
- The quality of design of the proposal, the height of the new buildings and its effect on the character and appearance of the area and on the setting of nearby listed buildings and the Belgravia Conservation Area;
- The effect on living conditions of neighbouring residents, having regard in particular to daylight and sunlight, outlook and privacy;
- The amount of on-site affordable housing proposed and the terms for providing replacement affordable housing for Walden House residents and Coleshill Flats residents (basement only);
- The impact of the new shopping and entertainment uses on residential amenity, local environmental quality and the Pimlico Road Local Centre;
- The quality of living conditions for future residents of the development;
- The level of off street car parking provided:

- The loss of trees including those with tree preservation orders from the application site:
- The management of the new public realm and safety and security considerations.

The comprehensive redevelopment of this site is supported in planning policy terms. The proposed development, which is well located in terms of public transport and amenities, intensifies the use of land to support additional homes and workspaces and promotes higher density development. The development would help the City Council meet its ten year housing target set out in the London Plan. In environmental terms the applicant has demonstrated that compared to a light refurbishment of the Cundy Street flats or refurbishment and extension options, over a standard 60 year life cycle, the proposed development would result in less carbon emissions on a per square metre basis. It is accepted that the Cundy Street Flats are attractive buildings that have provided homes for a long standing community for many years and their demolition is not fully supported by the local community. However, the demolition of these flats and Walden House will allow for a sustainable mixed use development that provides benefits that could not be delivered with the retention of the existing buildings.

The proposal is acceptable in land use terms. The scheme would deliver an uplift in residential floorspace of 10,751 (GIA) sqm for Buildings B and C and a further 18,345sqm of specialist housing for older persons. The flexibility sought by the applicant for the layout of the specialist housing for old persons in terms of the mix of C3 residential units and C2 assisted living units is considered acceptable. The new shop type units will enhance the Pimlico Road local shopping centre and for the reasons set out in the report the entertainment uses proposed are considered acceptable in land use and amenity terms.

The proposed development would deliver replacement affordable housing for Walden House residents in the form of 40 social rent units. Replacement affordable housing (four social rent and five intermediate rent affordable units) is also proposed for the basement units in Coleshill Flats should the occupants wish to relocate. There would also be a net uplift in affordable housing units which would be comprised entirely of 44 intermediate rent units in Building B alongside the net increase in social rented floorspace of 2549 sqm. For the indicative design scheme submitted, the gross affordable housing offer would be 47% on-site affordable housing (in terms of habitable rooms). The applicant has demonstrated through a financial viability assessment that this is the maximum possible amount of affordable housing that the scheme can deliver. The replacement accommodation for Walden House residents will be provided on the same terms as existing and built in the first phase of construction which allows residents to move straight into their new home without moving into temporary accommodation. The affordable housing provision is welcomed by the Housing department and is considered to be a significant public benefit.

This is a large development that will impact on the local townscape and setting of nearby listed buildings and the Belgravia Conservation Area. Whilst the scheme will deliver benefits in terms of new public routes through the site and a built form that addresses the streets and repairs frontages, there is a concern regarding the height of the development, in particular Building B1 and A2. It is considered that the abrupt change in townscape scale and character does diminish the character of the conservation area when viewed from Eaton Terrace. Similarly the change in scale is pronounced when viewed from the east along Pimlico Road outside Fountain Court. The architecture presented on this part of the site is also less sympathetic and deviates from the more traditional scale and character that typifies Pimlico Road and its surrounding streets. Overall by virtue of its scale and appearance the development has a detrimental impact on views into the Belgravia Conservation Area and diminishes its appreciation, consequently resulting in less than substantial harm to its setting. Similarly, with respect to some of the nearby listed buildings, notably the Coleshill Flats, the

terraced houses in Eaton Terrace and the grade I listed St Barnabus Church, the impact of the height of the development will diminish their setting and will result in less than substantial harm to their significance.

The proposed public realm within the development is high quality and it will have active uses facing onto it including new shop type units, a new cinema, community space and community garden. The new public routes through the site are strongly supported in townscape and place shaping terms. The designing out crime officer has raised concerns about the public realm and under crofts attracting anti-social behaviour. Concerns have also been raised about the location of the residential entrance to Building C. Whilst these concerns are understood, it is considered that these matters can be addressed through appropriate management and the recommended conditions set out in the main report.

The proposal will result in a material worsening of daylighting standards for neighbouring properties. For some properties there would be significant reductions in daylight beyond the recommended BRE Guidelines criteria for VSC and NSL. There would also be reductions beyond the alternative 15% VSC retained value which the City Council has given weight to. These losses are highlighted in the individual tables within this report and by the Daylight and Sunlight Review commissioned by residents in Ebury Street. With the development in place the applicant's daylight assessment indicates unacceptable levels of daylight for a number of properties. These reductions in daylight would be noticeable to occupants and more of the affected rooms will appear poorly lit.

The proposed development seeks to make the best use of land and proposes a high density form of development to support additional homes and workspaces. It is this change in scale, replacing the relatively low massing blocks of flats with buildings of greater height and massing that seek to replicate a more traditional building line, that is largely driving the significant daylight and sunlight losses. The only means of protecting substantively the existing daylight and sunlight conditions would be to look at alternative development options. These would include retaining and existing buildings and exploring infill developments. The applicant has also looked the option of reducing the height and massing of the proposed development through the removal of a middle floor from Building A1, A2 and C. Whilst this would have some material benefit on residential amenity, if this were to be done it would render the scheme as currently proposed unviable. The applicant advises the lost floorspace would mean seven fewer social rent homes and 14 fewer senior living homes and the lost financial value would mean a reduction of approximately 30-35 intermediate affordable homes. There is no doubting that the impact on residential amenity is significant, however, the consideration of alternative options would mean that the regeneration and growth benefits in the scheme and the significant public benefits would not be realised.

The development will result in the loss of 69 trees of which 15 are protected by a Tree Preservation Order (TPO). The Arboricultural Manager objects to the loss of the TPO trees on the site given their significant contribution to public amenity. The removal of the trees is regrettable; however, it is considered necessary in the context of the comprehensive redevelopment of the site which will deliver significant public benefits. The replacement tree planting within the scheme is generous and will provide meaningful amenity value for future residents and visitors to the site.

The provision of 38 car parking spaces does not meet the requirements of TRANS 23 of the UDP. The Highways Planning Manager considers that the impact on parking will be partly offset by the reduction of approximately 40 residents' parking permits from the demolition of the existing properties. With the mitigation of car club membership for all future occupiers (including the C2 units), the Highways Planning Manager is on balance satisfied with the parking arrangements for the

scheme as submitted. Given that the proposals seek to provide a balanced, pragmatic solution and given the conflicting WCC and GLA policy positions on car parking, further mitigation measures, such as providing spaces in a nearby car park, are not sought. The long stay and short stay cycle parking arrangements are acceptable.

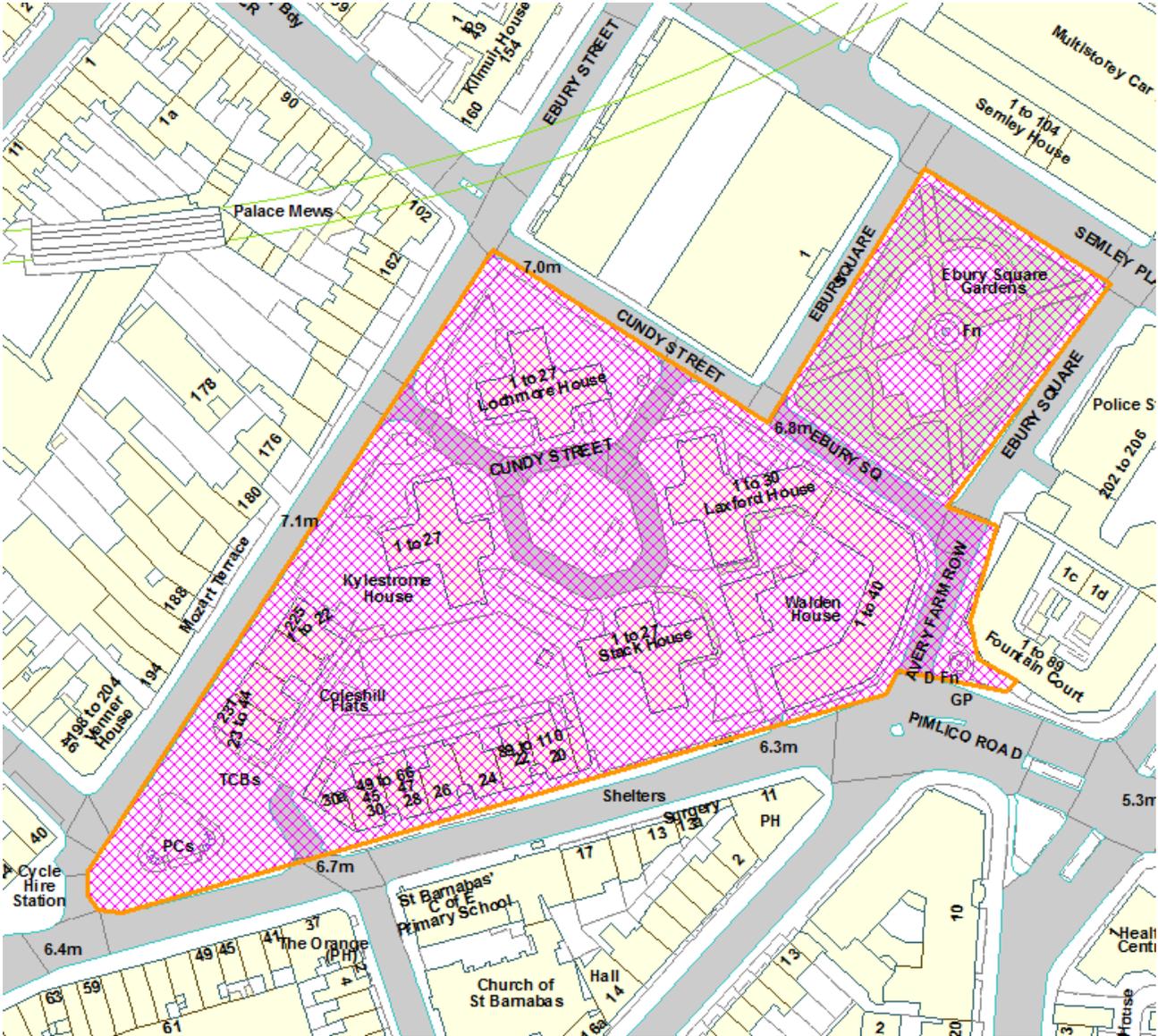
Objections have been received to the scheme from local amenity societies and from local residents. These are summarised in the main report but they relate to the demolition of the existing Cundy Street flats in design and environmental terms and the loss of the long term residential community, amenity impact of the new entertainment uses, the height and design of the proposed development (in particular Building B2), overdevelopment, loss of daylight, sunlight and privacy to surrounding neighbouring properties, loss of trees (including some with preservation orders), lack of off street car parking spaces, the provision of a new playground in Ebury Square Gardens and construction impacts.

The proposed development has also received letters of support on the grounds that it will replacement housing for Walden House residents will help alleviate the housing crisis, that it will massively improve the quality of homes and that the end result will improve the area greatly for the benefit of local residents, businesses and for those who work in Westminster.

It is concluded that the proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. Specifically these policies are S25 and S29 of the City Plan and DES 9, DES 10 and ENV 13 (E) of the Unitary Development Plan. The proposed development does, however, comply with policies S14 and S16 of the City Plan which seeks to optimise housing delivery and to optimise the delivery of new affordable homes. In taking an overall view, and for the reasons set out in this report, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. There are also other significant public benefits arising from the proposed development that are material considerations, namely the delivery of specialist older person's housing, the provision of on-site affordable housing that would meet the housing needs of Walden House residents and the regeneration and growth benefits such as new public routes through the site, the provision of new shops, a cinema and other amenities and new workspaces. The proposed development would also meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site.

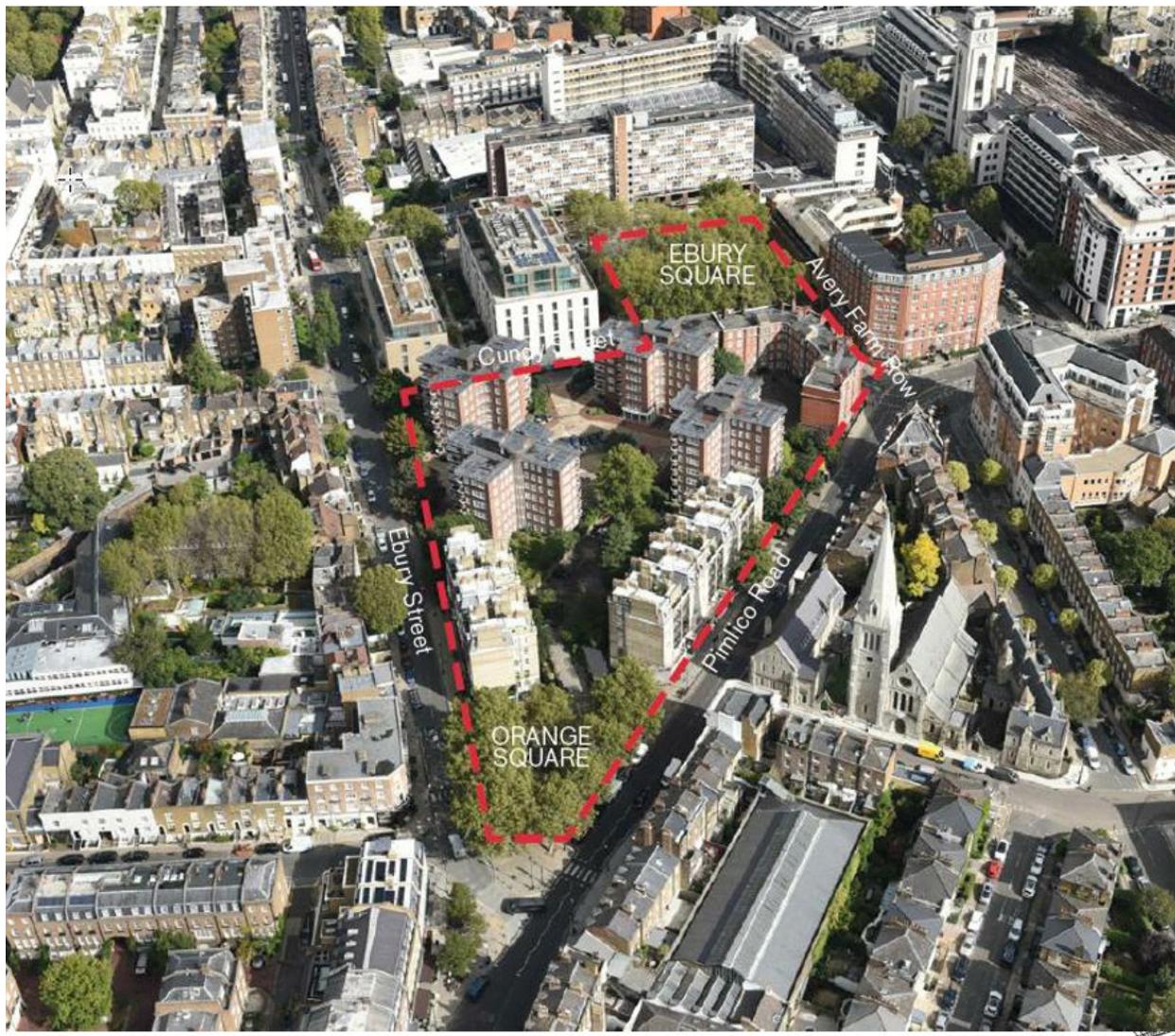
For these reasons it is recommended that conditional planning permission and listed building consent be granted subject to the views of the Mayor and subject to a S106 legal agreement securing the items listed within Section 8.12 of this report..

**9. LOCATION PLAN**



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.

10. PHOTOGRAPHS



**Aerial view of application site showing Cundy Street flats, Walden House, Coleshill Flats , Orange Square and Ebury Square**

## 11. CONSULTATIONS

### **Councillor Mann and Councillor Talukder**

The new social housing and the right to return offered to Walden House residents is welcomed. The break-up of the long-standing community at the Cundy Street flats is regretted. The applicant's tenants in the Cundy Street flats have not been offered a right to return to, or even first refusal on, any of the new housing being built. It is believed that there should be a commitment from the applicant to offer and request that this is factored into the development plans. T

### **Councillor Gassanly**

Supports the application as it will significantly increase the supply of all types of housing in this part of south Westminster, create new retail opportunities and local amenities and the best possible deal has now been secured with a number of major public benefits including mitigation payments to all Cundy Street households (£6500), full replacement of all social rent flats (Walden House) and right of return and one move for Walden House residents.

There are no affordable flats at Cundy Street at present and the proposal exceeds Westminster's City Plan requirements for affordable housing on site. Westminster's lease for Walden House is due to expire shortly. Rather than losing social rented homes, the City Council will be gaining additional ones and resolving all outstanding overcrowding issues at Walden House. It's difficult to overstate significance of this achievement. The developer should be recognised for going above and beyond legal duties and requirements.

The comments from those opposed to the new playground within Ebury Square are strongly rejected. Children playing in the playground is something to be welcomed, not opposed. The developer is encouraged to look at ways to mitigate potential noise impact, for example by looking at a possible change in layout, but it is important that the playground is provided. The new cinema and retail opportunities and the jobs these will create are welcomed.

The height, bulk and massing are concerning but it is understood this is the result of the developer seeking to meet social/affordable housing targets on site and to make the scheme financially viable. Any mitigation and reduction would be welcome providing this does NOT result in reduction of overall number of units.

The few outstanding issues with protected residents at Cundy Street are a concern.

Overall, the proposal reflects Westminster's vision as set out in the new City Plan, both in terms of place-shaping and housing targets. For example, opening up a new pedestrian route between Orange Square and Ebury Square through the development will significantly improve the layout. There are a number of problems associated with the area, including ASB and drug-related crime, especially around the car park at the back of Coleshill Flats. These proposals will remove the hot-spot.

It is appreciated that many residents do not wish disruption to their lives and there is

genuine opposition to the plans, however it is believed these objections do not outweigh the benefits of this scheme. This application is supported and urges the committee to grant the planning permission. The committee is strongly urged NOT to impose any conditions that might result in reduction of any type of housing and, in particular, desperately needed affordable units on site.

#### **Affordable Housing Supply Manager**

Housing welcomes these proposals and in particular the proposed phasing of the development so existing social housing tenants currently residing at Walden House will have the opportunity to be rehoused as part of a one move strategy into new social housing that is proposed as part of this development

#### **Highways Planning Team - City Highways**

The proposals for improvements to public realm within the site, in particular the new pedestrian routes through the site are welcomed. The loss of off-street parking for the Coleshill Flats is contrary to TRANS23 (A). There is a shortage of off-street parking for residents that would be required by TRANS 23, although this depends on the final mix and type of residential use provided. But this should be balanced against the loss of demand for approximately 40 residents' parking permits from demolishing the existing flats. In mitigation, the applicant is offering car club membership for the lifetime of the development for all residents.

It is quite difficult to predict what the demand for car parking will be but, on balance Highways Planning is inclined to think that the overall figures add up and that the demand for on-street parking should not increase greatly when the drop in demand as a result of demolishing the existing flats is taken into account. It is unfortunate that the market housing will have car parking spaces but the social housing will have none.

#### **Waste Project Officer**

No objection.

#### **Environmental Health**

No objection on environmental or nuisance grounds subject to conditions to secure the City Council's Code of Construction Practice, details of any proposed kitchen extract systems, the standard noise conditions and a condition to deal with vibration from the existing District and Circle Lines.

#### **Arboricultural Officer**

Objects to loss of 15 trees at Cundy Street flats which are protected by Tree Preservation Order. Their loss cannot be justified by replacement planting. Loss of trees at Coleshill Flats is regrettable but acceptable.

The replacement tree planting is aspirational and is not an adequate replacement for the trees proposed to be removed. Many of the trees appear to be at first floor level due to lack of space at ground level. Technical plans are required with details of soil volume. The pruning proposals at Ebury Square and Orange Square should not be approved as part of the planning application.

The proposed alterations to Ebury Square, which includes a new play area and the removal of diverse and varied planting and perimeter planting, are not supported.

**Building Control - Development Planning**

The basement excavation is to be formed using a piled wall as a temporary retaining wall. This method does not involve the undermining of existing structures, so is considered to pose less risk than an underpinning method. The method statement shows that the proposal is viable.

**WCC Economy Team**

The scheme needs to provide an Employment & Skills Plan and a Financial Contribution of £ 181,973.61.

**Greater London Authority**

The proposal is supported in terms of principle of estate regeneration, land use principles, housing and affordable housing (subject to scrutiny of applicant's Financial Viability Appraisal) urban design and heritage and climate change. The proposed level of car parking is excessive and should be removed entirely to provide disabled car parking only.

**Transport For London**

The provision of 29 standard car parking spaces is contrary to policy T6.1 of the Publication London Plan which requires car free development in all areas in central London of PTAL 5 – 6. No clear justification has been provided as to why any parking spaces are necessary and general car parking should be removed entirely.

The expansive public realm improvements, the provision of 393 long stay cycle parking spaces and contribution of £220k and £50k towards a new cycle hire docking station and improvements to Quietway 15 are welcomed.

It is disappointing that the target level of 75% of the required provision for short-stay cycle parking spaces has not been met. The applicant should suggest mitigation to address the short fall, and / or provide plans showing how additional short stay cycle parking could be provided if necessary, in the future..

Travel Plan, Construction Logistics Plan and Delivery and Servicing Plan should be secured by condition / S106.

**Historic England (Listed Builds/Con Areas)**

These applications should be determined in accordance with national and local policy guidance and in consultation with the City Council's specialist conservation adviser. Authorisation given to determine the LBC application. Historic England recommend that further exploration is given to restoring the missing or illegible inscriptions on the Arnid Johnston obelisk. Conditions are recommended to ensure that the dismantling and rebuilding of both the listed fountain and obelisk are undertaken in accordance with the submitted methodologies and secure suitable future maintenance programmes.

**Historic England (Archaeology)**

The development could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.

**Thames Water Utilities Ltd**

No objection subject to conditions.

**Natural England**

No objection

**The Gardens Trust**

Any response to be reported verbally.

**Royal Borough of Kensington & Chelsea**

No objections.

**Environment Agency (Thames Region)**

No comment.

**Designing Out Crime**

There are many flaws with the overall design of the development. The fundamental issues are: the location of the main entrance to Building C within a recess and with no natural surveillance, the provision of under crofts which historically attract a light level of anti-social behaviour and which have low levels of natural surveillance, pedestrian walkway at the back of Coleshill Flats is unnecessary, provision of shared bin and cycle storage facilities and provision of a linked basement with no segregation.

**Cross London Rail 2 Links Ltd**

No objection subject to condition.

**The Belgravia Society**

The Belgravia Society objects to this application. The plans for the site are an overdevelopment. The new buildings allow no margin to the pavements, are excessively high and create overshadowing and bulk, all towering over the buildings surrounding them. This is contrary to the stated objectives of Westminster City Council.

There will be insufficient light to the buildings and they will overshadow neighbouring property causing loss of light, view, privacy and probably noise and disturbance. The Belgravia Society questions the use of redbrick rather than the cream colouring associated with Belgravia.

There will be no disabled parking spaces and insufficient parking spaces overall. Avery Farm Row should not be subject to any traffic changes until there has been a proper assessment of how it will affect surrounding area and the memorial fountain should be restored to its present position.

Orange Square area should not be included in the application and should be the subject of a separate application when consultations on its future use have been completed.

**Belgravia Neighbourhood Forum**

The Belgravia Neighbourhood Forum accepts the redevelopment of the current Cundy Street Estate, it recognises the considerable extent of public consultation which the

applicant has undertaken, together with the modifications and additions which have been made. The forum applauds the plans for a cinema, community space, increased green areas, a supermarket and a refresh of Ebury Square including a children's playground.

The forum still has reservations regarding building heights. Westminster's City Plan 2019-2040 specifically states under Policy 42 Building Heights: "Buildings of more than 30 metres, or those that are more than twice the prevailing context height (whichever is lower) will be considered to be tall buildings, and will therefore need to satisfy both the general principles in clause D. In our view, these buildings do not satisfy these principles and are all therefore unacceptable.

The building of 42.5 m overlooking Ebury Square is particularly objectionable it is not proportionate to the role, function and importance of the location as per the draft replacement City Plan and its height is 85% of the height of the very top of the spire of St Barnabas church and its design is not in keeping with the vernacular look of the Belgravia Conservation Area. The forum consider that the design of this building is in breach of principles 2, 3 and 4 and consider Johnson House to be an acceptable precedent, at least in terms of height

The proposal will reduce the hours of direct sunlight into Ebury Square, especially in the summer months, to an unacceptable degree.

#### **Belgravia Residents Association (BRA)**

The BRA is gratified to see that Grosvenor have listened and made changes where requested to the original plans such as removal of retail units on Ebury Street and a right of return for the tenants of Walden House. Whilst generally in favour of the principle of the development as a whole the association has strong misgivings.

The existing external greenery will be lost, particularly on Ebury Street. The current trees have protection orders and if removed then the association would like the same level and bulk of greenery replaced.

The height and massing of the Ebury St elevation in relation to its positioning closer to Ebury St will have a detrimental effect on daylight and sunlight to Mozart Terrace. In addition the residents of Mozart Terrace have been deprived of their legal Right to Light through the historical ownership status of the houses. The pre-war buildings fronting Ebury Street were not as high as is currently planned. The BRA would like a compromise by partially retaining some of the existing green space and setting the Ebury Street elevation further back to eradicate the loss of daylight and sunlight.

The corner section of Pimlico Rd and Avery Row lacks architectural merit and the design of these buildings do not do Belgravia justice. An opportunity has been missed.

No real plans have been put forward for the revitalisation of Orange Square. The conversion of the former toilets should be included within the scheme.

Only a limited amount of on street parking is proposed. The association would insist and plea that the following would be set into the planning consent: "No resident whether tenant or leaseholder or commercial leasee has the right to apply or obtain a residents parking permit."

### Daylight and Sunlight

In light of the daylight concerns, the BRA Residents in Mozart Terrace commissioned their own Daylight and Sunlight Report from Kaivin Wong (Lumina). The Lumina report dated 23 July 2020 advises that:

- Any loss of VSC, Daylight Distribution and Sunlight over 40% will generally be considered unacceptable;
- the amount of internal Daylight Distribution that will be lost within many of the houses in Mozart Terrace will substantially exceed 40% of current values and in many cases exceed 50%, 60% and even 70%;
- the impact on sunlight to 170 Mozart Terrace will be well above the BRE recommendations; and
- the Applicant's Daylight & Sunlight Consultant (GIA) has misapplied the "mirror-image" criteria which has led to a misleading set of results.

### Correspondence from Lumina dated 12 November 2020

The City Council is encouraged to seek independent expert advice on Daylight and Sunlight given the scale and nature of the application and as this matter is of such a high level of importance.

Lumina have fully accepted that the BRE Guidelines should be applied flexibly (as derived from decisions by the GLA and at appeal) in that residual values in mid-teens are not unreasonable in a built up environment and that a reduction of up to 40% may be acceptable but any loss in excess of 40% (i.e. twice the level recommended in the Guidelines) will not generally be acceptable.

The No Skyline Daylight Distribution results in GIA's report were not presented fairly and impartially.

Lumina are critical of GIA's use of the NSL alternative target of 50% and absence of Contour Plans.

### Correspondence from Lumina dated 27 November 2020.

Reiterates advice that GIA's report should be independently assessed and comments that having viewed Contour Plans there are poor results in terms of Daylight Distribution at 1 Ebury Square, 11 Pimlico Road, Fountain Court and at 1-22, 67-88 and 89-110 Coleshill Flats. Comments are also made on the applicant's response to the Lumina Report. The letter from Lumina explains that a very significant number of habitable rooms on Mozart Terrace and Ebury Street would experience loss of daylight and sunlight that exceed the most flexible interpretation of the BRE Guidelines with a number of rooms left with very little or virtually no daylight at all.

### Correspondence from Lumina dated 13 January 2021

Lumina comment on the independent report commissioned by the City Council from Delva Patman Redler (DPR)

- DPR affirms GIA's misapplication of the "mirror image" principle.
- DPR conclude that GIA has downplayed the significance of the "impacts" in their Environmental statement chapter. DPR conclude the impact on Mozart Terrace will be greater than portrayed by GIA.
- Lumina consider that if VSC and NSL Daylight Distribution are assessed in the same manner and ascribed equal weight as recommended in the Guidelines, the conclusion will be "Major adverse".
- DPR has upgraded the impacts on other properties to levels above those described by the Applicant. The change is particularly pertinent to Coleshill Flats as some of the rooms in those flats will suffer a very severe loss of daylight rendering them unfit for habitable use when measured against the recognised standards.

## **OTHER REPRESENTATIONS RECEIVED**

### Peabody

In April 2019 Peabody conducted a full six week consultation with residents on the proposal to return the basement flats and car park to Grosvenor. 65 households took part in the consultation. Overall residents were supportive of the proposals. A small number of concerns were raised throughout the process which Grosvenor's proposed plans have sought to address. These are:

- The future use of the lower ground floor for café or restaurant use
- The management of the area and its overall security
- The ability to retain some private outside space for Coleshill residents
- The loss of car spaces for residents, visitors and access for deliveries
- The need for convenient refuse disposal areas and storage for bicycles

Following this consultation Grosvenor held a full resident and community consultation and Peabody residents were invited to take part and the events were promoted directly to our residents.

Peabody believe our residents have had a good opportunity to feedback on and influence the plans presented by Grosvenor, in particular the proposals for the car park. Overall we believe that the proposals will improve the area and the development of the plans has reflected the feedback from the community throughout the consultation process.

### Semley House Residents Association

The association objections are for changes proposed to Ebury Square Gardens and it's immediate environment. The Association objects to the transformation of the layout of the garden, to the insertion and proposed location of a playground in the gardens, to moving the fountain from the existing position, to the height of proposed new "Building B" (the replacement to Walden House) resulting in light loss, to the removal of parking bays and provision for 28 bicycle stands in Semley Place.

## **ADJOINING OWNERS/OCCUPIERS**

No. Consulted: 1017

Total No. of replies: 79  
 No. of objections: 62 (from 54 separate addresses)  
 No. in support: 14  
 No. neither objecting nor in support: 2

**Objection letters have raised some or all of the following issues:**

**PRINCIPLE OF DEMOLITION**

- Object to demolition of Cundy Street flats which comprise a tasteful, architecturally superior and aesthetically pleasing urban arrangement.
- Oppose the destruction of the historical buildings and architecture.
- Cundy Street flats are enormously popular and contribute to charm and village atmosphere of Belgravia.
- Destruction of social housing.
- Knocking down and rebuilding is ecologically detrimental.
- Loss of traditional and distinctive character.
- It is criminal to tear down perfectly good well-proportioned flats.
- This is one of the few parts of London that isn't overdeveloped and characterless.

**IMPACT ON COMMUNITY**

- Loss of long term community in the Cundy Street flats which is unique.
- Significant negative impact on existing neighbourhood and existing community.
- Loss of village feel of the Belgravia area.
- The neighbourhood has too many largescale redevelopments (examples Chelsea Barracks, Timber Yard and Ebury Bridge Estate)
- Concern that this will be a "dark window" development with flats sold to absentee owners.

**LAND USE**

- Existing residents in Cundy Street flats to lose their homes many of whom are "affordable renters" or low income tenants. The right of return is not being offered to Cundy Street occupants nor temporary alternative accommodation.
- The affordable housing should be located elsewhere in a cheaper part of Westminster.
- The children's playground should be located within the development site itself.
- The plans are not sympathetic to the local community. Another soulless complex is not required. Accessible local shops are required. e.g. a butcher, baker, supermarket (not international shops)
- More cinemas and shops are not are needed. There are local shops that are already vacant.
- This could have been designed as a residential only development similar to Chelsea Barracks.
- Oppose provision of more market housing.
- More bars will bring a further increase in early morning and late night noise and anti-social behaviour, particularly for Coleshill Flats some of who have bedrooms at the rear.
- Existing anti-social behaviour in neighbourhood will only get worse with this development. (e.g. from customers of Orange Brewery)
- Coleshill Flats will lose their amenity space that they have to enjoy and take part in

- gardening. New residents will enjoy access to private roof gardens.
- Coleshill flats will only be allowed to use 184sqm of shared space in the new development and will not be allowed access to the new roof gardens.
  - The proposal will not bring about any more diversity that is not already there.
  - Not enough infrastructure locally for all the extra residents.

#### BUILDING HEIGHT

- The scheme is an overdevelopment.
- Height of proposed buildings is excessive, out of scale and completely at odds with the conservation area / local area. The new buildings will dwarf St Barnabus Church and block views of the beautiful spire.
- The proposed new buildings should be below 30m and must be viewed against the context set by neighbouring buildings.
- The vast size and massing of these enormous blocks will radically alter the nature of the neighbourhood and irreparably damage the existing townscape.
- Building B will cast a permanent shade on the west and southwest parts of Ebury Square Gardens.
- The replacement Walden House building should be restricted to the height of 1 Ebury Square.

#### APPEARANCE OF NEW DEVELOPMENT

- The buildings overlooking Ebury Square are not in keeping with the vernacular of adjacent buildings, the brick is too red and the arches out of keeping with the formal appearance of Belgravia.
- The design of the development is completely at odds with the local area.
- The dirty brown material is unsuitable rather than white stone.
- The building design is of meagre quality.

#### LAYOUT OF NEW DEVELOPMENT

- The building on Ebury Street is too close to the pavement.
- The development does not “Successfully rebuild the historic streetscape”.
- There is severe overdevelopment in this proposed scheme.
- The new flats are too densely packed together.
- Lack of daylight to courtyard between buildings A and C.
- Elizabeth Place is only 20ft wide and Five Fields Row 12ft wide.
- The new walkway and new public space could attract anti-social behaviour including at night time.

#### DAYLIGHT, SUNLIGHT AND LOSS OF PRIVACY

- Effect on neighbours amenities such as daylight, sunlight, privacy and noise.
- Substantial loss of daylight and sunlight to listed houses on Mozart Terrace (Ebury Street), sometimes in excess of 40%.
- Impact on Ebury Street from bringing the building line forward with tall buildings 30m high. They should be no more than 20m high.
- Loss of view from Mozart Terrace (Ebury Street) as the existing open space and greenery between the Cundy Street flats will be lost.
- Loss of privacy, overshadowing and noise and disturbance to Mozart Terrace (Ebury Street) properties from new building across the street.

- The proposed unbroken row of high buildings opposite Mozart Terrace will be so high and so close as to deprive occupants of a significant amount of light and greenery.

#### TREES

- Object to felling of trees and loss of mature planting.
- Loss of trees from Coleshill Flats.
- Loss of planting and green space around Cundy Street flats.
- The greenspace can currently be enjoyed along Ebury Street.

#### PARKING AND HIGHWAYS

- 38 parking spaces for 254 to 305 residences is woefully inadequate and will place pressure on an area where there is very high demand for limited on street parking. A lack of parking spaces will add to traffic congestion, noise, fumes and parking on the pavement.
- The proposals take away valuable and sought after parking spaces on the road. The loss of parking spaces in Cundy Street will be particularly detrimental to elderly and disabled residents.
- Increased air pollution from increased congestion.
- No resident parking permits should be issued to residents' of this development.
- Object to any proposal to restrict traffic along Avery Farm Row.
- The on street cycle parking is excessive and in the wrong place.

#### EBURY SQUARE GARDENS

- Ebury Square Gardens is protected under the London Squares Preservation Act. The proposed changes in landscaping and design are totally inappropriate, unsympathetic and will seriously affect the appearance and visual amenity of the square. Object to modification of the garden's railings to accommodate cycle stands, to the changes to pathways through the square and the relocation of the central fountain.
- A children's playground will interfere seriously with the amenity or enjoyment of the gardens and will cause noise pollution to residents facing the gardens and for those using the square for relaxation (contrary to the London Squares Preservation Act).
- Object to pollarding of trees in the gardens.

#### OTHER

- Construction disruption for seven years . The demolition, excavation and rebuilding will be unbearable for the neighbourhood.
- The City Council must rigorously enforce the Code of Construction Practice.
- Noise impact from construction.
- Impact from construction on air quality.
- Concern that aspects of the development will be watered down as the development progresses.
- Children's playground will be affected by air pollution from coach station traffic.
- In an age committed to green and environmental issues, is there really any justification for this development?
- Views of Semley House Residents' Association are endorsed.
- At no point did the pamphlets produced by 'Cundy Street Quarter' outline the

comparison between existing and proposed building heights.

- From the information submitted it is impossible to gauge the difference between the heights of what is there and what is proposed.
- The timing of the City Council's public consultation should not have been to coincide with a national lockdown due to Covid-19.
- There is some discrepancy between what the developers have advertised and what is actually on the planning application.

### **Letters of support**

- The Chair of Governors of St Barnabas CE Primary School fully supports this new development. St Barnabas is a small single form entry Primary School with capacity and the Chair expects this development and associated affordable housing to be both good neighbours and a source of children coming to the school.
- The development is supported and welcomed and will assist in keeping this strong community together.
- Replacement housing for Walden House residents will help to alleviate the housing crisis.
- The development is non-intrusive, eco-friendly and meets the needs of residents.
- The development will massively improve the quality of homes.
- Support project which is well designed (with reservation about the height of B1 and density)
- A great development that is a step in the right direction for Belgravia.
- Grosvenor have listened to everyone's opinions.
- Although there will be some dislocation and inconvenience during redevelopment, the end result will improve the area greatly for the benefit of local residents, businesses and those who work in Westminster.
- Great initiative and well designed. Nice to see open spaces and pedestrian only zones.

### **Neither objecting to nor supporting the Planning Application**

:

- Please consider including a large secure cycle storage facility which can be accessed and used by all members of the community. As a result of Covid-19 more people are cycling.
- Letter on behalf of Belgravia Police Station advising that 24/7 access to Belgravia Police Station on Ebury Square must be maintained.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

### **FIRST RE-CONSULTATION**

The City Council carried out a re-consultation on 28 October 2020 for the following amendments:

- Design of Ebury Square Gardens revised including retention of fountain in the middle of the gardens and existing path structure.
- Play space within Ebury Square Gardens to be dispersed around the gardens.
- Changes to refuse stores and on street cycle parking

- Changes to the indicative design of Cundy Street carriageway and public realm on Avery Farm Row.

Letters were sent to those who had previously commented. 10 individual responses (from 8 addresses) were received:

- Plans to keep architecture of gardens as they are is welcomed.
- pleased that Grosvenor have retained the fountain and pathways, but most strongly object to having four play spaces around the square.
- Reiterates view that Grosvenor should put playground in their new development.
- If the square can't be refurbished without ruining it with a play area then it should be left alone.
- The play space will generate even more noise for Semley House residents.
- The play space should be at the Pimlico Road end of the square, close to replacement Walden House
- Continues to object to loss of any on-street car parking
- Continued objection on height and design grounds
- Coleshill Flats (Peabody) residents are the only residents in the entire Cundy Street Quarter build that will not have access to "private outdoor amenity space". Grosvenor want to remove the Coleshill private outdoor amenity space garden and replace it with a community space.

#### Semley House Residents Association

Generally viewed the revised proposals of the Ebury Square garden redevelopment proposal as a great improvement on what was originally suggested. The association accepted the argument for one play area even though we would prefer none. However the revised proposals now show two play areas and we object to the mixed use of this play area for activities like Tai Chi and an older children's play area in the northeast corner of the square bordering Semley Place. The association regrets the necessity of invading the tranquillity of the square, presently enjoyed by many adults.

### **SECOND RECONSULTATION**

The City Council carried out a further re-consultation on 14 January 2021 to allow for any comments on the independent review of the daylight and sunlight impacts of the proposed development commissioned by the City Council. Letters were sent to those who had previously commented. One individual response was received with a further objection that this development is inappropriate and wholly detrimental to the area and that local opposition is obvious.

## **12. BACKGROUND INFORMATION**

### **12.1 The Application Site**

The application site comprises the land and buildings bounded by Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square and Cundy Street. The site also includes Orange Square and Ebury Square. Part of the site falls within the Belgravia Conservation Area.

The site comprises an area of 1.77 ha. and includes the following buildings and open spaces:

#### Cundy Street flats

A group of four 7-storey blocks of flats constructed in the 1950s comprising Stack House, Laxford House, Lochmore House and Kylestrome House. There are 111 private residential units within the Cundy Street flats with 59 surface level car parking spaces.

#### Walden House

A 5-storey block of flats which dates from 1924 and contains 40 affordable homes in social rent tenure. Walden House is leased to the City Council which the applicant advises expires in 2023.

#### Coleshill basement flats and Coleshill car park

The Coleshill Flats are two Victorian Grade II listed 6-storey mansion blocks constructed in 1871. These contain 120 residential units and ground floor retail and restaurant uses fronting Pimlico Road and Ebury Street. The car park to the rear contains 24 surface level car parking spaces. Although the red line boundary includes both Coleshill buildings, the application only relates to 9 basement flats which are accessed from Coleshill car park and the side and rear facades.

#### Ebury Square Gardens

Designated open space which is protected in legislation through the London Squares Preservation Act (1931). The square is owned by the applicant which is currently leased to the City Council who manage and maintain the space.

#### Orange Square

Designated open space located to the west of the Coleshill Flats at the junction of Ebury Street and Pimlico Road which includes hard and soft landscaping and former public toilets. Orange Square is owned and maintained by the City Council.

In addition to the Grade II listed Coleshill Flats, the site also includes the Grade II listed Arnid Johnston Obelisk, which is located within the courtyard of Walden House, the Marquess of Westminster Memorial Drinking Fountain (Grade II) on Avery Farm Road and the Grade II listed pair of telephone kiosks on Orange Square.

The Coleshill Flats and car park and Orange Square all fall within the Belgravia Conservation Area. The remainder of the site lies outside the conservation area boundary. The site also lies within the immediate setting of numerous other designated heritage assets, including 180 Ebury Street (Grade I), 162-170 Ebury Street (Grade II), Church of St Barnabas (Grade I) and St Barnabas Church School (Grade II).

The site is located within Tier 3 of the Pimlico Special Archaeological Priority Area, the Crossrail 2 Safeguarding Zone (part) and an area of public play space deficiency. Part of the site (the south western end) is located within an area of public open space deficiency. The commercial units within the Coleshill Flats fall within the Pimlico Road Local Centre, which extends along Pimlico Road High Street to the west of the site. The site is within Flood Zone 1.

There are 15 trees within the Cundy Street flats element of the site which are covered by a Tree Preservation Order (TPO). There are also 14 other trees covered by a TPO which include 13 mature plane trees and one hawthorn located in Ebury Square.

In 2018, Certificates of Immunity from Listing were issued for both Walden House and the Cundy Street Flats and expire in 2023.

The boundary with the Royal Borough of Kensington and Chelsea is located approximately 250m to the west of the site.

## 12.2 Recent Relevant History

There is no recent relevant planning history for the Cundy Street flats, Walden House or the Coleshill Flats.

At Orange Square permission was granted on 1 November 2018 for “Use of the open space between Ebury Street and Pimlico Road as weekly Saturday farmers’ market with servicing hours from 7.30am-3pm and trading hours from 9am-2.05pm.” This permission is personal to London Farmers’ Markets Ltd and expires on the 31 October 2023.

At Ebury Square permission was granted on 14 October 2013 for “Works to boundaries of Ebury Square Gardens comprising installation of new wrought iron gate on western boundary and replacement and widening of two existing gates on eastern and western boundaries.” On 30 July 2014, permission was granted for the ‘installation of a new lighting scheme to Ebury Square Gardens’.

On the 31 January 2018, listed building consent was granted for “Repairs to the substructure of the fountain (Marquess of Westminster Memorial Fountain) and surrounding paving stones.”

## 13. THE PROPOSAL

Land Use	Existing Floorspace (GIA) sqm	Proposed Floorspace (GIA) sqm	Net Change (GIA) sqm
Market Housing (Class C3)	9,058	12,732	+3,674
Affordable Housing (Class C3)	3,283	10,360	+7,077
Specialist housing for older people (Class C3)	0	18,345	+18,345

and/or C2)			
Retail (Class A1)	50	883	+833
Retail/Restaurant/Drinking Establishments/Office (A1/A3/A4/B1	0	1,952	+1,952
Community (Class D1)	0	154	+154
Cinema (Class D2)	0	846	+846
<b>Total</b>	<b>12,391</b>	<b>45,272</b>	<b>+32,881</b>

Permission is sought for the demolition of Stack House, Laxford House, Lochmore House and Kylestrome House (the Cundy Street Flats) and Walden House and for the comprehensive residential-led mixed use redevelopment of the site to construct three new blocks ranging in height from 5 to 11-storeys with a single basement level.

The scheme includes new internal pedestrian routes through the centre of the site. A new east-west route would link Orange Square and Ebury Square (via the rear courtyard to Coleshill Flats) and is named Elizabeth Place. A new north-south route would link Pimlico Road with Ebury Street and is named Clifford's Row (the southern access) and Five Fields Row (the northern access). There will be a new area of open space where the four internal routes meet known as Elizabeth Place.

The three new buildings and their uses comprise:

Building A – senior living accommodation

Building A (split into A1 and A2) would range in height between 4, 6, 7, 8, and 10-storeys and would include specialist accommodation for older people in C2 and/or C3 use, with internal communal amenity space and an open atrium courtyard at ground floor level, with five small commercial units located on Elizabeth Place and the northern mews access to Ebury Street. The commercial units would comprise three retail (A1) uses and two retail/ restaurant /drinking establishment or office (A1/A3/A4/B1) uses. There would be an off street loading bay and car drop off facility on Cundy Street.

The Class C3 residential units would be self-contained encompassing a bedroom (or, in a few cases, two bedrooms), bathroom and living room / kitchen / diner. These units would be for older people who would be capable of living independently. The Class C2 use, referred to as assisted living units, would be studio-type units and not be self-contained. Those living within the Class C2 assisted living units are likely to have substantially more extensive care needs and would be dependent on the meals, health and social care provided by the facility. The aim being that as the care needs of

individuals or households changes over time there will be different types of accommodation available.

The applicant is seeking flexibility as to the final mix of Class C3 residential units and Class C2 assisted living units. The drawings submitted with the planning application illustrate one possible configuration of the space within Building A with 37 Class C3 residential units and 100 Class C2 assisted living units (this is identified within this report as the indicative design scheme). The applicant also proposes a maximum Independent Living scheme and a maximum assisted living scheme:

- Maximum independent living scheme in which all accommodation within Building A would be Class C3 residential units;
- Maximum assisted living scheme with 119 Class C2 assisted living units and 23 Class C3 residential units.

The applicant proposes that the final composition, mix and layout of Building A would be secured by condition prior to construction. This is because this type of senior living operating model is new to the UK and the final configuration of Building A would ultimately depend on the potential occupiers. However whilst flexibility is sought, the applicant advises that the discharge of the planning condition would show a final configuration that would sit between two parameters, both of which have been assessed as part of the Environmental Statement. The two parameters are set out in the table below:

	<b>Maximum Assisted Living Scenario</b>	<b>Indicative Design Scheme</b>	<b>Maximum Independent Living</b>
<b>Units in Blocks B &amp; C (conventional Class C3)</b>	163	163	163
<b>Units in Independent Living in Block A (Class C3)</b>	23	37	91
<b>Assisted Living Units in Block A (Class C2)</b>	119	100	0
<b>Total</b>	305	300	254

The accommodation, including the Class C3 residential units, would be let only to primary tenants over the age of 65 with care needs, confirmed by an independent assessment. In the case of the Class C3 use, the primary tenant, with care needs, could be accompanied by a spouse or partner.

#### Building B – Market and intermediate affordable housing

Building B (split into B1, B2 and B3) would be stepped in height ranging from 5, 7, 8, 10 and 11-storeys. This block would include flexible commercial units in Class A1/A3/A4/B1 use at ground floor level; a local supermarket/food store, with self-contained residential units in Class C3 use above. The building is split with 70 market tenure residential units in B1 and 49 intermediate residential units in B2/3. There would be an off street loading

bay on Pimlico Road.

#### Building C – social rent affordable housing

Building C would range in height from 4, 6, 7, and 8-storeys and would include a Class A1 retail unit on the corner of Ebury Street and community space (Class D1) and cinema (Class D2) fronting onto Elizabeth Gardens, with 44 residential units on upper levels in social rent tenure. The cinema would include three screens at basement/sub-basement level. The mix of social rent units has been designed to meet the requirements of the 38 households from Walden House.

The proposed single basement will provide 38 residential car parking spaces with 18 spaces for the senior living accommodation in Building A and 20 spaces for the market housing Building B1. Long stay cycle parking is proposed for both residents and workers employees within the development.

#### Coleshill Flats

The site area includes the basement of Coleshill Flats which currently provide nine affordable homes (4 four social rent and 5 intermediate units). Permission is sought for the change of use of these residential flats into retail and / or workspace (Class A1 and / or B1) with rents and service charges to be subsidised by the applicant. There is no guarantee that this part of the proposal would be delivered as existing residents of these flats would be given a choice to move into a new flat in Building C or remain in their own home.

#### Ebury Square Gardens

The proposals for Ebury Square Gardens were revised during the course of the consideration of this application. This followed consultation by the applicant with local residents. It is proposed to refurbish the gardens whilst maintaining the existing path routes and fountain location. Children's play space of 560sqm would be provided which would be dispersed around the gardens. It is no longer proposed to pollard the trees within the square as part of this application.

#### Orange Square

The works proposed include new hard landscaping, alterations to the above ground toilet structures, removal of existing bollards, repositioning of Grade II listed telephone boxes, additional cycle parking and new benches. It is no longer proposed to pollard the trees within the square as part of this application.

#### Other works

The proposal includes highways works necessary for the development to take place. 12 short stay cycle racks are proposed on Avery Farm Row (they were previously proposed to be located north of Ebury Square) and a further 22 cycle stands are proposed to be located south of Ebury Square. The submitted drawings also includes changes to the Cundy Street carriageway and the relocation of three residential parking bays. (This part of the application has also been revised as originally it was proposed to relocate 10 residential parking bays.)

#### Listed building works

The linked listed building application proposes the demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side

of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Arnridd Johnston obelisk to within the northern access (Five Field's Row); refurbishment and relocation of the Memorial Drinking Fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square and other associated works.

#### Phased construction

The applicant proposes a phased construction with Buildings A and C constructed in the first phases and Building B in the second phase. (see Section 8.14)

## 14. DETAILED CONSIDERATIONS

### Policy Context

The application is required to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the London Plan (adopted March 2016), Westminster's City Plan (adopted November 2016), and the remaining 'saved' and not superseded policies within the City of Westminster UDP (adopted January 2007).

For the reasons set out within in Section 8.8 of this report, whilst the draft replacement City Plan has now been through an Examination in Public, it will generally continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

The emerging new London Plan (referred to as the Publication London Plan) is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker. For the reasons set out in Section 8.10 of this report, policies contained in the Publication London Plan (December 2020) that are not subject to a direction by the Secretary of State are considered to carry significant weight.

The National Planning Policy Framework (NPPF) is also a material consideration in the determination of this application.

### 14.1 Land Use

#### 8.1.1 Procedural Matters

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. These Regulations made a number of changes to the Town and Country Planning (Use Classes) Order 1987, including the creation of a new Class E (Commercial, Business and Service) that includes a wide variety of uses into a single use class and the creation of a new Class F1 (Learning and Non-Residential Institutions).

Of relevance to this application, former Class A1 (Shops), former Class A3 (Restaurants and Cafes), former Class B1 (Business) are now included within Class E, whilst former Class D1 (Non Residential Institution) would now fall within Class F2 (Local Community). Former Class A4 (Drinking Establishments) are now removed from any of the classes

and are now a sui generis use along with a cinema use (formerly Class D2).

The other uses relevant to the assessment of this application (i.e. dwelling houses (Class C3) and residential institutions (Class C2) are unaffected by these changes.

If permission is granted and the development built out and occupied, the use of the buildings (or part of a building) will transition into the relevant classes of the amended Order (1987) (or, in the case of the drinking establishment and cinema uses, to a sui generis use). Thereafter, planning permission is not required to change the use within a use class. This is because changes of use within a use class do not constitute development.

As the application was submitted before these Regulations came into force, the application has been assessed and is required to be determined by reference to the use classes as they were specified on 31 August 2020 – in this case retail (Class A1), restaurants and cafes (Class A3), drinking establishment (Class A4), offices (Class B1), non-residential institutions (Class D1) and assembly and leisure (Class D2).

### **8.1.2 Principle of Development**

The development proposes the wholesale demolition of the Cundy Street flats and Walden House which in total comprise 151 homes. Objections have been received to the proposed demolition on historical, environmental and social grounds. The objectors argue that the buildings being demolished are enormously popular and perfectly sound and will result in the loss of an existing community.

The applicant considers that the existing buildings on the site have a number of drawbacks. These include the poor quality accommodation within all blocks. For example Walden House has no private or shared outdoor amenity space and has limited facilities for waste and cycle storage, and no lift access. Other drawbacks of the existing site include the poor relationship of the Cundy Street flats to the historic street pattern due to their set back nature, the impermeable nature of the site and the lack of active frontage at ground floor level which has led to anti-social behaviour problems.

The applicant advises that light touch and refurbishment and extension options were considered in addition to the current proposal. The light touch works would mostly involve internal refurbishment whereas the refurbishment and extension option included extending the footprint of the Cundy Street flats on each floor, roof top extensions and new blocks along Ebury Street, Cundy Street and Pimlico Road and to south of site near Coleshill flats. However, these options were rejected by the applicant as only wholesale redevelopment would address the problem issues identified above and allow for other benefits to be delivered including using land more efficiently and increasing the provision of housing and affordable housing.

The Cundy Street flats are architecturally distinctive in terms of their form and detailing and are good examples of their type from the post-war era. Whilst not considered of special architectural or historic interest, they are considered of townscape value and undesignated heritage assets. As a positive contributor to the character and appearance of the area, the loss of these buildings is harmful and is a material consideration that

weighs against the proposed development. Paragraph 197 of the NPPF explains that in weighing applications that affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the asset. For the reasons set out in Section 9.0 of this report, it is concluded that the demolition of the Cundy Street flats is acceptable given the significant public benefits delivered by the proposed development.

Walden House is of some historic and communal value but it is not of special architectural or historic interest and makes a neutral contribution to the townscape. Its loss is not considered detrimental subject to the design quality of the replacement buildings.

The environmental concerns raised about demolition of the existing buildings is understood. Embodied carbon is defined in the Publication London Plan as “The total life cycle carbon / energy / greenhouse gases used in the collection, manufacture, transportation, assembly, recycling and disposal of a given material or product.” The applicant has provided a Whole Life Carbon Assessment with the application. This demonstrates that over a standard 60 year life cycle, the proposed development would result in less carbon emissions on a per square metre basis than the options discussed above. By way of comparison, the proposed development would use 1,842 kilograms of carbon per sqm over the full life span whereas the light touch refurbishment option would use 3,903 kilograms of carbon per sqm over the same life span. On this basis, the applicant advises that the carbon ‘pay back’ of the proposed development compared to a light touch refurbishment, would be approximately 16-17 years. The applicant’s case for demolition in environmental terms is accepted.

National, regional and local planning policies seek to optimise housing delivery and boost housing supply.

The NPPF states that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This is to support the Government’s objective of significantly boosting the supply of homes.

London Plan Policy 3.3 seeks to increase the supply of housing in the capital and sets the City Council a 10 year housing target of 10,677 homes, which is reduced moderately to 9,850 homes in the Publication London Plan.

Policy GG2 of the Publication London Plan seeks to create successful sustainable mixed-use places that make the best use of land. Those involved in planning and development must proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

One of the strategic objectives of the City Plan is an aim to increase the supply of good quality housing to meet Westminster’s housing target, and to meet housing needs, including the provision of affordable housing and homes for those with special needs. Policy S14 of the City Plan seeks to optimise housing delivery and specifies that the City

Council will work to achieve and exceed its borough housing target set out in the London Plan. This objective is carried through into emerging policy within the draft replacement City Plan which seeks to optimise site densities to exceed the London Plan derived target of 20,685 homes across the plan period (2019-2040).

The site is well located in terms of public transport and amenities. A key planning benefit of the redevelopment of the site is that it intensifies the use of land to support additional homes and workspaces and promotes higher density development. The proposals would deliver 163 Class C3 residential units within Buildings B and C with a floorspace of 23,092 (GIA) sqm. This represents an uplift of 10,751(GIA) sqm for Buildings B and C. The scheme would also deliver 18,345sqm of specialist housing for older persons which depending on how Building A is configured could deliver up to an additional 91 C3 residential units. In the Publication London Plan higher density residential developments are those with a density of at least 350 units per hectare. If Ebury Square and Orange Square are removed from the site area, the scheme as submitted would have a residential density of 222 units per hectare. This compares with 119 units per hectare as existing. This increased density would boost housing supply in line with national, regional and local policy objectives set out above.

The proposed development has received letters of support on the grounds that it will replacement housing for Walden House residents will help alleviate the housing crisis, that it will massively improve the quality of homes and that the end result will improve the area greatly for the benefit of local residents, businesses and for those who work in Westminster.

It is accepted that the Cundy Street flats are attractive buildings that have provided homes for a long standing community for many years and their demolition is not fully supported by the local community. However, their demolition will allow for a sustainable mixed use development that makes the best use of land, increases the supply of good quality housing to meet Westminster's housing target, provides more housing including affordable housing and specialist housing for older people together with other socio-economic and environmental benefits. These are benefits that could not be delivered with either the light touch refurbishment or refurbishment and extension options.

Concerns have been expressed by local residents that this will be a soulless or a 'dark window' development that will harm the village feel of the Belgravia area. Given the significant amount of affordable housing proposed on-site, the provision of specialist older person housing and a wide mix of commercial uses including a cinema, the proposed development is highly unlikely to fall into the category of a 'dark window' development. Given the overall amenities and public realm proposed within the proposed development, the proposal would be likely to enhance the feel of the Belgravia area rather than harm it.

### **8.1.3 Replacement of existing affordable housing**

The development proposes the demolition of 40 social rent units in Walden House and the potential loss of four Coleshill basement flats in social rent tenure and five in intermediate tenure through a change of use.

The City Plan and London Plan protect affordable housing and floorspace that is used or was last used as affordable housing. Policy H8 of the Publication London Plan also

requires replacement affordable housing floorspace to be re-provided on a like for like basis. Part E of Policy H8 also states that all development proposals that include the demolition and replacement of affordable housing are required to follow the Viability Tested Route and should seek to provide an uplift in affordable housing in addition to the replacement affordable housing floorspace.

The proposal accords with these policies as the proposed 44 social rent affordable housing units in Building C would fully replace the existing 40 social rent units in Walden House and the four social rent units in Coleshill flats. Building B will allow for the replacement of the five intermediate housing units at basement level in Colehill Flats. The replacement affordable housing units will be superior to the ones they replace as they will be up to 50% larger than the existing flats in Walden House (increasing from 71 to 127sqm GIA), residents will have access to communal amenity and play space and the flats will be energy efficient. As required by Policy H8 of the Publication London Plan, the replacement affordable housing floorspace is to be provided on a like for like basis.

The table below shows that the development proposes a net uplift in overall affordable housing by units, habitable rooms and floorspace in accordance with Policy H8 of the Publication London Plan.

**Table 8.1 Existing and Proposed Affordable Housing**

	Units			Habitable Rooms			Floorspace GIA sq.m		
	Existing	Proposed	+/-	Existing	Proposed	+/-	Existing	Proposed	+/-
Social Rent	44	44	0	160	146	-14	3033	5582	+2549
Intermediate	5	49	+44	11	118	+107	250	4778	+4528
<b>Total Affordable</b>	<b>49</b>	<b>93</b>	<b>+44</b>	<b>171</b>	<b>264</b>	<b>+93</b>	<b>3283</b>	<b>10360</b>	<b>+7077</b>

In response to community consultation, the applicant has committed to phasing and facilitating the proposed construction to give Walden House residents the choice to move just once, directly into the new social rent housing in Building C. This means that Building C will be constructed and made ready for occupation prior to the demolition of Walden House, thus allowing residents to move straight into permanent new accommodation without the need for interim accommodation and two moves.

The City Council's Housing department has advised that they welcome the proposals for the rehousing of existing social rent tenants in Walden House and Coleshill Flats on the terms proposed. In particular Housing welcomes the phasing and one move strategy. It is recommended that the replacement affordable housing is secured as part of the s106 legal agreement.

The representation from a local resident that the affordable housing should be located elsewhere in a cheaper part of Westminster is not supported by adopted policy..

#### Cundy Street flats residents

Letters of objection raise concerns about the impact of the development on existing residents in the Cundy Street flats. The letters state that many of the existing residents

are affordable renters or low income tenants and that a Right of Return is not being offered to these occupants nor temporary alternative accommodation being provided. Councillors Mann and Talukder consider that the applicant should offer existing residents of the Cundy Street flats a right to return to, or even first refusal on, any of the new housing being built.

Officers are sympathetic to the concerns raised and the break-up of the long standing community at the Cundy Street flats is regretted. However, it is understood by officers that all of the Cundy Street flats are subject to various private rent tenancies and have never been occupied as affordable housing, or subject to means testing or City Council nominations. Accordingly, the Cundy Street flats would not be classified as existing affordable housing as defined by London Plan Policy 3.10, Policy H6 of the Mayor's Publication London Plan or Policy S16 of the adopted City Plan. The London Plan policies set out a number of key principles which apply to affordable housing in terms of household eligibility, income and affordability tests and for units to be secured in perpetuity, with provision for the affordable housing subsidy to be recycled for alternative affordable housing if the units change tenure at any stage. These provisions would not be met in this instance.

In terms of the relocation arrangements, the applicant advises that they have offered support to all existing residents. This includes free independent legal advice and individual meetings with the applicant and a housing advisor, with further relocation options and practical support tailored to the circumstances and preferences of each tenant and the nature of their tenancies. Given that the relocation arrangements of the private tenants is a matter between the applicant and the individual tenants, rather than a planning matter, this is considered satisfactory.

#### **8.1.4 Specialist older persons housing**

Policy 3.8 of the London Plan seeks to ensure that boroughs take account of the changing age structure of London's population and, in particular, the varied needs of older Londoners, including for supported and affordable provision in their planning decisions. Policy H13 of the Publication London Plan states that boroughs should work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons taking account of:

- 1) local housing needs information including data on the local type and tenure of demand, and the indicative benchmarks set out in Table 4.3 [of the Publication London Plan]
- 2) the need for sites to be well-connected in terms of contributing to an inclusive neighbourhood, having access to relevant facilities, social infrastructure and health care, and being well served by public transport
- 3) the increasing need for accommodation suitable for people with dementia.

Table 4.3 of Policy H13 of the Publication London Plan sets out that the indicative annual borough benchmark for specialist older persons housing 2017-2029 for Westminster is 100 units per annum.

Policy S15 of the City Plan states that provision of specialist housing will be allowed where this would contribute towards meeting local housing needs. The reasoned

justification for this policy states that it is important to safeguard specialist housing because need is likely to increase in the future, particularly with an ageing population.

The principle of providing specialist older persons housing within Class C2 and /or Class C3 is considered acceptable. The development would help the City Council meet its indicative targets for specialist accommodation for older people and would encourage downsizing, helping to free up existing family sized homes. The indicative layouts for Building A show that the housing would be served by internal communal facilities at ground floor level with additional communal facilities on the upper floors for the C2 assisted living units. An accessible entrance and drop off facility are proposed on Ebury Street and a secure basement car park with disabled parking and a lift.

The principle of securing the final mix of accommodation within Building A through the discharge of a planning condition is considered acceptable. It is recognised that this model of senior living accommodation is new to the UK and that the flexibility allowed by the planning condition will help to bring forward this part of the proposed scheme and the planning benefits it offers. Officers note that the flexibility proposed does not affect the quantum of affordable housing, given that the Financial Viability Assessment for the development includes the senior living accommodation. However, the final configuration of Building A does impact on the viability review mechanism. (see Section 8.1.5)

#### **8.1.5 Affordable housing**

Policy 3.11 of the London Plan states that the “Mayor will, and boroughs....should seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London.” The Publication London Plan sets a strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable. Policy H8( E) of the Publication London Plan requires developments that include the demolition and replacement of affordable housing to provide the maximum possible amount of affordable housing to be determined through viability testing.

Policy S16 of the City Plan states that the City Council will aim to exceed 30% of new homes to be affordable homes, and will work with its partners to facilitate and optimise the delivery of new affordable homes. The City Council’s Interim Guidance Note on Affordable Housing (2013) provides additional detail on the application of this policy. In this location, outside of the Core CAZ, Table 3 of the Interim Guidance Note provides that 35% affordable housing would be sought.

Given that the proposed development includes the demolition and replacement of affordable housing, it is considered that Policy H8 (E) of the Publication London Plan, which is more up to date than Westminster’s adopted City Plan and carries significant weight, is the relevant development plan policy to assess the proposed affordable housing contribution against.

There would be a net uplift in affordable housing units which would be comprised entirely of 44 intermediate rent units in Building B alongside the net increase in social rented floorspace of 2549 sqm as set out in Table 8.1. The level of affordable housing on the net uplift in C3 housing on site is 24% by habitable room and 29% by unit. (that is excluding the like for like replacement of the 49 existing affordable homes on site).

Based on the indicative design scheme submitted (which proposes a total of 200 C3 residential units), the application proposes a gross affordable housing offer of 47% by habitable room, 47% by units and 34% by units (excluding the C2 assisted living units)

The applicant has submitted a Financial Viability Assessment (FVA) to accompany the planning application. The FVA has assessed the financial performance of the proposed development as a whole, including the senior living accommodation within Building A. The City Council appointed BNP Paribas as viability consultant to assess the applicant's FVA. The applicant's FVA has been viability tested against the Maximum Independent Living scenario (which proposes a total of 254 Class C3 units). The reason given by the applicant is that this is the best case scenario in terms of financial value. This has been accepted by BNP Paribas. Having interrogated the applicant's profit margin, the viability benchmark and the construction costs, BNP Paribas conclude that the proposed development, including the level of affordable housing set out above, results in a deficit against the viability benchmark. On this basis BNP advise that the scheme is delivering the maximum possible amount of affordable housing in accordance with Policy H8( E) of the Publication London Plan. It is recommended that the affordable housing is secured as part of the S106 legal agreement.

The proposed affordable tenure split across the site is 55% social rented housing and 45% intermediate housing by habitable room. This does not comply with the City Council's adopted policy requirement of 60% social rented housing and 40% intermediate tenure. However, given that emerging City Plan policy will require a tenure mix of 60% intermediate housing for rent or sale and 40% for social housing or London Affordable Rent, the City Council's Housing department are satisfied with the tenure mix proposed. All the intermediate affordable housing units proposed will be provided at London Living rent levels for the Churchill ward, capped at £60,000 gross household income which is acceptable.

BNP recommend that the City Council include an early and late stage review mechanism within the S106 legal agreement. The review mechanism would be carried out in accordance with the Mayor's Affordable Housing and Viability SPG (2017). BNP Paribas advise that the standard review mechanism is also appropriate to capture any additional value should the applicant decide to bring forward an alternative hybrid scheme with both C3 residential units and C2 assisted living units.

The early review is triggered where an agreed level of progress on implementing the permission has not been reached by a certain time, for example two years. The late stage review would be applied once 75% of homes are sold. The terms of the early and late stage review would form part of the S106 legal agreement. The share of additional value secured by the City Council would be 100% in favour of the City Council at the early stage review and a 60/40 split at late stage, in favour of the City Council. The review mechanism would set a 'cap' on the additional provision of affordable housing that would be sought of 50% of the total C3 units but not including the C2 units. This is subject to the applicant satisfying the City Council that the C2 units are care home accommodation under Publication London Plan policy H13. (see Section below)

#### Specialist older persons housing and affordable housing

Part B of policy H13 of the Publication London Plan states that specialist older persons

housing should provide affordable housing. The proposed tenure for the C3 residential units within the senior living accommodation in Building A is 100% private. This is considered acceptable given that the senior living accommodation forms part of a wider development that is required to provide the maximum possible amount of affordable housing. This has been demonstrated by the applicant through their FVA which includes the full value of the senior living part of the development.

The supporting text to policy H13 of the Publication London Plan states that affordable housing policy does not apply to accommodation that has the following attributes, which is considered 'care home accommodation':

- personal care and accommodation are provided together as a package with no clear separation between the two
- the person using the service cannot choose to receive personal care from another provider
- people using the service do not hold occupancy agreements such as tenancy agreements, licensing agreements, licences to occupy premises, or leasehold agreements or a freehold
- likely CQC-regulated activity<sup>72</sup> will be 'accommodation for persons who require nursing or personal care'

The applicant has confirmed that, if provided, it is their intention that the C2 assisted living units will comprise these attributes. However with regard to the third bullet point, the applicant advises that they do not know precisely what arrangements will be in place for the tenure of the Class C2 assisted living units (although the applicant advises it will not be long lease / virtual freehold), and in part because they are not clear what other tenure arrangements are available if the above are excluded. It is therefore recommended that a condition secures full details of the management of the C2 assisted living units to demonstrate that they meet the Policy H13 of the Publication London Plan's definition of care home accommodation.

The C2 accommodation will be assessed in the review mechanism and will contribute to the overall financial outturn but the 50% would not include the C2 units. This is subject to the City Council accepting that the C2 units fell within the definition of a care home within H13 of the Publication London Plan. The number of C2 assisted living units provided within Building A that did meet the above policy definition of care home accommodation, however, would have an impact on the per centage of affordable housing delivered when measured against the total number of C3 residential units.

The per centage of affordable housing for the indicative design scheme, maximum independent living scenario and the maximum assisted living scenario, both including and excluding the C2 assisted living units, is set out in Appendix 1. Table AE.1 demonstrates that when measured by habitable room, and excluding 'care home' C2 assisted living units, the affordable housing percentage for the maximum assisted living scheme is at 50% (which is the maximum 'cap' in the review mechanism). For the indicative design scheme, Table A3.3 indicates that for the maximum independent living scheme, the affordable housing per centage would be 37% by habitable room.

### 8.1.6 Housing Quality and Standards

#### Mix and size of units

Policies H5 of the UDP and S15 of the City Plan seek to secure an appropriate mix of units in housing developments. Policy H5 normally requires at least 33% of new units provide three or more bedrooms.

Table 8.2 – Proposed housing mix (excluding Class C2 assisted living units)

	Market	Intermediate	Social Rent	C3 Senior Living residential units (indicative layout)	Total	%
Studio	5	0	0	2	7	4%
1-bedroom	5	33	11	28	77	39%
2-bedroom	35	12	13	7	67	34%
3-bedroom	25	4	16	0	45	23%
4-bedroom	0	0	3	0	3	2%
5-bedroom	0	0	1	0	1	1%
<b>Total</b>	<b>70</b>	<b>49</b>	<b>44</b>	<b>37</b>	<b>200</b>	<b>100%</b>

The 26% provision of family sized units across the site falls below the 33% required by policy. When the Class C3 units that form part of the senior living element are excluded, the scheme proposes 30% family sized units (based on the layout in the indicative design scheme). This is considered acceptable give the high density nature of the development and that a wide range of social rented accommodation is proposed which has been tailored to meet the housing requirements of existing residents who would be eligible for a right to return. It is also noted that emerging City Plan policy requires 25% of homes to be family sized.

All C3 residential units, including those within the senior living accommodation, meet the National Space Standards. The average residential unit size within Buildings B and C is 96.5 sqm. This increases slightly to 97.5 sqm when the C3 units within the senior living accommodation are included (based on indicative design scheme). The dwellings have been designed to be dual aspect where possible.

#### Internal daylight and sunlight to proposed dwellings and sunlight to amenity spaces

Some letters of objection raise concerns that the proposal represents an overdevelopment of the site and that the new flats are too close together.

Daylight and sunlight have been assessed on all floors within Buildings A, B and C. Overall, of the 702 rooms tested, 469 (67%) would meet the BRE recommended target values for ADF and 487 (69%) for daylight distribution (NSL). When using the lower target value of 1.5% for living / kitchen / dining rooms (LKD), 17 further rooms would comply. In addition, 90 rooms would marginally fall short of the guidelines for ADF by

0.1-0.2%. Accordingly, 559 rooms (80%) would receive adequate levels of daylight.

Overall, the development appears to provide a satisfactory level of adherence to daylight guidelines for a dense housing development, albeit the assumption of light finishes and surface reflectance's means that the ADF results are best-case values. If the applicant delivers units with darker finishes, fewer rooms would achieve the minimum recorded ADF levels. The main causes of the poorer daylight results include rooms on lower floor levels facing higher levels of obstruction, windows beneath balconies having a more limited view of sky but providing private amenity space, and deep living / kitchen / dining rooms (LKDs) which make it difficult for light to penetrate to the back of the room. It should be noted that there will be five LKDs whose daylight levels would be 0.5% ADF or less (i.e. less than half the minimum recommended for a bedroom), As well as these, there would be 28 living rooms or LKDs whose daylight levels are between 0.6% and 1%. Given the high density nature of the development and the planning benefits of the scheme as a whole, this is considered on balance to be acceptable.

For sunlight, 151 south facing living rooms have been tested across the three blocks. Of those, 102 (68%) would meet the combined annual and winter sunlight guidelines. This is considered acceptable. The City Council's independent daylight consultant suggests that it might aid the Council's understanding if the applicant would confirm the number and percentage of units whose main living room has a northerly-aspect and can be expected to receive lower levels of sunlight. The applicant advises that as it is impossible for northerly facing windows to achieve the BRE guidelines, the occupants of these rooms would not have a reasonable expectation of sunlight. As such, all windows with a northly aspect (within 90 deg. of due North) have been excluded from the assessments. As this additional detail is not required by the BRE guidelines, and additionally would not be consistent with the analysis the applicant has done on the adjacent surrounding properties, this is considered acceptable.

The results of the two-hours sun-on-ground overshadowing assessment shows that of the eight amenity areas tested within the development (not including the public squares), five will meet the recommended guidelines on 21st March. Areas 01, 02 and 03 would fall below, seeing 2 hours of sunlight to 23%, 13% and 43% of their areas respectively. These areas are designed as courtyards or ground level amenity spaces between the proposed blocks and so sunlight is restricted.

Additional sunlight exposure assessments have been carried out on the 21st of March, April, May and June to further explore the sunlight availability in the spring and summer months. The sunlight to all areas would increase from 21st March onwards and on 21st June the majority of most areas would see good levels of sunlight. On balance, the amenity areas within the development will offer good levels of sunlight.

This is a dense form of development and whilst not all rooms within the development or outside amenity spaces comply with the BRE guidelines in terms of daylight and sunlight, the levels are considered acceptable. Despite the objections received, officers do not consider the scheme represents an overdevelopment of the site.

#### Overheating

The scheme has been designed to reduce overheating and solar gain with the south elevation of Building C most affected. A mechanical ventilation heat recovery system is

proposed so that façade openings are not required to provide whole dwelling ventilation. This is beneficial in terms of overheating and noise mitigation.

### Play space and other amenities

Some of the larger units are provided with private amenity space in the form of inset balconies in Building B1 and Juliette balconies in Building B2 and B3. The flats within Building C do not have private amenity space. The applicant advises that this is for design reasons as Building C is located in close proximity to the conservation area boundary and would impact on views. Instead the equivalent of a balcony area is included within the living/ dining spaces of each individual flat. This is considered acceptable.

Communal amenity space is provided for Building B at first floor podium level within B1. Access to this communal garden would be shared between the intermediate affordable and market housing tenures which is welcomed. It is recommended that this is secured by condition. In addition the intermediate housing units will have access to communal amenity space on the roof of B3. Building C will also have access to communal roof top amenity space. A private communal garden is also proposed at ground floor level which all residents of the development will have access to, including residents of Coleshill Flats. This will be in addition to Elizabeth Place gardens which will be open to the public.

Overall the residential units will have acceptable levels of private and communal amenity space.

The GLA's play space calculator (2019), has been used to assess play space provision, which based on the housing mix anticipates 82 children within the scheme which generates a requirement for 823 sq.m. of play space. A total of 560 sqm of play space provision is proposed, the majority of which would be located within the adjacent Ebury Square Gardens, which would be publicly accessible and would include dispersed play areas designed for children aged 6-11, as well as informal play areas. It is recommended that the long term retention, access to and maintenance of play space is secured as part of S106 legal agreement. Other smaller areas of play space provision would be accommodated within the communal roof terraces and communal garden at ground floor.

The overall play space strategy is supported given the site constraints. It is recommended that the shortfall in play space is mitigated through a payment of £100,000 for provision and future maintenance of local play space improvements, as required by the Mayor's Play and Informal Recreation SPG.

Objections have been received from residents to the play space in Ebury Square Gardens including some who consider that the play space should be located within the development itself. Whilst these concerns are understood, the quality of the play space provided in Ebury Square Gardens will be higher than if it was provided on-site and it has the advantage of being publicly accessible. The applicant has amended the scheme to break up the play space into three play areas in order to reduce the visual impact on the gardens. Whilst the play space will introduce more activity into the gardens, this would not be so harmful to the environment as to warrant its removal from the scheme. The design implications of the play space in Ebury Square gardens is set out in Section

8.3 of this report.

Impact on local amenities.

A concern has been raised from a local resident that there will not be enough existing infrastructure for the future occupiers of the development.

The Environmental Statement predicts there would be demand for a maximum additional 0.3GPs (doctors) and an additional 4 primary school age places and 2 secondary school age places (for new families moving to the development once complete). In the worst case, assuming none of the future residents are existing pupils at the schools in proximity to the site, there would be demand for 27 primary school places and 22 secondary school places. The applicant's conclusion that there would be sufficient capacity within the existing GP practices and primary and secondary schools to provide for the additional demand in services predicted is considered reasonable.

Despite the above, the Community Infrastructure Levy (CIL) is a charge on development to help fund infrastructure. The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities. The proposed development is CIL liable and the estimated CIL payment is £23,535,257 (prior to any social housing relief that may be sought).

**8.1.7 Town centre uses**

Policy S21 of the adopted City Plan states that new retail floorspace will be directed to the designated Shopping Centres.

Policy SS10 aims to encourage new retail accommodation at ground floor level in development schemes within a District or Local Centre. The policy states that where there is an identified need new shop-type premises may be required to extend a Centre or to provide the opportunity for local convenience shops. Part D of this policy goes on to state that "proposals for retail developments outside District or Local centres will not be permitted if they would cause demonstrable harm to the vitality or viability of existing centres."

The development would provide a total of 2,935 sqm (GIA) of retail floorspace and 846 sqm of leisure floorspace totalling 3,681 sqm. This would comprise a mix of small scale units in flexible retail, restaurant and drinking establishment and office use (Class A1/A3/A4/B1), Class A1 retail units fronting Ebury Street, a 357 sqm. food store/supermarket (Class A1), and a cinema (Class D1).

The site immediately adjoins the Pimlico Road Local Shopping Centre (the Coleshill Flats form part of the Pimlico Road Local Shopping Centre) which has a specialist character, including art galleries, furniture, antiques and interior design shops.. Logically the proposed commercial units would form an extension to this centre. Officer's agree with the applicant's assessment that the site can be regarded in policy terms as an 'edge of centre' location and a Retail Impact Assessment and a Sequential Assessment have been submitted as part of the application.

The assessments conclude that Pimlico Road Local Shopping Centre is a strong comparison centre (currently only 1% of the total floorspace provides convenience

goods), it remains healthy with a vacancy rate of 15% (2108/19), there are no reasonably available, viable and suitable sites with the capacity to accommodate the overall quantum of retail and leisure floorspace proposed within the development and that as Pimlico Road Local Shopping Centre lacks diversity, the proposals will cater for a different market than the existing offerings in the centre.(e.g. the provision of a small supermarket). In terms of comparison floorspace, the assessments conclude that the proposal will not have an adverse impact on the overall vitality and viability of the centre and that by diversifying its retail offer and offering additional amenities and shops and services in a close edge-of-centre location, the centre's attractiveness will be enhanced and improved.

Officers agree with the findings of these assessments and consider that the proposed retail and leisure floorspace will not undermine the local character and function of Pimlico Road Local Shopping Centre but should enhance it. Whilst some of the existing vacant units in the centre are an appropriate size to support the smaller of the proposed retail units, it is accepted that they would not meet the commercial and operational requirements for larger retailers proposed, including the provision of a new local food store. Although some objections have been raised to the scheme by local residents that more shops are not needed, the provision of retail and leisure uses will deliver other benefits including the provision of a genuinely mixed use development with active and animated pedestrian routes that will help create a sense of place. The provision of a residential only development would not achieve this or meet adopted policy. The proposal is considered to meet the objectives of S21 of the adopted City Plan and SS10 of the UDP.

#### Retail.

The development proposes 833 sqm of Class A1 retail floorspace which will include a 357 sqm local food store serviced from the loading bay on Pimlico Road. The applicant advises that this is something that was requested by local residents through their consultation exercise. The scale of retail is considered appropriate to the development. A condition is recommended to restrict the use of the food store convenience sales only. This is considered necessary given that the use of such a condition formed part of the Retail Impact Assessment and Sequential Assessment submitted by the applicant.

#### Entertainment uses

Policy S24 of the City Plan requires proposals for entertainment uses to demonstrate that they are appropriate in terms of the type and size of use, the scale of activity, the relationship to any concentrations to entertainment uses including cumulative impacts, and demonstrate that they do not have any adverse impact on amenity, health and safety, local environmental quality and the character and function of the area.

UPD Policy TACE 9 states that permission will only be granted for proposals where where the City Council is satisfied that the proposed development 1) has no adverse effect (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of a) noise; b) vibration; c) smells; d) increased late night activity; or e) increased parking and traffic; and 2). no adverse effect on the character or function of its area.

The development proposes up to 1,952 sqm flexible retail, restaurant and drinking establishment uses with Class A3 and Class A4. The applicant proposes a series of 'caps' on individual uses, namely a maximum of 750sqm of A3 restaurant use across the site with the largest A3 unit being under 500 sqm and a maximum of 150 sqm of A4 drinking establishment use. The applicant is seeking the following opening hours: 07.00-00.00 (midnight) Monday to Thursday (not including bank holidays and public holidays), 07.00 - 00.30 on Friday and Saturday and 08.00 -23.30 on Sundays.

Objections have been received from local residents to the provision of additional bars in the area in terms of noise impact, particularly for Coleshill Flats residents. Comments are made that there is already anti-social behaviour in the area.

The application site is located within a largely residential area and the Coleshill Flats back onto the new public realm. The applicant advises that the area will be actively managed with on-site 24/7 security. It is recommended that appropriate management arrangements for the public realm are secured by condition. Satisfactory arrangements for refuse storage and servicing facilities are proposed. The future A3 units comprise three units on the ground floor of Building A and five units on the ground floor of Building B. These will be provided with kitchen extract ductwork within risers from ground floor to roof level. Conditions are recommended to control the opening hours to those set out above, to secure an operational management plan for each commercial unit (to include numbers of covers, servicing arrangements, smoking policy and hours of operation for any tables and chairs), to secure details of any external tables and chairs and to require the provision of full height kitchen risers prior to any primary cooking commencing in each of the proposed class A3 uses.

In terms of the specific concerns raised about the impact on Coleshill Flats, only the proposed cinema is located directly behind these properties. The proposed A3 restaurants and/or A4 bars face onto the eastern arm of Elizabeth Place. Whilst it is accepted that the additional entertainment uses proposed would increase ambient noise levels, Coleshill Flats will to a certain extent be protected from the worst effects of any late night noise and disturbance from the proposed gates at either end of Elizabeth Place Gardens which are intended to be closed in the late evening. It is understood that there is already some anti-social behaviour in the Coleshill Flats car park and the provision of the new public routes, the gates and that the space will be actively managed should overall be beneficial to residents. Details of the operational hours for these gates would form part of the proposed management arrangements to be secured by condition.

Concerns have been expressed from the Design Out Crime officer regarding the design of the public routes through the proposed development. These are discussed in Section 8.7.8.

Taking into account the measures set out above, and taking into account the cumulative impact of other entertainment uses in the vicinity, it is not considered that the proposed entertainment uses would have any significant adverse impact on amenity (on either existing and future residents), health and safety, local environmental quality or the character and function of the area.

### Cinema

The scheme proposes a 846 sqm cinema sited centrally within the development. Whilst an objection has been received to the cinema use, the applicant advises that the cinema was requested by residents during the consultation with local stakeholders and the community. The proposed cultural use will enhance the mix of uses within the development and will help draw people to the wider site. It would have a positive and beneficial impact in the area and is welcomed in policy terms. Conditions are recommended to ensure appropriate sound mitigation measures and to ensure the cinema use is provided.

### Affordable workspace /Retail floorspace

Affordable retail/workshop space is proposed in the basement of the Coleshill Flats to support new businesses and artisans in the area in the furniture, antiques, interior and design shop industries which make up most of the retail floorspace in the existing Pimlico Local Centre. The provision of affordable workspace /retail floorspace relies upon the applicant getting vacant possession of this part of the site. But should that happen, the applicant has committed to offering the accommodation at 50% of the market rate, and 50% service charge, for a 20-year period. This is welcome in policy terms and could be secured as part of the S106 legal agreement.

### Community use

A small 154 sqm community space (Class D2) is proposed within the centre of the scheme which is welcome. It is to be offered at a peppercorn rent. The proposed use is unknown at this stage although a number of options have been considered such as space for well-being classes, a small café run by the community or flexible workspace for local residents. The community space facility to be provided in perpetuity and with peppercorn rent could be secured through a S106 legal agreement together with details of how the space is to be used. A condition is recommended to secure a management plan for this space.

### Office use

As part of the flexible uses, the applicant proposes a maximum 'cap' of 900 sqm of B1 office floorspace. This could be located within the corner unit to Ebury Square and/or, within the A1/B1 space within the basement of the Coleshill units. Although Policy S20 of the City Plan seeks to direct new office accommodation to areas including the Core CAZ and Opportunity Areas, once complete the development could be considered as an extension to the Pimlico Road Local Shopping Centre. As B1 office uses are considered appropriate town centre uses, the proposal is considered acceptable subject to a condition to restrict office floorspace up to a maximum of 900 sqm.

## **14.2 Townscape and Design**

### **8.2.1 Legislation and Policy**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### **8.2.2 Height, Scale and Design**

The proposals include the construction of six new blocks ranging in height from 25.3m (AOD) and climbing to 48.8m (AOD), namely Building A1 and A2, Building B1, B2 and B3 and Building C. The scheme, notably Building B1, would surpass the height of the tallest neighbouring buildings by approximately 15m, a considerable disparity, which would see the development exceed the general development plane.

Objections have been received from the amenity societies and local residents to the height and scale of the proposed development, in particular Building B1. Concerns have also been raised regarding the design of Building B1. The Belgravia Society considers the proposal to be an overdevelopment and questions the use of red brick for Building B1 rather than the cream more associated with Belgravia. The Belgravia Residents’ Association consider Building B1 to lack architectural merit.

Building A1 would comprise four-storeys with a two-storey mansard above. It has been designed to express an architectural language comparable to a traditional mansion block. Though the building has a short return to Cundy Street, its principal facade extends along Ebury Street. Generous windows with sculpted reveals articulate the façade and recessed bays serve to apportion the building, in what would otherwise be an unrelenting façade, into four parts. The building will be predominantly constructed in

yellow brick with pre-cast stone dressings and a zinc covered double mansard with recessed dormers. Overall Building A1 is considered to be an acceptable quality, suitable for the setting of the Belgravia Conservation Area and the listed Mozart Terrace buildings opposite on Ebury Street.

Building A2 is less animated and comprises a series of recessed bays with grey pre-cast stone insets. The block navigates between Building A1 and the taller Building B1 block proposed at the corner of Pimlico Road and Avery Farm Row. With ten storeys and setbacks at sixth and eighth floor levels that ease its sheer form and bulk, the termination of the building with a double height stone framed roof is unsuccessful. This is considered partially due to its non-traditional, vertical form and the absence of articulation. Of concern is its perceived mass when viewed from within the Belgravia Conservation Area, notably from Eaton Terrace. The applicant has provided preliminary amendments which have successfully addressed officers' concerns. These include continuation of the brick work up to eighth floor level, and additional windows on the north east corner. It is recommended that these amendments are secured by the imposition of an amending condition.

Along Elizabeth Place the architectural language of the building is replicated, with double bays and recessed balconies to provide articulation and relief as well as external amenity space. Meaningful greening to the first-floor terraces above the commercial units softens the façade. The ground floor comprises commercial units which continue along Five Fields Row and create a uniform succession of arched display windows, with bronze coloured frames set between sculpted brick piers. This design approach is successfully replicated across the development, with modest variants, to establish a coherent 'house' style and sense of place.

Building B1 is the tallest of the buildings being proposed, rising to 11 floors and 48.8m in height. Articulated by a succession of red-brick arches, deep reveals and in-set balconies, the block is more commercial in scale and character, and considered a departure from the more traditional expression applied to the wider scheme. The sculpted brick detailing to the principal facades has an architectural and aesthetic quality, but its contrasting style, tonality and scale are visually discordant with the broader development and wider townscape scale and character of Belgravia. That said, the corner of Pimlico Road and Avery Farm Row is recognised as being able to accommodate more height than is currently presented by Walden House. Nevertheless, the sheer height expressed by block B1, and to a certain extent block A2, is felt to give rise to significant townscape impacts.

Building B2 continues some of the architectural traits of Building B1, notably the tone of the brick and the arched details, but is more modest in terms of scale and character. Its bayed facade baring some resemblance to the distinctive frontage of Coleshill Flats.

Building B3 connects directly with the flank of the listed Coleshill Flats. Set back from the listed building, the new block is suitably subservient, with modest architectural details designed to respond to the character and appearance of Coleshill Flats. Constructed of buff brick, the block successfully mediates between the listed building and wider development, creating a relatively successful transition in scale and architectural style. The block also incorporates Clifford's Row, a new covered route through the site which

features an arched entry on Pimlico Road. The existing traditional chamfered shopfront is retained which eases the transition between the two buildings at street level.

Fronting Ebury Street, Building C lies alongside the listed Coleshill Flats and Building A1 and provides residential flats above retail units. Extending into the site the building aligns with Five Fields Row, a new route through the site from Ebury Street. It's height and form has been developed to address the character and scale of Ebury Street as well as the listed Coleshill Flats and the interior of the site. In order to improve daylight into the site and reduce its massing, the height of the building has also been broken up. Architecturally, the block responds appropriately to the scale, composition and tonality of the Coleshill flats. As the building extends into the site, the block ascends in height. Whilst not insignificant, the additional height has been sympathetically placed to avoid harming the character of Ebury Street.

The Belgravia Neighbourhood Forum has made reference to Policy 42 on the draft replacement City Plan, which deals with tall buildings, however, this policy currently attracts very little weight.

### **8.2.3 Impact on heritage assets**

The development affects numerous designated heritage assets directly. These are Coleshill Flats, Annid Johnson Obelisk, Marquess of Westminster Memorial Drinking Fountain, two K6 Telephone Boxes and the setting of other heritage assets including the other nearby listed buildings and the Belgravia Conservation Area. The applicant has submitted a Townscape, Visual and Above Ground Heritage Setting Assessment to assess this impact of the proposals.

The proposed new buildings lie within the immediate setting of a number of designated heritage assets. These include the Belgravia Conservation Area, and views from within, and listed buildings within the vicinity of the site, whose settings are altered by the proposals, including the Coleshill Flats (grade II), 80 Ebury Street (grade I), 162-170 Ebury Street (grade II), terraces lining Eaton Terrace (grade II), the Church of St Barnabas (grade I) and St Barnabas Church School (grade II).

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP states that where development not wholly within a conservation area will nevertheless have a visibly adverse effect upon its recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

The setting of a heritage asset is defined in the NPPF glossary in the following terms: “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

Historic England elaborates on the definition of ‘setting’ as follows: “Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.”

The applicant has provided a Townscape, Visual and Above Ground Heritage Setting Assessment as part of the Environmental Statement to assess the direct and indirect impact on heritage assets.

### Coleshill Flats

Built between 1868-71 by Sir Sydney Waterlow’s Improved Industrial Dwelling’s Company, the Coleshill Flats are a pair of grade II listed Victorian artisan apartments fronting Pimlico Road and Ebury Street. The Pimlico Road building was built as a standalone block, whilst the block on Ebury Street has in the past sat directly alongside nineteenth century terraced houses. The proposals will partially obscure the form of these two buildings and impair the intended independence of the Pimlico Road building, and in views from the south-west will introduce significant additional massing to the immediate backdrop resulting in some harm upon their significance. However, the proposals also include enhancements namely, opening the rear elevation with sensitive fenestration changes and, if the basement accommodation is converted to affordable retail and workspaces, improvements are proposed including the accessibility of these units. Enhancements are also proposed to the immediate setting of the flats, transforming the carpark to a landscaped garden and public amenity space. The original boundary treatments to the flats are being retained and modified, and the private basement courtyards are being maintained. Overall, the harm to the significance of the buildings is considered less than substantial.

### Arnrud Johnson Obelisk

The grade II listed Arnrud Johnson Obelisk was completed in 1924 by Swedish Artist Arnrud Johnson and entitled ‘Children’s Group’. The sculpture was designed and created as a piece of civic art and was acquired by the Duke of Westminster for the Courtyard playground of Walden House, a social housing development completed in 1924, originally reserved for families with children. The obelisk is to be relocated to a small publicly accessible courtyard on Five Fields Row, opposite the entrance of Building C, where it can be appreciated by the residents and families. Historic England have recommended that a condition is attached to ensure that the dismantling and rebuilding of both the listed fountain and obelisk are undertaken in accordance with the submitted methodologies, and to secure suitable future maintenance programmes. The applicant has attempted to explore more about the missing inscription on the obelisk but has not had success to date. A condition to secure further details of this is not considered necessary.

Relocating the sculpture will change its setting, but if undertaken with due diligence, its special interest and artistic aesthetic importance should be preserved and enhanced which could be considered a public benefit.

#### Marquess of Westminster Memorial Drinking Fountain

The grade II listed Marquess of Westminster Memorial Drinking Fountain was erected on the corner of Avery Farm Row and Pimlico Road in 1871. Designed by Thomas Henry Wyatt, the fountain is in an Italian Renaissance Style using Portland Stone and granite and features distinctive mosaic plaques. Proposals seek to relocate the fountain to the opposite side of Avery Farm Row (in front of block B), as well as undertake repairs and reinstating features. The setting of the fountain has changed over time, from relatively undeveloped to an urbanised environment. Its relocation is not felt to harm its special interest, or reduce its communal, aesthetic and historic values and the proposed restoration works are a welcome enhancement. This is considered to be a heritage benefit of the proposed development.

#### Telephone boxes

Designed by Sir Giles Gilbert Scott, the two grade II K6 Telephone Boxes located in Orange Square are instantly recognisable and have significant architectural and design interest. In a fair condition, the proposals include repositioning the kiosk within 1m of their existing location to enable planting and rebuilding of the wall behind, and undertake repairs and cleaning to support the long-term conservation of the structures. The kiosks will remain in their intended setting and will not be decommissioned, as such the special interest of the kiosks will not be harmed but enhanced by the repairs being undertaken.

#### Belgravia Conservation Area

The conservation area covers an extensive area from Hyde Park Corner in the north to the southern end of Ebury Bridge Road to the south, encompassing predominantly nineteenth century developments, notably, the grand stucco terraces of Belgrave Square and Eaton Square. The area also includes the more modestly scaled housing around Ebury Street and the smaller scaled worker cottages, notably, in the locality of Graham Terrace, Bourne Street and St Barnabas Street.

Characterised by its planned streetscape of terraces and garden squares, a large extent of the area is laid on a grid, generating long direct views along unbroken terraces. Due to its proximity to the conservation area, the development features in several important townscape views.

The development is a departure from the unbroken terraces which lie directly to the north of the site, and will by virtue of its scale, density and architecture, present a different character. That said, in the context of Pimlico Road, where architectural variety is typical, this is not in itself considered detrimental and there are benefits resulting from the development addressing the streets and repairing frontages. Although it is noted that objections have been received that the building is too close to the pavement on Ebury Street and that the development as a whole does not successfully rebuild the historic streetscape. However, these views are not shared by officers .

There is a notable change in townscape scale and a visual disparity which is apparent in particular views from within the Belgravia Conservation Area. The development features at the termination of Eaton Terrace (view 18), a view defined by listed terraces of early nineteenth century townhouses. The abrupt change in townscape scale and character does diminish the quality of this view and the character of the conservation area. The level of harm is considered less than substantial.

The Belgravia Conservation Audit identifies the view from Pimlico Road towards Orange Square which features the spire of St Barnabas Church as an important local view (29). The development does feature in this view, infilling the gap between the two Coleshill blocks and encroaching the skyline above the existing roofscape. However, it is not considered to significantly impair the experience of the view or compete with the spire of St Barnabas Church.

When viewed from the east along Pimlico Road outside Fountain Court (view 4), the development is viewed alongside the conservation area, which lies to the south of Pimlico Road. The variance in scale is pronounced, with Buildings B1 and B2 looming over the smaller scaled Victorian Pub opposite and the spire of St Barnabas Church beyond. The architecture presented on this part of the site is also less sympathetic and deviates from the more traditional scale and character that typifies Pimlico Road and its surrounding streets. By virtue of its scale and appearance the development has a detrimental impact on views into the conservation area and diminishes its appreciation, resulting in less than substantial harm to its setting.

#### Other Listed Buildings

The site also lies directly opposite a terrace of Georgian and Regency townhouses along Ebury Street collectively known as Mozart Terrace. Formerly 'Five Fields Row' Mozart Terrace was renamed following Wolfgang Amadeus Mozart's stay in the street in 1764. Comprising 180 Ebury Street (grade I) and 162-170 Ebury Street (grade II) the terrace includes some of the earliest buildings within Belgravia and are of high architectural and historic interest with exceptional townscape value.

The application site already has a different character and contrasts with the listed terrace. This is largely as a result of WWII bomb damage which rendered the nineteenth century buildings on the south side of Ebury Street and Cundy Street beyond repair. Consequently, the site is an area of transition between traditional Belgravia townscape and post-war developments around Ebury Square. The proposed development would exhibit a greater scale and density than the current setting, yet the proposals seek to repair the building line of Ebury Street and would complement the architectural variety exhibited within the surrounding context. As demonstrated in views 20 and 21, the setting of Mozart Terrace will be transformed but not harmed by the proposals.

For the same reasons referenced with respect to the Belgravia Conservation Area, the listed terraced houses in Eaton Terrace present a relatively uniform appearance and consistent scale, which contributes to their significance and is appreciable in View 18. The new development would introduce a notably shift in scale, disrupting the townscape views looking south-eastward along Eaton Terrace. This impact is considered to be harmful to the setting of these listed terraces, diminishing the consistency of townscape scale. The harm caused to these terraces is considered to be less than substantial.

Located to the south of the site on St Barnabas Street, St Barnabas Church (grade I) was built by Cundy Junior and dates from 1847-50 and forms an important composition with the adjoining Parsonage and School buildings (grade II) located on Pimlico Road. The buildings have distinctive ragstone facades, with ashlar dressings and the spire of the church is a prominent townscape feature which appears in a number of townscape views. The development does not directly impact on this group of buildings but would affect views of them as well as their setting. This is clearly demonstrated in views 5 and 6, taken from Ranelagh Grove looking north. Currently the church, parsonage and school buildings are clearly defined in this streetscape view, with the roof of the school seen in silhouette against an uninterrupted backdrop. The development (Building B1) would emerge above the roof of the parsonage and school, appearing tower-like at the north end of the buildings. This assertive intrusion on the skyline diminishes the setting and appreciation of this significant group of buildings, causing less than substantial harm.

Thus, with respect to designated heritage assets, it is concluded that harm is caused to significance in some cases. The level of harm is assessed to be less than substantial. This would not accord with DES 9 and DES 10 of the UDP and S25 of the City Plan and considerable importance and weight must be attributed to that harm. In accordance with paragraph 196 of the NPPF, where this level of harm is identified, this should be weighed against the public benefits of the proposal, while at the same time being mindful of the statutory duties and also paragraph 193 of the NPPF which confirms that great weight should be given to the conservation of designated heritage assets, irrespective of the level of harm to significance. For the reasons set out in the conclusion to this report (Section 9.0), it is considered that the less than substantial harm to designated heritage assets is outweighed by the public benefits of the scheme.

#### **8.2.4 Impact on undesignated heritage assets**

While there are a number of undesignated heritage assets in the vicinity of the development site, many within the Belgravia Conservation Area, the impact on their setting is akin to the impact on the conservation area as a whole. However there are two undesignated heritage assets that are directly affected by the development, namely Cundy Street flats and Walden House.

Designed by Sir Thomas Penberthy Bennett, the Cundy Street flats (1950-2) comprise four seven-storey blocks; Kylestrome House, Lochmore House, Laxford House and Stack House, providing 109 residential units. Whilst not listed the buildings are architecturally distinctive in terms of their form and detailing and are good examples of their type from the post-war era. Whilst not considered of special architectural or historic interest, they are to be considered of townscape value and to constitute undesignated heritage assets. As a positive contributor to the character and appearance of the area, the demolition of the unlisted Cundy Street flats is harmful, and their loss is a material consideration that weighs against the proposed development. In the balanced judgment required by these proposals. Paragraph 197 of the NPPF provides that the effect of a scheme on the significance of non-designated heritage assets should be taken into account in determining planning applications. A balanced judgment is required, having regard to the scale of harm and the significance of the asset. Officers consider that the

harm caused through the demolition of the non-designated heritage asset is outweighed by the public benefits of the scheme.

Located on the corner of Pimlico Road and Avery Farm Road, Walden House was constructed in 1924 for the City of Westminster providing social housing for families with children. The building has a robust red brick façade, with stone banding and simple details with an almost institutional feel. Overall, the building has an unassertive presence. Whilst of some historic and communal value the building is not of special architectural distinction and makes a neutral contribution to the townscape and its loss is not considered detrimental subject to the design quality of the replacement scheme.

### **8.2.5 Ebury Square Garden**

Laid out in 1820, Ebury Square is safeguarded by the London Squares Preservation Act (1931), which seeks to protect certain squares, gardens and enclosures in London. This historic garden square retains its historic proportions, though little of its historic character remains. Its historic context has been lost and replaced with large scale incoherent, predominantly post-war developments which overwhelm its surroundings. Incorporating the square within the development proposals delivers an opportunity for significant enhancements and public benefits. Following consultation the Semley House Residents' Association and individual residents in Semley House, a number of the proposed changes have been modified, as such the existing path routes and fountain location will remain as existing and the children's play space will be dispersed around the gardens. The key enhancements proposed are a refurbished fountain, hedge planting around the perimeter of the square, an adult exercise area and new lanterns above all four entrance gates.

Introducing play space within the square supports the function of the square as a public amenity space, and this would comply with the London Squares Preservation Act (1931). Initially concentrated at the eastern end of the square, following officers' reservations and concerns from the Semley House Residents' Association and individual residents in Semley House, the play provision has been reviewed and amendments submitted. Consequently, the play space provision has been broken up to provide smaller interlinked areas for different age groups, which will appear less dominant, and be more sympathetic to the proportions of the square and maintain its openness. Although the provision of a playground is still not universally welcomed (additional objections to the revised playground have been received), the proposal for Ebury Square Garden are acceptable in design terms. The playground is unlikely to have a significant impact upon the tranquillity of the garden and the provision of the play space in a public square is considered beneficial to the wider community.

### **8.2.5 Public Realm**

#### New public routes and garden.

The permeability of the site would be significantly improved by the reintroduction of the historic route through the centre of the scheme, connecting Orange Square to Ebury Square and with additional covered access routes proposed from Ebury Street and Pimlico Road which would open up a new north-south route through the site. These proposed public routes, which would be activated at ground floor level by the commercial

uses proposed, would convene at a small central public square (Elizabeth Place) which includes seating and planting.

The covered mews access routes (Clifford's Row and Five Field's Row) have been designed to ensure they are as welcoming as possible after dark by ensuring continuous small-scale commercial facades and chamfering the entrances on Ebury Street and Pimlico Road and ensuring appropriate artificial lighting. The rear courtyard to the Grade II listed Coleshill would also be enhanced, with surface car parking removed and the courtyard space re-landscaped to create a small public garden and a private garden for use by all residents of the development and Coleshill Flats residents.

Although some objectors consider these new public routes too narrow, overall the scheme proposes a high quality pedestrian friendly public realm which when the active uses are taken into account will help create a sense of place within the new development. This is welcomed in place shaping terms and considered a benefit of the scheme. It is recommended that public access to the new routes is secured through a walkways agreement.

A comment has been made that Coleshill Flats will lose their amenity space as a result of the proposed development. The development proposes the removal of the car parking area behind Coleshill Flats which may include areas that are used for informal sitting out. It does not propose the removal of the vegetation that extends down to the basement level of Coleshill Flats. Despite this, overall there will be a net benefit to Coleshill residents who can use the proposed communal garden within Elizabeth Place Gardens.

The applicant has advised that the management of the public realm would include the closure of Elizabeth Place Gardens to non-residents in the late evening to prevent anti-social behaviour and disturbance to the amenity of the Coleshill Flats and Building C residents. In addition some limited servicing is expected to occur for the retail and restaurant uses in Elizabeth Place but this would be limited to the hours of the 07.00 - 10.00 Monday to Friday, 08.00-10.00 on Saturdays and 09.00 -10.00 on Sundays.

It is recommended that appropriate management and maintenance arrangements for the public realm, including timings for the opening and shutting of the proposed gates, are secured by condition. The Metropolitan Police's Designing Out Crime officer has raised concerns about security within these new publicly accessible routes through the site. This is discussed in more detail in Section 8.7.8 of this report.

#### Orange Square

The applicant proposes to carry out enhancement works including the removal of the stone bollards and access road into Coleshill Flats car park, additional cycle parking, , new benches, renewed planting, capping the former public toilets entrance with stone rather than the mesh there at present and the cleaning of the existing hard landscaping. These works are welcomed in place shaping terms and can be secured as part of the S106 legal agreement. The concerns raised by the Belgravia Society and Belgravia Residents' Association that Orange Square should not be included as part of this application are noted. Whilst it would be desirable for a wider scope of works to Orange Square, including a permanent use for the former public toilets, this is not something that officers can insist upon.

### Avery Farm Row

The scheme proposes to re-align the vehicular lane of Avery Farm Row to create a new piece of public space for the relocated Marquess of Westminster Memorial Drinking Fountain. The scheme shows a raised table and the planting of five new trees. These works are welcomed in place shaping terms and can be secured through the S106.

An informative is recommended that the works shown on the submitted plans for Orange Square and Avery Farm Row are indicative at this stage, that the final design of the works will require the agreement of the City Council's Highways and Parks team and that some works will need to be secured as part of any future S278 agreement.

#### **8.2.6 Public Art**

On-site artwork installations to a proposed maximum value of £75,000 to be delivered by the applicant, comprising:

- Detailed design of gates from Elizabeth Place Gardens to Orange Square
- Detailed design of water feature within Elizabeth Place Gardens.

It is recommended that the public art contribution is secured as part of the S106 legal agreement with detailed design of the public art secured by condition.

#### **8.2.7 Archaeology**

Historic England advise that the development could cause harm to archaeological remains, however the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition. It is therefore recommended that an archaeological written scheme of investigation is secured by condition.

### **14.3 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing and it states that the City Council will resist proposals that would result in an unacceptable material loss of amenity and developments should aim to improve the residential environment.

Policy ENV 13 (E) of the UDP states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.

The National Planning Policy Framework (NPPF) at paragraph 123 and the Mayor of London's 'Housing Supplementary Planning Guidance' (March 2016) encourage a flexible approach in applying daylight/sunlight policies or guidance where they would otherwise inhibit making efficient use of land for housing, provided the resulting scheme would provide acceptable living standards. Account should be taken of local circumstances, the need to optimise housing capacity and the scope for the character and form of an area to change over time.

### 8.3.1 Daylight and Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment 'Site layout planning for daylight and sunlight: a guide to good practice' (as revised 2011) (BRE Guidelines), albeit recognising that these Guidelines should be applied flexibly.

Two methods of measurement are recommended to measure daylight impacts in the BRE Guidelines: (1) Vertical Sky Component (VSC); and (2) Daylight Distribution (DD). VSC assesses the quantum of skylight falling on a vertical window and DD (also referred to as No Sky Line or NSL) measures the distribution of direct skylight in a room space.

VSC is calculated from the centre of a window on the outward face and measures the amount of light available on a vertical wall or window following the introduction of visible barriers, such as buildings. The BRE Guidelines suggests that if the VSC is greater than 27%, enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. Should the VSC with development be both less than 27% and less than 0.8 times its former value, occupants of the existing building are likely to notice a reduction in the amount of skylight they receive. The Guidelines say: "the area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time". This form of assessment does not take account of window size, room use, room size, window number or dual aspect rooms.

The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. For the NSL assessment the 'working plane' means a horizontal 'desktop' plane 0.85m in height for residential properties. The NSL divides those areas of the working plane which can receive direct sky light from those which cannot. If a significant area of the working plane receives no direct sky light, then the distribution of daylight in the room will be poor and supplementary electric lighting may be required. The BRE Guidelines state that if the area of a room that does receive direct sky light is reduced by more than 20% of its former value, then this would be noticeable to its occupants. The measurement and plotting of NSL requires the knowledge of the internal room layouts and dimensions.

For daylight to be compliant with the BRE Guidelines both the VSC and NSL tests have to be met. If either or both of the VSC and NSL tests are not met the daylighting is likely to be significantly affected.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly and that in special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan's Housing SPG which states that 'guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.'

The application is accompanied by a 'Daylight, Sunlight and Overshadowing Assessment' in the Environmental Statement (ES), a standalone 'Impact on Neighbouring Properties Report' and 'Internal Daylight, Sunlight and Overshadowing Report' prepared

by the applicant's consultant, GIA. These provide an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties and amenity spaces based on the approach set out in the BRE Guidelines.

GIA have considered the impacts on daylight and sunlight to existing neighbouring properties using existing v proposed and mirror massing v proposed scenarios. For the NSL test not all room layouts are known, and some room layouts have been assumed.

In line with the BRE Guidelines, GIA consider that a retained VSC value within the 'mid teen' range would be an appropriate alternative target given the urban context of the application site. To support this GIA has provided contextual research using three properties in the vicinity of the site, namely 1 Ebury Square, 10-22 Chester Row and Fountain Court. GIA advise that the results gained from these sites provides an indication of the levels of VSC that are commensurate with the area. For the purposes of their assessment GIA have taken a retained VSC value of 14.5% and a retained NSL value of 50% to be appropriate alternative target values.

Objections have been received from the amenity societies and individual residents regarding loss of daylight and sunlight to surrounding properties, in particular along Ebury Street. A concern is also raised by the Belgravia Residents' Association that residents of Ebury Street have been deprived of their legal Rights to Light. Whilst this is noted, any Rights to Light issues are private between the freeholder and leaseholder and are considered non-planning matters.

A number of Ebury Street residents have commissioned an independent assessment of the applicant's daylight and sunlight report. The report, submitted by Kaivin Wong of Lumina London Limited, raises a number of concerns and criticisms of GIA's Daylight and Sunlight Assessment. In particular, the Lumina London Ltd report emphasises that both the VSC and the NSL tests must be satisfied in order to a room to be adequately daylit; rejects the GIA suggestion that a room which achieves 50% Daylight Distribution will be adequately daylit; rejects the mirror massing exercise carried out by GIA and identifies a number of rooms in Mozart Terrace that will experience reductions in Daylight Distribution of 40% and, in some cases, considerably more than 40%. The Lumina London Ltd report suggests that in central London locations, rather than the aspirational target of 27% VSC in the BRE Guidelines, VSC levels above 20% will be considered 'good' and VSC levels in the mid-teens will be 'acceptable'. In addition to his assessment of July 2020, local residents have submitted additional correspondence from Lumina London Ltd, responding to correspondence from GIA (on behalf of the applicant) and to the independent report commissioned by the City Council.

The City Council sought an independent review of the report findings in respect of possible impacts of the new development on surrounding properties and within the development itself. This review was undertaken by Delva Patman Redler (DPR). DPR reviewed GIA's assessment methodology and is generally satisfied that it is sufficient and in accordance with the BRE Guidelines. DPR consider the approach of assuming room layouts for the NSL daylight test where the layout is not known is acceptable. However, DPR did raise the following concerns in respect of the applicant's assessment:

- GIA's interpretation of the mirror massing results should not be relied upon. The purpose of 'mirror massing' is to investigate whether the proposed development

would have a greater effect than if the scheme had been designed to match the height and proportions of the buildings on the other side of the boundary. The results generated from the proposed development should be roughly in line with those for the mirror massing to demonstrate that the proposals are in keeping with the surrounding buildings. The applicant's mirror massing exercise demonstrates that the proposed development would result in large reductions compared to the mirror massing which demonstrate that the proposed development is not in keeping with its surrounding context. The applicant's interpretation of the results of the mirror massing should not be relied upon.

- In line with the flexible application of the BRE Guidelines, DPR accept that retained values in the mid-teens could be considered acceptable but mid teen should be taken to be at or above 15% VSC (rather than the 14.5% or above used by GIA..
- DPR rejects the GIA suggestion that a room which achieves 50% Daylight Distribution will be adequately daylight.
- Sunlight to the proposed dwellings has been assessed using the appropriate APSH methodology. Only living areas with a southerly aspect have been assessed. Whilst paragraph 3.1.11 of the BRE Guidelines note that if a room faces significantly north of due east or west, it is unlikely to meet the APSH criteria. However, it also states that the APSH criterion applies "to all rooms of all orientations". This should be borne in mind when interpreting the APSH results.
- There are a number of instances in which DPR do not agree with the significance of effects on daylight and sunlight describe in the applicant's ES but consider that GIA have downplayed the significance of effect. In particular, GIA have relied heavily on the VSC impacts and appear to have attributed less weight to the NSL reductions. Both methods are of equal importance.
- The communal garden with 1 Ebury Square (known as amenity area 3) would not meet the recommended BRE Guidelines. At present, the area falls short of the Guidelines as only 15.8% of the area achieves 2 hours of sunlight on 21st March. With the proposed development in place, this would reduce to just 0.5% of the area, which would constitute a major adverse effect.

For the purposes of the daylight assessment, officers have given weight to the suggested alternative 15% VSC retained value in assessing the impact of this proposed development. This is because of the importance of the development overall in achieving benefits which too are material considerations to be weighed in the balance. Properties that are affected by reduced daylight that see retained VSC values in the mid- teens are therefore considered to have a reasonable amount of daylight in the context of this particular development in this particular central urban location. This approach is supported by Policy D6 (D) of the Publication London Plan which sets out that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. However, having regard to DPR's advice, the alternative target value of 50% NSL or more has not been agreed as appropriate in the analysis of daylight effects. Additionally, no weight has been placed on the applicant's mirror massing exercise.

### **Daylight Assessment**

The Environment Statement submitted by the applicant applies the BRE standard numerical guidelines for daylight and sunlight to existing surrounding buildings and

sunlight to amenity spaces. To assist the understanding of the impacts, the assessment categorises the magnitude of change in daylight/sunlight using the bandings set out below:

- Minor Adverse: Reductions in VSC or NSL of >20% to 29.9%;
- Moderate Adverse: Reductions in VSC or NSL of 30% to 39.9%; and
- Major Adverse: Reductions in VSC or NSL of equal / greater than 40%

The City Council's independent daylight consultant considers that GIA have downplayed the significance of daylight effects to a number of properties. DPR consider that most of the daylight effects have been ascribed based on VSC impacts and retained VSC values, with the NSL reductions not carrying as much weight. The Environment Statement advises that room layouts were found for:

- 1 Ebury Road
- 11 & 17 Pimlico Road
- 162, 166, 172, 176 and 180 Mozart Terrace
- Coleshill Flats
- Kilmuir House
- Semley House
- Walden House

DPR has re-categorised the significance of daylight effects for a number of properties (e.g. from minor adverse significance to moderate adverse significance). These are reflected in the assessment of daylight impacts set out below.

The existing properties tested for daylight are shown in Figure 8.1. The lower ground residential units at Coleshill Flats are not assessed for daylight and sunlight impacts as these units are within the application site boundary and technically form part of the development which seeks their change of use to retail and/or office use.

Figure 8.1: Existing properties tested for daylight



The daylight results can be summarised as follows: 37 neighbouring properties have been tested, of which 9 would meet the BRE guidelines for VCS and NSL and therefore are not discussed in more detail here. For the avoidance of doubt these are Kilmuir House, Semley House, 188 Mozart Terrace, 190 Ebury Street, 192 Ebury Street, 194 Ebury Street, 6 Ranelagh Grove and 8 Ranelagh Grove, 23-44 Coleshill Flats.

#### **Minor-adverse or minor-moderate adverse impact**

Of the 27 properties that would not fully meet the BRE Guidelines the following 14 are considered to experience a minor-adverse or minor-moderate adverse impact (based on the significance attributed by the City Council's independent daylight consultant). The numerical data for these properties is set out in the tables in Appendix 2.

- 1 Ebury Square – Block A
- 1 Ebury Square – Block B
- 162 Mozart Terrace
- 176 Mozart Terrace
- 186 Mozart Terrace
- 102 Eaton Terrace
- 17 Pimlico Road
- 17a Pimlico Road

- 2 Ranelagh Grove
- 4 Ranelagh Grove
- 01-22 Coleshill Flats
- 45-66 Coleshill Flats
- 13 Pimlico Road
- 1 Ebury Bridge

### **1 Ebury Square – Block A**

Ebury Square Block A is a recently constructed block of flats that faces Ebury Street with a side elevation on Cundy Street. The affected windows are at the side and rear elevations. For VSC, with the development in place, 15 of the 85 windows assessed would not meet BRE Guidelines.

The ground floor living room will see a retained VSC value in the low-teens which is indicative of an unacceptable level of daylight. However this room is served by three other unaffected windows that face Ebury Street. This is also the case for the other affected living, kitchen dining rooms (LKD) on the upper floors. It is therefore considered that these rooms will continue to receive reasonable light.

The ground floor kitchen window (facing Cundy Street) and dining window (facing Block B) will see retained VSC values in single figures and a loss of NSL of 32.7%. Whilst the dining windows already have low VSC values due to their proximity to Block A, overall the daylight impact would result in a material loss of amenity.

The first floor level will see two bedrooms with retained VSC values in single figures, however, one of the windows (W5/F01) serves a dressing room and so is considered non habitable. The second bedroom (W7/F01) will also see a reduction in NSL of 36.4%. Whilst the BRE Guidelines advise that light to bedrooms is less critical, this loss of light would result in a material loss of amenity. All other affected bedrooms retain VSC values at mid-teen (or very close to min-teen) values and are considered acceptable. There will be a NSL reduction of 29.2% to a second floor bedroom ((W7/F02). However this is a second bedroom and given that the bedroom retains a VSC value close to mid-teens, this is considered acceptable. There will also be a small reduction in NSL to third floor bedroom (W7/F03), however, this is only marginally above the level allowed by the BRE.

Overall the reductions to flats in this block would be noticeable and the impact to the building as a whole is considered minor-adverse.

### **1 Ebury Square – Block B**

Ebury Square Block B is also a residential block that was constructed at the same time as Block A. The main elevation faces Ebury Square and the side elevation faces Cundy Street.

Windows W17 and W18 on Cundy Street at first, second and third floor levels will see retained VSC values in single figures which is indicative of an unacceptable level of daylight. At first floor level these windows serve a living / kitchen / dining room and whilst there is also a loss of NSL of 24.8%, this room has multiple windows including an additional window on the rear elevation that is unaffected by the development. The W17

rooms at second and third floor serve bedrooms, but they are also served by large windows on the rear elevation that are unaffected. W18 rooms at these levels are dressing rooms and considered non-habitable. At fourth floor level and above W17 bedrooms retain VSC values in the mid-teens and higher which is considered acceptable.

At first floor level W20 serves a bedroom with retained VSC values in single figures which is indicative of an unacceptable level of daylight. W21 and W22 serve a large open plan living dining room with retained VSC values also in single figures. However this large room, and similarly designed rooms at second, third, fourth and fifth floor levels, has other windows (W23, W24 and W25) which retain good levels of VSC. These rooms are also NSL compliant. W21 at second floor level and above serves a bedroom and whilst this will see retained VSC values in single figures and low teens and significant NSL reductions, this is a fourth bedroom and so on the basis of proportionality the residential amenity impact is considered acceptable.

At sixth floor level the windows retain acceptable VSC values close to the 27% recommended in the BRE Guidelines. The affected windows at seventh floor level serve bedrooms in the penthouse. Their low existing and proposed retained VSC values could be explained by the fact that they are set behind a canopy. In any case given the multiple windows serving rooms within the penthouse the impact is considered acceptable.

Overall the reductions to flats in this block would be noticeable and the impact to the building as a whole is considered minor-moderate adverse.

### **162 Mozart Terrace, Ebury Street**

This is a four storey plus basement single family dwelling located to the west of the site.

For VSC, with the development in place, three of the 10 windows assessed would not meet BRE Guidelines. However the retained VSC values are at mid teen values and considered acceptable for this central London context.

For NSL, with the development in place, two of the four rooms assessed would not meet BRE Guidelines which is indicative of an unacceptable level of daylight. However, the basement level serves a bedroom where light is less critical.

Overall, the reductions to this property would be noticeable and the impact is considered minor – moderate adverse. However the property is a single family dwelling house which has other rooms at the front which are less affected and other rooms at the rear which are unaffected by the development.

### **176 Mozart Terrace, Ebury Street**

This property is split into four flats with what appears to be a flat on each floor. It is located to the west of the site. At basement level GIA assumed one room spanning the entire property, however, updated floor plans show the basement split into two rooms. This is reflected in the table for this property in Appendix 2.

For VSC, with the development in place, six of the 13 windows assessed would not meet BRE Guidelines. The basement rooms and a first floor living room (W2/F00) will see retained VSC values below mid-teen level which is indicative of an unacceptable level of daylight. The retained VSC values to other rooms are at mid-teen level or above and are considered acceptable.

For NSL, none of the ten rooms assessed would meet BRE Guidelines with losses up to 46.4% which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered minor – moderate adverse. The flats will have rooms at the rear which are unaffected by the development.

### **186 Mozart Terrace, Ebury Street**

This is a three storey plus basement single family dwelling located to the west of the site.

For VSC, with the development in place, all windows assessed would meet BRE Guidelines. However, for NSL, with the development in place, none of the four rooms assessed would meet BRE Guidelines which is indicative of an unacceptable level of daylight. The NSL losses at first and second floor level are 21.4% and 25.0% which are only marginally above the losses allowed by the BRE.

Overall, the reductions to this property would be noticeable and the impact is considered minor – moderate adverse. However the property is a single family dwelling house which has other rooms at the rear which are unaffected by the development.

### **102 Eaton Terrace**

This is a four storey plus basement single family dwelling located to the west of the site.

For VSC, with the development in place, 2 of the 30 windows assessed would not meet BRE Guidelines. The affected windows at ground and first floor level will see retained VSC below mid-teen levels albeit these rooms already have low existing VSC values and the numerical reductions are small at 3.3% and 4.3%. The affected room at first floor level is also served by two windows, one of which is VSC compliant.

For NSL, with the development in place, four of the 17 rooms assessed would not meet BRE Guidelines criteria with reductions up to 37.3% at basement level which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered minor adverse. However the property is a single family dwelling house which has other rooms at the rear and rooms facing onto Eaton Terrace which are unaffected by the development.

### **17/17A Pimlico Road**

City Council records indicate this property, located to the south of the site, contains five flats. Two rooms at basement level will see reductions in VSC that do not meet the BRE

Guidelines with retained VSC values below mid-teen levels which is indicative of an unacceptable level of daylight. The rooms will also see reductions in NSL of 40.8% and 30.4%. The ground floor rooms, one of which is identified as a kitchen, will see acceptable mid-teens retained VSC values but a reduction in NSL of 27.7% and 24.2% which is indicative of an unacceptable level of daylight. Overall, the reductions to these properties would be noticeable and the impact is considered minor adverse, although the worst affected rooms are bedrooms where light is less critical.

## **2 Ranelagh Grove**

Ranelagh Grove is located south of the site and the rear elevation of this residential property faces the development. There will be VSC losses to two rooms at rear first floor level of 20.9% and 21.7% but the retained VSC values would be in the mid-teens which is considered acceptable. There would be a NSL reduction at third floor level to one room of 40.4% which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered minor adverse. However the property is a single family dwelling with other rooms unaffected by the development.

## **4 Ranelagh Grove**

There will be VSC losses in breach of the BRE Guidelines to two rooms at rear ground and first floor levels of 26.4% and 21.0%. However this is considered acceptable given that the numerical reductions to the VSC are small at 3.4% and 3.3% and that other windows in the rear elevation of this property comply fully with the BRE Guidelines.

Overall, the reductions to this property would be noticeable and the impact is considered minor adverse. However the property is a single family dwelling with other rooms unaffected by the development.

## **01-22 and 45-66 Coleshill Flats**

This purpose built block of flats is located directly adjacent to the site boundary. The first to fifth floors of the rear façade is considered sensitive.

For VSC for Nos. 01-22, with the development in place 15 of the 46 windows assessed would not meet BRE Guidelines. Of the 15 affected windows two would experience a loss in VSC between 20-29.9%, four would experience a loss between 30-39.9% and nine windows would experience losses in excess of 40%. With the exception of one window all affected windows would see retained values below 15% VSC. For NSL to this property, four rooms would see a loss greater than 40% reduction. This is indicative of an unacceptable level of daylight.

For VSC for Nos. 45-66, with the development in place 13 of the 46 windows assessed would not meet BRE Guidelines. Of the 13 affected windows nine would experience a loss in VSC between 20-29.9%, three would experience a loss between 30-39.9% and one a loss in excess of 40%. With the exception of one window all affected windows would see retained values below 15% VSC. For NSL to this property, one would experience a loss between 20-29.9%, one would experience a loss between 30-39.9%

and two a loss in excess of 40%. This is indicative of an unacceptable level of daylight.

The tables in Appendix 2 show reductions to windows with retained VSC value of less than 15%. The room uses for these properties (and the other Coleshill Flats properties) are provided by the applicant but may not be fully accurate. Additional information from Peabody appears to show that rooms in the rear elevation of the outrigger serve bathrooms and the windows in its side return serve either a small kitchen or corridor. The window in the main rear elevation of the building would appear to serve either a bedroom or living room. The applicant has taken a cautious approach and the room designations could be seen to represent the worst case scenario.

Overall the reductions to flats in this block would be noticeable and the impact to the building as a whole is considered minor-moderate adverse. The reductions are partly to do with the design of the Coleshill Flats with outriggers which restrict daylight to other windows. A number of windows have low existing VSC values as a result. A number of the rooms affected are non-habitable corridors, galley kitchens and bathrooms which are afforded less protection in the BRE. The other rooms are either bedrooms, where daylight is less critical, or living rooms.

### **13 Pimlico Road**

Located to the south of the site, City Council records indicate this property is used as a doctor's surgery at basement, ground and first floor levels with the second floor used for residential accommodation for a partner of the surgery.

In terms of VSC the affected windows will retain VSC values above mid teen level and therefore acceptable levels of daylight. There will be reductions in NSL below that recommended by the BRE Guidelines which is indicative of an unacceptable level of daylight.

Overall the reductions to this property would be noticeable. Although considered moderate -adverse by DPR, given the doctor's surgery use on the lower floors, the impact could be considered minor adverse.

### **1 Ebury Bridge**

In terms of VSC, all windows to this residential block of flats would meet the BRE Guidelines. There would be reductions to NSL to two out of the 12 windows tested which is indicative of an unacceptable level of daylight. However both rooms are served by three small windows, situated beneath an overhang which restricts sky visibility. Overall the reductions to flats in this block would be noticeable and the impact to the building as a whole is considered minor adverse.

### **Moderate Adverse Impact**

Of the 28 properties that would not fully meet the BRE Guidelines the following 3 are considered to experience a moderate-adverse impact (based on the significance attributed by the City Council's independent daylight consultant). The numerical data for these properties is set out in Appendix 3.

- 11 Pimlico Road

- 164 Mozart Terrace
- 184 Mozart Terrace

### **11 Pimlico Road**

11 Pimlico Road is located to the south of the site. City Council records indicate there are two flats at second floor level. The ground and first floors are in commercial use.

Eight windows will retain VSC values in the mid-teens and above which is considered acceptable for this central London context. The other five windows, which have retained values in excess of 14% either serve bedrooms where daylight is less critical or rooms with multiple windows. In terms of NSL, three two bedrooms would see reductions of 64.8% and 76.1% and a living room a reduction of 58.2% which are indicative of an unacceptable level of daylight.

The rooms at third floor level could be ancillary pub accommodation. However they retain VSC values above 20% which is considered acceptable for this central London context.

Overall, the reductions to this property would be noticeable and the impact is considered moderate adverse.

### **164 Mozart Terrace, Ebury Street**

This is a four storey plus basement single family dwelling located to the west of the site.

For VSC, with the development in place, six of the 12 windows assessed would not meet BRE Guidelines. However all windows except one basement window would retain VSC values in the mid-teens and therefore retain acceptable daylight. The basement would retain a VSC value of 9.6% which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, none of the eight rooms assessed would meet BRE Guidelines criteria with losses up to 53.85 at basement level which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate adverse. However the property is a single family dwelling house which has other rooms at the rear which are unaffected by the development.

### **184 Mozart Terrace**

This is a three storey plus basement single family dwelling located to the west of the site.

For VSC, with the development in place, all windows assessed would meet BRE Guidelines criteria. For NSL, with the development in place, five out of the six rooms assessed would not meet BRE Guidelines which is indicative of an unacceptable level of daylight. Whilst there would be reductions up to 67.2% at basement level, three of the rooms at first and second floor levels would see reductions of 22.6, 22.4 and 25.5 which are only marginally above the BRE Guidelines.

Overall, the reductions to this property would be noticeable and the impact is considered moderate adverse. However the property is a single family dwelling house which has other rooms at the rear which are unaffected by the development.

#### **Moderate-major adverse impact**

Of the 28 properties that would not fully meet the BRE Guidelines the following 11 are considered to experience a moderate-major adverse impact (based on the significance attributed by the City Council's independent daylight consultant). The numerical data for these properties is set out for each property below. In the tables the reference to 'BRE compliant' indicates the window meets the BRE Guidelines criteria for either 27% retained value VSC or a reduction in VSC of no more than 20%. The figures in bold in the tables highlight the suggested alternative 15% VSC retained value which officers have given weight to in the daylight assessment.

- Fountain Court
- 166 Mozart Terrace, Ebury Street
- 168 Mozart Terrace, Ebury Street
- 170 Mozart Terrace, Ebury Street
- 172 Mozart Terrace, Ebury Street
- 174 Mozart Terrace, Ebury Street
- 180 Mozart Terrace, Ebury Street
- 182 Mozart Terrace, Ebury Street
- 15 Pimlico Road
- 89-110 Coleshill Flats
- 67-88 Coleshill Flats

#### **Fountain Court**

Fountain Court is a residential block of flats located to the east of the site. The flats are mostly single aspect.

For VSC, with the development in place, ninety one of the 99 windows assessed would not meet BRE Guidelines. Of the 91 affected windows, 20 would experience a loss in VSC between 20-29.9%, 46 would experience a loss between 30-39.9% and 25 windows would experience losses in excess of 40%. However, other than 12 windows, set out in the table below, these windows would all retain VSC values in the mid-teens or above and as such acceptable levels of daylight. The 12 windows which would see retained VSC values below 15% are located on the north façade of the building.

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R5	W6/F00	21.3	14.3	32.9%	75.9	61.2	19.3%
R6	W7/F00	19.5	12.5	35.9%	60.1	43	28.3%
R7	W8/F00	18.6	11.4	38.7%	98.9	96.9	2.0%
R6	W7/F01	22.4	13.2	41.1%	61.9	42.3	31.7%
R7	W8/F01	21.6	12.1	44.0%	99	96.9	2.1%
R2	W2/F02*	18	11.4	36.7%	99.1	76.2	23.0%
R4	W5/F02*	14.4	8.5	41.0%	92.2	76.1	17.4%
R6	W7/F02	26	14	46.2%	76.5	43.2	43.5%
R7	W8/F02	25.3	12.9	49.0%	99.5	96.9	2.5%
R7	W8/F03	29.6	13.8	53.4%	99.5	97	2.5%
R7	W8/F04	33.6	14.8	56.0%	99.6	97.1	2.5%
R7	W8/F07	32.3	13.2	59.1%	99.5	97.9	1.7%

Windows W2/F02 and W5/F02 are most affected with retained VSC values of 11.4 and 8.5. Those values are indicative of unacceptable levels of daylight. However, these windows are located beneath balconies, which inherently obstructs daylight resulting in lower existing values and subsequently more significant losses.

For NSL, 33 of the 81 rooms assessed would not meet BRE Guidelines. 11 would experience alteration reduction in NSL between 20-29.9% and 13 would experience alteration reduction between 30-39.9%. The remaining nine rooms would experience an alteration in excess of 40% which is indicative of an unacceptable level of daylight.

Overall the reductions to flats in Fountain Court would be noticeable and the impact to the building as a whole is considered moderate - major adverse.

### 166 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Living room	W1/ B01	14.6	11.1	24.0	67.2	24.9	62.9%
	W2/ B01	17.8	13.1	26.4			
	W3/ B01	16.4	11.9	27.4			
R2 Dining room	W2/ F00	24.8	<b>18</b>	27.4	87.7	41.2	53.0%
	W3/ F00	24.7	<b>18.1</b>	26.7			
R2 Drawing room	W1/ F01	27.3	<b>20.7</b>	24.2	98.4	59.7	39.3%
	W2/F01	27.2	<b>20.8</b>	23.5			
	W3/F01	27.1	<b>21</b>	22.5			

City Council records indicate this property, located to the west of the site, has a flat at basement and a single residential unit on the upper floors..

For VSC, with the development in place, eight of the 12 windows assessed would not meet BRE Guidelines. However, the windows at ground and first floor would retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The

basement flat will see retained VSC values below mid-teen level which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, three of the five rooms assessed would not meet BRE Guidelines with reductions up to 62.9% at basement level which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property has other rooms at the front which are less affected and other rooms at the rear which are unaffected by the development.

### 168 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	16	11.8	26.2	92.3	32.3	65.0%
	W2/ B01	17.8	13.1	26.4			
R2 Unknown	W2/ F00	24.7	<b>17.1</b>	30.8	95.4	34.3	64.0%
	W3/ F00	24.8	<b>17.4</b>	29.8			
R1 Unknown	W1/ F01	26.7	<b>19.5</b>	27.0	93.3	50.3	46.1%
R2 Unknown	W2/ F01	27.1	<b>20</b>	26.2	98.7	50.8	48.5%
	W3/F01	27.2	<b>20.3</b>	25.4			
R1 Unknown	W1/F02	29.6	<b>23</b>	22.3	94.7	54.1	42.9%
R2 Unknown	W2/F02	29.6	<b>23.2</b>	21.6	98.4	54.4	44.7%
	W3/F02	29.6	<b>23.3</b>	21.3			
R1 Unknown	W1/F03	BRE compliant			93.2	57.8	38.6%
R2 Unknown	W2/F03	BRE compliant			97.5	57.8	40.7%
	W3/F03	BRE compliant					

This is a four storey single family dwelling with basement located to the west of the site.

For VSC, with the development in place, ten of the 13 windows assessed would not meet BRE Guidelines. However the windows at ground, first and second floors will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The basement will see retained VSC values below mid-teen level. which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, none of the eight rooms assessed would meet BRE Guidelines criteria with reductions up to 65% at basement level which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property is a single family dwelling house, which has other rooms at the rear which are unaffected by the development.

### 170 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Kitchen	W1/ B01	18	12.2	32.2	98.9	31.8	67.8%
R2 Living Room	W2/ F00	21.8	14.7	32.6	99.1	37.4	62.3%
R1 Bedroom	W1/ F01	20.4	14.4	29.4	98.5	48.4	50.8%
	W2/ F01	24.6	<b>17.9</b>	27.2			
R1 Bedroom	W1/ F02	23.5	<b>18.1</b>	23.0	98.7	49.4	49.9%
	W2/ F02	28.1	<b>22</b>	21.7			

This is a three storey single family dwelling with basement located to the west of the site.

For VSC, with the development in place, all six windows assessed see losses greater than recommended by BRE Guidelines. The bedroom at first (W2/F01) and second floor bedroom will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The basement, ground floor living room and first floor bedroom (W1/F01) will see retained values below 15% which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, all four rooms assessed would see losses greater than recommended by BRE Guidelines, which is indicative of an unacceptable level of daylight, with a reduction of 67.8% to the basement and 62.3% to the ground floor living room.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property is a single family dwelling house, which has other rooms at the rear which are unaffected by the development.

### 172 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Dining room	W1/ B01	18.2	12.3	32.4	74.7	20	73.2%
	W2/ B01	16.0	8.5	46.9			
R2 Living room	W3/ B01	20.2	12.9	36.1	83.5	21	74.8%
R1 Unknown	W1/ F00	23.7	<b>15</b>	36.7	NSL compliant		
	W2/ F00	24.0	<b>15.1</b>	37.1			
	W5/ F00	BRE compliant					
	W5/ F00	BRE compliant					
R2 Bedroom	W3/F00	24.4	<b>15.3</b>	37.3	93.1	29.2	68.6 %
	W4/F00	24.5	<b>15.4</b>	37.1			
R1 Unknown	W1/F01	25.5	<b>17.2</b>	32.5	97	32.6	66.4%
	W2/F01	25.8	<b>17.3</b>	32.9			
R2 Unknown	W3/F01	26	<b>17.4</b>	33.1	85.4	30	64.9%
R3 Unknown	W4/F01	26.1	<b>17.4</b>	33.3	92.7	28.7	69.1%
	W5/F01	26.2	<b>17.5</b>	33.2			
R1 Unknown	W1/F02	27.5	<b>19.8</b>	28.0	90.4	36.5	59.6%
	W2/F02	27.8	<b>19.9</b>	28.4			
R2 Unknown	W3/F02	28.1	<b>20</b>	28.8	93.5	34.6	63.0%
	W4/F02	28.2	<b>20.1</b>	28.7			

This property is split into three flats with a maisonette at basement and part ground, a ground floor flat and a maisonette at first and second floors. It is located west of the site.

For VSC, with the development in place, sixteen of the 18 windows assessed would not meet BRE Guidelines. However, the windows at ground, first and second floors will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The basement windows will see retained VSC values below mid-teen levels with one window seeing a retained VSC value of 8.5% which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, eight of the nine rooms assessed would not meet BRE Guidelines which is indicative of an unacceptable level of daylight.

Overall, the reductions to this converted property would be noticeable and the impact is considered moderate - major adverse. The flats would have rooms at the rear that are unaffected by the development.

#### 174 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	17.6	12.1	31.3	58.8	17.2	70.7%
R2 Unknown	W2/ B01	BRE compliant			55	14.6	73.5%
R1 Unknown	W1/ F00	23.4	<b>15.2</b>	35.0	96.6	38.4	60.2%
	W2/ F00	23.4	<b>15.1</b>	35.5			
R1 Unknown	W1/ F01	25.6	<b>17.9</b>	30.1	73.7	44.7	39.4%
R3 Unknown	W2/ F01	25.7	<b>17.9</b>	30.4	95.5	43.3	54.6%
	W3/ F01	25.8	<b>17.8</b>	31.0			
R1 Unknown	W1/F02	28	<b>21</b>	25.0	74.3	46.8	37.0%
R3 Unknown	W2/F02	28.1	<b>21</b>	25.3	95	47.6	49.9%
	W2/F02	28.2	<b>21</b>	25.5			

This is a three storey single family dwelling with basement located to the west of the site.

For VSC, with the development in place, nine out of the 10 windows assessed would not meet BRE Guidelines. The windows at ground, first and second floors will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. However, the basement windows will see retained VSC values below mid-teen levels which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, all seven rooms assessed see losses greater than recommended by BRE Guidelines with losses up to 73.5% at basement level which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property is a single family dwelling house, which has other rooms at the rear which are unaffected by the development.

#### 180 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	15.1	9.1	39.7	23.8	2.9	64.4%
R2 Unknown	W2/ B01	20.8	13.8	33.7	95.7	31.2	67.4%
	W3/ B01	19.2	13.2	31.2			
R1 Unknown	W1/ F00	24.7	<b>17.2</b>	30.4	96.3	65	50.3%
	W2/ F00	24.8	<b>17</b>	31.5			
R2 Unknown	W2/ F01	27.2	<b>20.3</b>	25.4	96.3	65	32.5%
	W3/ F01	27.3	<b>20.1</b>	26.4			
R2 Unknown	W2/F02	30	<b>23.7</b>	21.0	97.2	74.2	23.7%
	W3/F02	30	<b>23.5</b>	21.7			

This is a three storey single family dwelling with basement located to the west of the site.

For VSC, with the development in place, none of the 9 windows assessed would meet BRE Guidelines. However, the windows at ground, first and second floors will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The basement windows will see retained VSC values below mid-teen levels with one window seeing a retained VSC value of 9.1% which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, all five rooms assessed see losses greater than recommended by BRE Guidelines which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property is a single family dwelling house, which has other rooms at the rear which are unaffected by the development.

### 182 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bedroom	W1/ B01	18.5	14	24.3	95.5	32.6	65.9%
	W2/ B01	18.3	14.2	22.4			
R1 Dining Room	W1/ F00	23.9	<b>18.3</b>	23.4	95.9	54.2	43.5%
	W2/ F00	24.1	<b>17.9</b>	25.7			
R1 Bedroom corridor	W2/ F01	26.8	<b>21.3</b>	20.5	BRE compliant		

three storey single family dwelling with basement located to the west of the site.

For VSC, with the development in place, five of the 8 windows assessed would not meet BRE Guidelines. However, the affected windows at ground, first and second floors will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The basement windows will see retained VSC values below mid-teen levels which is indicative of an unacceptable level of daylight.

For NSL, two of the four rooms assessed see losses greater than recommended by BRE

Guidelines which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property is a single family dwelling house, which has other less affected rooms at the front and rooms unaffected by the development at the rear.

### 15 Pimlico Road

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	17.3	12.3	28.9	91.8	32.1	65%
	W2/ B01	19.5	13.2	32.3			
R2 Unknown	W2/F00	22.3	<b>15.8</b>	29.1	96.9	51.3	47.1%
R2 Unknown	W2/ F01	25.4	<b>19.3</b>	24.0	99.1	69.5	29.9%

Located to the south of the site, City Council records indicate this property is in residential use as a single dwelling.

For VSC, with the development in place, four of the five windows assessed would not meet BRE Guidelines. The ground and first floor windows will retain VSC values at mid teen levels and therefore acceptable levels of daylight. However, the basement windows will see retained VSC values below mid-teen levels which is indicative of an unacceptable level of daylight.

For NSL, three out of the four rooms assessed would not meet BRE Guidelines criteria which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse.

### 89 to 110 Coleshill Flats

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bed	W1/F01	11.2	5.1	54.5	83.1	34.2	58.8%
R2 LR	W2/F01	15.5	4	27.3	BRE compliant		
R3 Kit	W3/F01	18.8	7	20.5	99.4	61.5	38.1%
	W4/F01	27.7	11.8	15.9			
R6 Bed	W7/F01	12.1	3.1	74.4	81.7	16.1	80.3%
R7 Bed	W8/F01	12	3.2	73.3	85	20.4	76.0%
R10 Kit	W11/F01	25.6	10.1	60.5	99.5	60.9	38.8%
	W12/F01	16.9	6.2	63.3			
R11 LR	W13/F01	10.7	4.2	60.7	50.4	35.2	30.2%
R12 Bed	W14/F01	13	4.8	63.1	92.6	23	75.2%
R1 Bed	W1/F02	12.4	6.3	49.2	89.7	39.9	55.5%
R2 LR	W2/F02	26.3	4.9	22.2	BRE compliant		
R3 Kit	W3/F02	BRE compliant			99.4	68.5	31.0%
	W4/F02	29.8	13.6	54.4			
R6 Bed	W7/F02	12.9	3.9	69.8	85.4	20.5	76.0%
R7 Bed	W8/F02	12.8	4	68.8	87.1	24.8	71.6%
R10 Kit	W11/F02	27.6	11.8	57.2	99.5	72.9	26.6%
	W12/F02	19.1	7.9	58.6			
R11 LR	W13/F02	12.6	5.3	57.9	60	39.3	34.5%
R12 Bed	W14/F02	14.5	6	58.6	95.1	28.7	69.8%
R1 Bed	W1/F03	14.1	8.3	41.1	92.8	48.1	48.2%
R6 Bed	W7/F03	13.1	4.4	66.4	87	26.7	69.4%
R7 Bed	W8/F03	13.2	4.6	65.2	29.9	5.7	65.8%
R10 Kit	W11/F03	29.9	13.9	53.5	BRE compliant		
	W12/F03	21.9	10.7	51.1			
R11 LR	W13/F03	15.1	7.5	50.3	69	46.4	32.7%
R12 Bed	W14/F03	16.5	7.9	52.1	95.7	37.3	61.0%
R1 Bed	W1/F04	17.2	11.8	31.4	95.8	61.3	36.0%
R6 Bed	W7/F04	8.6	0.6	93.0	86.8	10.2	88.2%
R7 Bed	W8/F04	8.8	0.9	93.0	87.1	19.1	78.0
R11 LR	W13/F04	18.9	12.5	33.9	BRE compliant		
R12 Bed	W14/F04	19.4	11.1	42.8	96.8	50.7	47.7

**67-88 Coleshill Flats**

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bed	W1/F01	12.1	9	25.6	91.4	72.3	21.0
R6 Bed	W7/F01	11.8	5	57.6	83.8	32	61.8
R7 Bed	W8/F01	13	8.1	37.7	86.1	59.3	31.1
R10 Kit	W11/F01	28.2	14	50.4	99.1	76	23.3
	W12/F01	8.6	3.5	59.3			
R11 LR	W13/F01	5.2	2.1	59.6	40.4	10.6	73.6
R12 Bed	W14/F01	10.6	3.7	65.1	89.3	20.8	76.7
R1 Bed	W1/F02	13.2	10.3	22.0	BRE compliant		
R6 Bed	W7/F02	12.6	5.9	53.2	86.3	38.9	54.9
R7 Bed	W8/F02	13.6	9	34.3	86.9	64.9	25.4
R10* Kit	W12/F02	9.7	4.8	50.5	BRE compliant		
R11 LR	W13/F02	6.1	3.1	49.2	42.2	15.3	63.7
R12 Bed	W14/F02	11.8	4.9	58.5	91.8	27.2	70.4
R6 Bed	W7/F03	12.9	6.5	49.6	87.2	49.2	43.6
R7 Bed	W8/F03	13.9	9.6	30.9	BRE compliant		
R12 Kit	W12/F03	11.9	7.2	39.5	99.1	89.4	9.8
R11 LR	W13/F03	7.8	5	35.9	47.9	25.2	47.5
R12 Bed	W14/F03	13.5	6.9	48.9	93.1	37.9	59.3
R6 Bed	W7/F04	8.4	2.5	70.2	87.1	51.8	40.5
R7 Bed	W8/F04	9.2	5.4	41.3	BRE compliant		
R10 Kit	W12/F04	16.7	12.5	25.1	BRE compliant		
R11 LR	W13/F04	11.6	8.9	23.3	69.1	47.6	31.0
R12 Bed	W14/F04	16.8	10.5	37.5	96	54.6	43.2

These blocks of flats are located directly adjacent the site to the south western side with only the rear of the property considered sensitive from the first storey and above.

For VSC for Nos. 89-110, with the development in place, 39 of the 46 windows assessed would not meet BRE Guidelines. Of these 39 affected windows, five would experience an alteration in VSC between 20-29.9%, four windows would experience an alteration between 30-39.9% and the remaining 30 windows would experience an alteration in excess of 40%. For NSL to this property, one window would experience a loss between 20-29.9%, seven would experience a loss between 30-39.9% and 15 a loss in excess of 40%.

For VSC for Nos. 67-88, with the development in place, 31 of the 46 windows assessed would not meet BRE Guidelines. Of these 31 affected windows, six would experience an alteration in VSC between 20-29.9%, ten window would experience an alteration between 30-39.9% and the remaining 15 windows would experience an alteration in excess of 40%. For NSL to this property, three windows would experience a loss between 20-29.9%, two would experience a loss between 30-39.9% and 11 a loss in excess of 40%.

The tables above show reductions to windows with retained VSC value of less than 15% and significant reductions to the NSL. This indicates unacceptable levels of daylight. As set out earlier, the room uses for the Coleshill Flats are provided by the applicant but may not be fully accurate. Additional information from Peabody appears to show that rooms in the rear elevation of the outrigger serve bathrooms and the windows its side return serve either a small kitchen or corridor. The window in the main rear elevation of

the building would appear to serve either a bedroom or living room. The applicant has taken a cautious approach and the room designations could be seen to represent the worst case scenario.

Overall, the reductions to flats within these properties would be noticeable and the impact is considered moderate - major adverse. This is partly to do with the design of the Colehill Flats with outriggers which restricts daylight to other windows. A number of windows have low existing VSC values as a result. However a number of the rooms affected are non-habitable corridors, small galley kitchens and bathrooms which are afforded less protection in the BRE. The other rooms are either bedrooms, where daylight is less critical, or living rooms.

### **Sunlight Assessment**

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90° of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months (winter PSH). As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The City Council's independent daylight consultant, DPR, consider that GIA have downplayed the significance of sunlight effects to a number of properties. DPR's assessment of the significance of effects is reflected in the assessment of daylight impacts set out below.

The sunlight impacts can be summarised as follows: 29 neighbouring properties have been tested, of which 18 would meet the BRE guidelines in the 'Existing v Proposed' scenario and therefore are not discussed in more detail here. For the avoidance of doubt these are Kilmuir House, Semley House, Fountain Court, Nos. 162, 164, 182, 184, 186 and 188 Mozart Terrace, Nos. 190, 192 and 194 Ebury Street, 13 and 17 Pimlico Road and the Colehill Flats except Nos. 01-22.

### **Minor adverse impact**

Of the 12 properties that would not fully meet the BRE Guidelines, the following 11 are considered to experience a minor-adverse impact.

- 1 Ebury Square – Block A
- 1 Ebury Square – Block B
- 164 Mozart Terrace
- 166 Mozart Terrace
- 168 Mozart Terrace
- 172 Mozart Terrace
- 174 Mozart Terrace
- 176 Mozart Terrace

- 180 Mozart Terrace
- 102 Eaton Terrace
- 01-22 Coleshill Flats

### 1 Ebury Square (Block A)

Room and use	Window/ Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Living room	W1-W4/00	52	7	38	3	26.90%	57.1%
R2 Kit-dining	W5-W7/00	59	14	22	0	62.7%	100.0
R3 Bedroom	W8/F00	21	6	15 (F)	0	28.6%	100.0%
R1 LKD	W1-W4/ F00	62	13	47	4	24.2%	69.2%
R2 Bedroom	W5-6/F01	64	14	30	0	53.1%	100.0%
R3 Bedroom	W7/F01	29	8	16	0	44.8%	100.0%
R4 Bedroom	W8/F01	24	7	19	2	20.8%	71.4%
R2 Bedroom	W5-W6/ F02	69	17	41	0	40.61%	100.0%
R3 Bedroom	W7/F02	35	13	22	1	37.1%	92.3%
R2 Bedroom	W5-W6/ F02	73	21	50	2	31.5%	90.5%
R3 Bedroom	W7/F03	39	14	28	3	28.2%	78.6%

A total of 53 rooms were assessed of which 11 would not meet the BRE Guidelines.

In terms of APSH, six of the affected rooms would retain good levels of sunlight. The other five would see reductions that would be noticeable to the occupants. The other affected room is a ground floor kitchen dining room.

In terms of winter PSH, all rooms would see significant losses up to 100%. This is because there is an existing gap in the massing of the Cundy Street flats which the proposed development will infill. Nine out of the affected rooms serve bedrooms, where sunlight is less critical. Overall the sunlight impact to these rooms will result in loss of residential amenity.

Overall, the reductions in sunlight to this purpose built block of flats would be noticeable and the impact is considered minor adverse.

### 1 Ebury Square (Block B)

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R7 Living room	W12/F00	28	6	23	2	17.9%	66.7%
R11 Bedroom	W16/F01	62	17	13	0	79.0%	100.0%
R14 Bedroom	W21/F01	55	11	10	0	81.8%	100.0%
R11 Bedroom	W16-W18/ F02	65	18	22	0	66.2%	100.0%
R14 Bedroom	W21/F02	64	15	14	1	78.1%	93.3%
R11 Bedroom	W16-W18/ F03	70	21	36	1	48.6%	95.2%
R14 Bedroom	W21/F03	68	18	20	1	70.6%	94.4%
R11 Bedroom	W16-W18/ F04	74	24	44	2	40.5%	91.7%
R14 Bedroom	W21/F04	74	23	29	1	60.8%	95.7%
R14 Bedroom	W21/F05	79	27	41	2	48.1%	92.6%

A total of 76 rooms were assessed of which 10 would not meet the BRE Guidelines.

In terms of APSH, four of the affected rooms would retain good levels of sunlight. The other five would see reductions in sunlight that would be noticeable to the occupants, The other affected room is a ground floor living room which faces onto Ebury Square Gardens.

In terms of winter PSH, all rooms would see significant losses up to 100%. Again, this is because there is an existing gap in the massing of the Cundy Street flats which the proposed development will infill. Nine out of the affected rooms serve bedrooms, where sunlight is less critical.

Overall, the reductions in sunlight to this purpose built block of flats would be noticeable and the impact is considered minor adverse.

#### 164 Mozart Terrace

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	38	5	24	3	36.8%	40.0%

A total of eight rooms were assessed of which 1 would not meet the BRE Guidelines. However the basement room would retain good levels of APSH for its central London context. Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered minor adverse. However the property would have other rooms where sunlight is less affected by the development.

#### 166 Mozart Terrace

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Living room	W1-W3/ B01	38	7	25	4	34.2%	42.9%

A total of nine rooms were assessed of which 1 would not meet the BRE Guidelines. However, the basement would retain acceptable levels of APSH and the retained value of winter PSH is only marginally below the recommended 5%. Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered minor adverse. However the property would have other rooms where sunlight is less affected by the development.

#### 168 Mozart Terrace

		Existing	Proposed	Loss (%)
--	--	----------	----------	----------

Room and use	Window / Floor	Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	32	4	21	3	34.4%	25.0%
R2 Unknown	W2/F00	42	10	26	4	38.1%	60.0%
R1 Unknown	W1/F01	45	9	29	2	35.6%	77.8%

A total of 8 rooms were assessed of which three would not meet the BRE Guidelines. The basement will see a reduction in APSH to values that are below those recommended by the BRE Guidelines. Whilst the reduction in winter sun at this level is 25% the actual reduction is small in numerical terms. The ground and first floor rooms will still retain a good level of sunlight in terms of APSH however the first floor room will see a reductions in winter PSH of 77.8%.

Overall, the reduction in sunlight to this property (which has a separate basement dwelling) would be noticeable and the impact is considered minor adverse.

### 172 Mozart Terrace

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1	W1-W2/ B01	37	6	20	2	45.9%	66.7%
R2 Living room	W3/B01	39	7	24	5	38.5%	28.6%
R1 Unknown	W1-W2/F00	54	11	31	4	42.6%	63.6%

This is property is converted into flats. A total of nine rooms were assessed of which 3 would not meet the BRE Guidelines. The retained values for APSH and winter PSH for basement W3 and the ground floor room are at or close to those recommended in the BRE. Overall, the reduction in sunlight to flats within this converted property would be noticeable and the impact is considered minor adverse.

### 174 Mozart Terrace

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	26	1	17	0	34.6%	100.0%

A total of seven rooms were assessed of which 1 would not meet the BRE Guidelines.. The winter PSH reduction to the basement is 100% but in reality this is because it has a low existing winter value of 1% reducing to 0%. Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered minor adverse. However the property would have other rooms where sunlight is less affected by the development.

### 176 Mozart Terrace

		Existing	Proposed	Loss (%)

Room and use	Window / Floor	Annual	Winter	Annual	Winter	Annual	Winter
R1 Dining room	W1/B01	32	8	19	3	40.6	62.5%
R3 Living room	W3/B01	39	5	25	4	28.6	55.6%
R1 Bedroom	W1/F00	39	9	27	4	30.8%	55.6%
R1 Bedroom	W1/F01	35	6	23	2	34.3%	66.7%
R1 Bedroom	W1/F02	46	8	36	4	21.7%	50.0%

A total of nine rooms were assessed of which 5 would not meet the BRE Guidelines. However the rooms at ground and second will still retain BRE compliant APSH. All five rooms will see reductions in winter PSH beyond the BRE Guidelines.

Overall, the reduction in sunlight to flats within this converted property would be noticeable and the impact is considered minor adverse.

### 180 Mozart Terrace

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	14	1	3	0	78.6%	100.0%

A total of five rooms were assessed of which 1 would not meet the BRE Guidelines. Whilst the winter PSH reduction is 100% in reality this is because it has a low existing winter value of 1% reducing to 0%. Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered minor adverse. However the property would have other rooms where sunlight is less affected by the development.

### 102 Eaton Terrace

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/F00	24	3	17	0	29.2%	100%
R1 Unknown	W1/F01	39	10	31	4	20.5%	60.0%

A total of 11 rooms were assessed of which two would not meet the BRE Guidelines. The first floor room will still retain BRE compliant APSH. Both rooms will see reductions in winter PSH beyond the BRE Guidelines with 100% reduction at ground floor level.

Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered minor adverse. However the property would have other rooms where sunlight is less affected by the development.

### 01-22 Coleshill Flats

		Existing	Proposed	Loss (%)
--	--	----------	----------	----------

Room and use	Window / Floor	Annual	Winter	Annual	Winter	Annual	Winter
R12 Bedroom	W14/F01	19	1	10	1	47.4%	0.0%
R12 Bedroom	W14/F02	20	2	14	2	30.0%	0.0%
R12 Bedroom	W14/F03	21	3	15	3	28.6%	0.0%
R12 Bedroom	W14/F04	26	3	16	3	38.5%	0.0%

This is a purpose built block of flats. A total of 30 rooms were assessed of which four would not meet the BRE Guidelines. Overall, the reduction in sunlight to flats within this converted property would be noticeable and the impact is considered minor adverse. It is noted the affected rooms are bedrooms which are afforded less protection in the BRE Guidelines.

### Moderate-Major Impact

Of the 10 properties that would not fully meet the BRE Guidelines one property is considered to experience a moderate-major impact:

#### 170 Mozart Terrace

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Kitchen	W1/B01	21	1	10	0	52.4%	100.0%
R2 Living room	W2/F00	27	4	10	0	63.0%	100.0%
R1 Bedroom	W1-W2/F01	34	5	19	0	44.1%	100.0%
R1 Bedroom	W1-W2/F02	45	8	35	4	22.2%	50.0%

This is a single family dwelling. A total of four rooms were assessed of which none would meet the BRE Guidelines. The basement, ground and first floor rooms will see large reductions in APSH and winter PSH. The second floor bedroom is less affected retaining BRE compliant APSH but winter PSH reduction of 50%. Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered moderate-major.

### Overshadowing to gardens and amenity spaces

Policy ENV 13 (F) states that developments should not cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

The BRE Guidelines recommend that for an amenity space to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity space does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

The Environment Statement includes results of the two-hours sun-on-ground and transient overshadowing assessments for Orange Square (area 1), Ebury Square Gardens (area 2) and No.1 Ebury Square communal amenity space (area 3) on March 21 and June 21. The Belgravia Residents' Association, Semley House Residents'

Association and individual local residents have raised concerns specifically about the loss of sun / overshadowing to Ebury Square Gardens.

Orange Square (area 1) would experience no change in the percentage of area seeing at least two hours of sunlight with the development in place when compared to the existing buildings Overall the significance effect is insignificant.

For Ebury Square Gardens (area 2), the transient overshadowing analysis shows that whilst there would be a reduction in the amount of sun received to the gardens, this would comply with the BRE guidelines. On 21st March the sun hours on ground assessment shows that 72.1% of the area will receive more than two hours of direct sunlight which is a reduction of 19% from the existing condition. Therefore this is less than a 20% reduction from the former value and over half of the amenity space will see two hours of direct sunlight on this date. Overall the significance effect could be considered as insignificant.

Area 3 is the private communal amenity area linked to 1 Ebury Square. In the existing condition this area would see 2 hours of sunlight to only 15.8% of its area on March 21<sup>st</sup>. With the proposed development in place this would be reduced to 0.5% which is a 40% reduction. This reduction would be a major adverse impact during the winter months but will be adequately sunlit in summer months.

### **Sense of enclosure and privacy**

Policy ENV 13 (F) states that developments should not result in a significant increase in sense of enclosure [or] overlooking.

There would be an increased sense of enclosure to residential properties that surround the proposed development. This is because the proposed development proposes to increase the height and bulk and bring forward the building line compared to existing development on the site. This will affect all residential properties that overlook the site. The rear of Coleshill Flats will also be affected by the increased height and massing in the centre the site, primarily as a result of Building C. Objections have been received from some residential properties to on the grounds of sense of enclosure and overlooking.

With the development in place, the change in outlook from residential properties that surround the site will be dramatic and significant. However the new built form proposed would be typical of the built form of neighbouring streets in this part of central London, namely buildings sited close to or on the back edge of the pavement facing directly on to each other. It is accepted that the proposed development is taller than the surrounding development which will impact outlook at high level. To mitigate this impact at high level, the design of the buildings includes set-backs and a mansard roof to some floors. Nos. 89-110 Coleshill will also see a dramatic change in outlook at the rear however, given that the majority of rooms that overlook the site from the rear closet wing windows are non-habitable, this is considered acceptable. Whilst objections to the proposed change in outlook from neighbouring occupiers are understood, it is not considered that the new buildings will be sufficiently harmful to warrant a refusal on grounds of sense of enclosure.

In terms of privacy, Ebury Street typically measures 12m wide, Pimlico Road 13.6m wide and Avery Farm Row 11.1m (these measurements include the footway). This is considered typical for street widths in Westminster and is considered sufficient to ensure that there would be no unacceptable loss of privacy for neighbouring occupiers arising from the proposed development. Cundy Street is not as wide and typically measures 9.5m. Whilst this is slightly below a typical street width in Westminster, given the central London context this is considered acceptable in terms of overlooking. No objections have been received from the occupiers of the 1 Ebury Square blocks to loss of privacy. At the rear of Coleshill Flats a separation distance of 12.6m is maintained which is considered acceptable.

### **Conclusions on Residential Amenity**

The proposal will result in a material worsening of daylighting standards for neighbouring properties. For some properties there would be significant reductions in daylight beyond the recommended BRE Guidelines criteria for VSC and NSL. There would also be reductions beyond the alternative 15% VSC retained value which the City Council has given weight to. These losses are highlighted in the individual tables within this report and by the Daylight and Sunlight Review commissioned by residents in Ebury Street. With the development in place the applicant's daylight assessment indicates unacceptable levels of daylight for a number of properties. These reductions in daylight would be noticeable to occupants and more of the affected rooms will appear poorly lit.

There would also be sunlight losses to 12 properties that overlook the site that breach the BRE Guidelines. The impact to 11 of these properties is considered minor-adverse. However, the impact to the remaining property at 170 Mozart Terrace is considered to be moderate -major adverse. This property would lose all winter sunlight to basement, ground and first floor rooms at the front and see significant reductions in APSH, including to a living room.

There would also be a dramatic and significant change in the outlook for residential properties that surround the site, including at high level. Whilst objections to the proposed change in outlook from neighbouring occupiers are understood, it is not considered that the new buildings will be sufficiently harmful to warrant a refusal on grounds of sense of enclosure.

The proposed development seeks to make the best use of land and proposes a high density form of development to support additional homes and workspaces. It is this change in scale, replacing the relatively low massing blocks of flats with buildings of greater height and massing that seek to replicate a more traditional building line, that is largely driving the significant daylight and sunlight losses. The surrounding residential properties on Ebury Street, Cundy Street and Pimlico Road currently benefit from the Cundy Street flats being set back and from the gaps in between the blocks. However, if this site is to be redeveloped at a higher density level to meet policy objectives of boosting significantly the supply of housing and optimising housing delivery, then reductions in daylight and sunlight to neighbouring properties would normally be expected.

The only means of protecting substantively the existing daylight and sunlight conditions would be to look at alternative development options. The options for either a light touch refurbishment or extending the existing Cundy Street flats and constructing new infill

development along Ebury Street and Pimlico Road were rejected by the applicant because these options did not overcome the significant drawbacks of the site or provide the opportunity for a high density development that could offer wider public benefits. The applicant has also looked at the option of reducing the height and massing of the proposed development. The removal of a middle floor from Building A1, A2 and C would have some material benefit on residential amenity, namely an additional 17 windows on Ebury Street / Mozart Terrace would achieve the alternative 15% VSC retained value and an additional nine rooms would meet the baseline BRE criteria or GIA's alternative value of retained 50% for NSL. However, if this were to be done it would render the scheme as currently proposed unviable. The applicant advises the lost floorspace would mean seven fewer social rent homes and 14 fewer senior living homes and the lost financial value would mean a reduction of approximately 30-35 intermediate affordable homes.

There is no doubting that the impact from the proposed development on residential amenity is significant. This would conflict with policy S29 of the City Plan and policy ENV 13 (E) of the Unitary Development Plan.. However, the policy objective of the adopted City Plan to optimise housing delivery is a material consideration. This objective is carried though into emerging policy within the draft replacement City Plan which seeks to optimise site densities to exceed the London Plan derived target of 20,685 homes across the plan period (2019-2040). The consideration of alternative lower density options would mean that the regeneration and growth benefits in the scheme in relation to the delivery of market housing and specialist older person's housing, the provision of on-site affordable housing (including meeting the housing needs of Walden House residents), new public routes through the site, the provision of new shops, a cinema and other amenities and new workspaces would not be realised.

## **14.4 Transportation/Parking**

### **8.4.1 Car parking**

Policy UDP TRANS 23 sets out maximum off-street parking standards of one car space per residential unit containing two bedrooms or less and one or two car spaces per unit of residential accommodation comprising three bedrooms or more (provided that the aggregate provision does not exceed 1.5 spaces per dwelling).

For special needs housing (e.g. sheltered housing) a parking standard of 1 space per 10 residential units will normally be applied but this may be varied to suit particular cases.

Part A of the policy advises that the permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.

The Publication London Plan sets out a car free standard (excluding disabled parking) for residential and retail uses within PTAL 6b locations such as this. The latest consultation draft of the City Council's new City Plan will be more aligned to London Plan policy and that new development should be predominantly car free with appropriate mitigation where necessary although this cannot be given any weight at this stage. A total of 38 car parking spaces are proposed. The specialist housing accommodation for older people in Building A would have 18 spaces of which two spaces would be used for disabled staff associated with the C2 assisted living element, one space for disabled visitors, four spaces for senior living residents within the C3 residential units and eleven

general spaces. The market housing in Building B would have 20 car parking spaces, of which 2 would be disabled spaces. The commercial units and affordable housing units would not have access to off street parking spaces.

By way of comparison, the existing 160 flats have 83 car parking spaces (59 spaces for Cundy Street flats and 24 spaces for Coleshill Car Park). Overall there will be a net reduction of 44 residential car parking spaces.

Policy TRANS23: Off-Street Parking: Residential Development details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. This includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays. The evidence of the City Council's most recent daytime parking survey in 2018 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the development site is 77.6% (consisting of 275 Residents' and 20 Shared Use Bays, 212 and 17 of which were occupied respectively). Although the area is currently below the 80% threshold, only 7 more vehicles parked on-street would push the occupancy figure above it.

Objections have been received regarding insufficient parking within the development from the Belgravia Society and Belgravia Residents' Association (BRA) and from local residents. The BRA has insisted that, if approved, future occupiers of this development would not have the right to be issued with a parking permit. Concerns have been raised that the lack of car parking will increase congestion and cause an air pollution.

There would be a shortage of off-street parking for residents according to the requirements of TRANS 23. However, the exact number will depend on the final mix of Class C3 and Class C3 uses provided within Building A as these have different parking standards. Despite this, the Highways Planning Manager considers that the impact of the scheme on parking levels will be partly offset by the reduction of approximately 40 residents' parking permits from the demolition of the existing properties on the site. With the mitigation of car club membership for all future occupiers (including the Class C2 units), the Highways Planning Manager is on balance satisfied with the parking arrangements for the scheme as submitted. The request by the BRA regarding not issuing parking permits to future residents is noted, however, the City Council does not have a policy which seeks this as mitigation for any parking shortfall.

However, the Highways Planning Manager has raised a concern about additional parking demand arising from the scenario whereby Building A comprises all Class C3 residential units. He has suggested mitigation measures could be sought that might include the use of spaces in a nearby car park. Given that the proposals seek to provide a balanced, pragmatic solution given the conflicting WCC and GLA policy positions on car parking, further mitigation measures are not sought.

The Highways Planning Manager is of the view that the loss of the existing 24 car parking spaces for Coleshill Flats is contrary to Trans 23 (A). This is noted; however, the applicant has provided information to show that only four of these spaces are actively used by residents and out of these, one is a disabled parking bay which the applicant proposes would be relocated to an on-street location. Given the low take up of

these parking spaces from Colehill residents and given the substantial planning benefits of the scheme, which include a new pedestrian route and public garden in place of the car parking, this is considered to justify its loss as an exceptional circumstance.

The Mayor does not consider there to be any justification for 29 general car parking spaces in this location, given the site's PTAL. Accordingly, he is of the view the general parking should be reduced to zero in line with the Publication London Plan and Westminster's emerging policy.

Given scale of the development proposed it is recommended that a travel plan is secured through the S106 legal agreement together with the costs of monitoring the plan.

All car parking for Building A would access the off-street car parking via the vehicle lifts in the Building A internal servicing area and it is intended that all vehicles are driven by valet drivers at all times. It is recommended that details of how this would work are secured through a car parking management plan. All car parking would have active electric-vehicle charging point which is welcome.

The concerns about increased congestion and air pollution are noted. However it more likely that additional car parking spaces within the development would increase air pollution as it would encourage increased levels of car ownership at a site that is well served by public transport and other amenities.

#### **8.4.2 Cycle parking**

The proposed 393 long-stay cycle parking provision complies with the requirements of the Publication London Plan policy T5. In accordance with this policy locker facilities would be provided for staff of the non-residential and assisted living uses. A further 32 long stay cycle spaces are proposed on the ground floor of Building C to replace the two existing cycle storage units within the Colehill car park.

A total of 92 short-stay cycle parking spaces are shown indicatively on Westminster highway. Whilst it would be desirable to have some of these spaces within the development site, it is accepted that this is not possible due to competing demands for space. The number of short stay spaces falls short of the 136 required by policy T5, however, given the lack of available space on the public highway to accommodate additional on street cycle parking, this is considered acceptable. A financial contribution to mitigate against the shortfall within the vicinity of the site has not been sought for the same reason that there is a lack of highway space to locate additional cycle parking.

Objections have been received that the on-street cycle parking proposed is excessive. The on-street cycle parking standards are set out in the Publication London Plan and in this instance they are not being fully complied with. On this basis the number of on-street cycle space is not considered excessive.

#### **8.4.3 Servicing**

Deliveries and servicing would increase by 60 vehicles to 72 vehicles as a result of the net residential and ground floor uses proposed. Servicing will largely occur off-street

within the dedicated servicing bays within Buildings A and B. Building C would be serviced from a proposed on-street loading pad on Ebury Street. The Coleshill basement would also be serviced from the proposed on-street loading pad on Ebury Street as well as the proposed loading bay at the southern boundary of Orange Square. In some instances, Elizabeth Place would be used to accommodate delivery trips associated with the ground floor units of Building A and Building B between 07:00 - 10:00 Monday to Friday with a later start time of 8am on Sat and 9am on Sunday.

Waste collection will take place on-street. This is because waste vehicles would be unable to egress from the internal loading areas in forward gear. Separate temporary waste holding areas are proposed on Ebury Street, Cundy Street and Pimlico Road for each building. Facilities management would be responsible for transferring waste from the internal storage areas to the temporary holding areas.

The Highways Planning Manager and Waste (Projects) Officer are both satisfied with the arrangements proposed subject to securing them by condition.

The Projects Officer (Waste) has indicated that a micro recycling centre (MRC) would be required for the development on account of its scale funded by the applicant and located in close proximity to the site. The applicant considers that it is not possible to provide the MRC either on site or surrounding the development due to the limited space. This has been accepted by officers and the applicant has agreed to make a contribution of £15,000 to provide future recycling facilities. It is recommended that this could be secured through a S106 legal agreement.

#### Highways works

A number of highway works are proposed which are either required to facilitate the development or are proposed as public realm improvements. Following concerns raised by the Belgravia Society and local residents the scope of works was revised and as a result more on street residents parking is retained and the proposed changes to Avery Farm Row access removed from the scheme.

Due to vehicle access requirements to Building B, the applicant will be required to relocate Bus Stop R on Pimlico Road closer to Avery Farm Row. The applicant has advised that this has received verbal support in principle from TfL.

Highway works are proposed at Avery Farm Row in the form of a raised table, tree planting and cycle parking. The original proposal to restrict vehicular access to Avery Farm Row to disabled white badge holders only has been removed from the scheme.

On Ebury Square it is proposed to increase the footway width along the southern section of Ebury Square and introduce two raised tables at key pedestrian crossing points. The proposed raised table to the south west of Ebury Square has been removed from the scheme following concerns raised on behalf of Belgravia Police Station.

On Cundy Street, it is proposed to relocate three spaces to appropriate single yellow line locations (as originally submitted it was proposed to relocate 10). This is to allow for access to the vehicle drop off point and loading bay.

Other highway works would be required to facilitate the development such as re-paving of all footways and installing the loading pads. These Highway works can be secured through the S106 legal agreement. An informative is recommended that the works shown on the submitted plans are indicative at this stage, that the final design of the works will require the agreement of the Highways team in City Management and Communities and they will need to be secured as part of any future S278 agreement.

#### Cycle hire and cycleway improvements

TfL consider that demand for cycle hire is likely to increase as a result of the proposed development and the nearest cycle hire docking stations are located on Bourne Street and Ebury Bridge which are well utilised. Given this the applicant has agreed to make a financial contribution of £220,000 towards a new TfL Cycle Hire docking station(s). Furthermore as the site is close proximity to Quietway 15, which can be accessed from Lower Sloane Street, the applicant has agreed to a financial contribution of £50,000 towards planned improvements to this route. These contributions could be secured through a S106 legal agreement.

### **14.5 Socio - Economic Considerations**

The Economic Statement submitted with the application sets out the predicted uplift in economic benefits arising from the development. In addition an Employment and Skills Plan is to be secured by S106 legal agreement and a financial contribution of £181,973.61 to support the Westminster Employment Service. The applicant has agreed the principle of including operational phase employment targets for the commercial elements within the Employment and Skills Plan, rather than these targets relating only to the construction phase, as sought by the Inclusive Local Economy and Employment guidance document. This is welcomed.

In terms of job creation, it is expected that 125 full-time equivalent (FTE) construction jobs on and off-site would be generated over the construction period with 10 FTE jobs predicted to be taken by those living in Westminster. In addition construction workers are likely to spend money in the local economy. The operational impacts once complete include generating between 163 and 258 FTE jobs (depending on the final mix of units within the senior living element) with 6–10 FTE jobs estimated to be taken by those living in the Westminster area.

New residents are estimated to generate an annual expenditure of between £1.3 million and £2.2 million per annum within the economy (depending on the final mix of units within the senior living element). It is estimated the scheme will contribute £430,000 per annum towards Business Rates and an uplift of £53,700 per year in City Council Tax receipts.

### **14.6 Access**

The application is supported by an Inclusive Design Statement. This advises that the proposed development has been designed with inclusive access in mind and has taken

into account relevant policy, regulations and good practice.

Step free access to commercial, community and leisure uses and to the public realm is proposed. This will include the affordable retail/workspace units at basement level which will have a wheelchair accessible lift for the eastern block (accessed from Clifford's Row) and a wheelchair accessible lift contained within Building C for the western block (accessed from the public realm). This is welcome.

All of the independent living units in Class C3 use in Block C would be designed to meet the M4(3) standard. Private and affordable residential units in Class C3 within Block B and C would be designed to ensure 10% achieve the M4(3) standard, with the remainder all achieving the M4(2) standard. This is acceptable

The scheme proposes 9 disabled parking spaces comprising 2no. parking spaces for disabled staff associated with the senior living element, 1no. parking space for disabled visitors and 4no. parking spaces reserved for disabled residents in Building A and 2no. dedicated disabled parking spaces for Building B. A further 5no. general parking spaces can be converted to disabled use should demand arise.

## **14.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Noise**

Whilst general mechanical plant locations are shown on the drawings detailed information on the plant is not yet available Environmental Science has no objection in principle subject to the plant meeting the design noise level criteria of 10 dB below the background noise reading. Standard noise conditions relating to plant and internal activity are therefore recommended together with a condition requiring the submission of a supplementary acoustic report. With these conditions in place the proposal would comply with Policy ENV 7 of the UDP which seeks to control noise from plant, machinery and internal activity.

### **8.7.3 Trees**

The scheme proposes the removal of 69 trees mostly from the Cundy Street flats site. Existing lower value vegetation will also be removed from the site. 15 trees at Cundy flats are protected by a Tree Preservation Order (TPO) and the Coleshill Flats trees are protected by virtue of being within the Belgravia Conservation Area. Following amendments to the scheme, the Hawthorn in Ebury Square Gardens is to be retained and the pruning of trees in Ebury Square Gardens and Orange Square (which local residents objected to) is no longer proposed. The Arboricultural Manager objects to the loss of the TPO trees on the site given their significant contribution to public amenity. Objections have been received from the BRA and local residents regarding the loss of the trees and vegetation.

The removal of the trees is regrettable and a matter which weighs against the proposal; however, this is considered necessary in the context of the comprehensive redevelopment of the site which seeks to optimise housing delivery, and which will deliver significant public benefits. To offset this loss the development proposes replacement planting within the public realm and private amenity space areas. In total

139 new planted trees are proposed with a range of tree sizes including nineteen trees at 6-9m range and four at 10+m range. Most trees at ground and podium level will be planted in pots or raised planters with the depth of the raised planters ranging from approx. 400 - 670mm. The proposed communal gardens behind Coleshill Flats will have ground level planting. The applicant has also agreed to a financial contribution of £70,000 to allow for additional street planting with the priority given for additional street planting in the of the site. The applicant considers that it would be feasible to plant seven trees on Ebury Street and four on Pimlico Road. It is recommended that this contribution is secured through a S106 legal agreement. It is accepted that the replacement tree planting will not fully mitigate the loss of existing mature trees on the site, however, the new trees and landscaping features proposed are extensive and will provide meaningful amenity value for future residents and visitors to the site.

The Arboricultural Manager has raised concerns to the proposed planters stating the required soil depth to plant trees is 1.2m. Whilst the provision of a 1.2m soil depth in planters would be desirable it is not generally achievable on schemes with large basement areas and planting provided at high level. Some reduced tree growth may be expected from reduced depth podium planting, but the proposed soil mounding and interconnecting tree pits should allow for the establishment of new trees. Given the competing demands of the site, the design of the planters is considered acceptable.

Two pine trees are proposed to be retained within Coleshill Flats. It is recommended that full details of tree protection measures are secured by condition.

#### **8.7.4 Biodiversity**

Policy G5 of the Publication London Plan states that Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

The scheme proposes urban greening and opportunities for biodiversity such as living/green roofs, terraces and urban greening with the proposed internal streets and courtyard spaces created within the scheme. The main greening feature at ground level is a publicly accessible garden at the rear of Coleshill Flats which replaces the existing car park. A private residents' garden will also form part of this area. At higher level irrigated podium gardens and roof terraces are proposed to all three buildings and non-irrigated living roofs are proposed at main roof level. Artificial habitats for bird and bats are proposed within the living roof to Building A2 and within the trees in Ebury Square.

Overall the applicant advises that 5,970 sqm of green space and 2,500 sqm of green roofs are proposed. The applicant has undertaken an Urban Greening Factor (UGF) assessment of the proposed scheme, which shows that the scheme would achieve a score of 0.2, excluding Ebury Square. This falls short of the 0.4 target set out in Policy G5. However given the site constraints and the urban greening measures set out above, this is considered acceptable. It also represents an increase of the UGF of the existing site which achieves a 0.14 score.

#### **8.7.5 Sustainability**

### Minimising greenhouse gas emissions

Policy SI 2 [Minimising greenhouse gas emissions] of the Publication London Plan requires major developments to be net zero-carbon. The policy also requires that a minimum on-site reduction of at least 35 per cent beyond Building Regulations is met with residential development achieving 10 per cent carbon reductions, and non-residential development achieving 15 per cent carbon reductions through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough's carbon offset fund, or 2) off-site.

The applicant's energy strategy proposes a 67% reduction in carbon dioxide emissions on the residential element, of which, 14 % would be achieved through energy efficiency measures. This exceeds the minimum on-site carbon dioxide reduction targets set out above. A 45% reduction in carbon dioxide emissions is proposed on the non-residential element of the scheme, of which 8% would be achieved via energy efficiency measures. Whilst this does not meet the 15% required by the above policy, given the overarching carbon performance is in compliance with policy requirements this is considered acceptable.

Air Source Heat Pumps are proposed, which would feed into a centralised a low temperature heat loop to provide heating and cooling, together with Photovoltaic (PV) solar panels, which would be incorporated with green/brown roofs. A range of passive design measures is incorporated to ensure energy efficiency/ demand reduction and address the risk of overheating. This overall approach is considered acceptable.

A carbon offset payment is required to address the regulated emissions shortfall to meet zero carbon standard. This has been calculated to fall within the £989,000 to £1.43m range depending on the final mix proposed within the senior living element within Building A. This contribution could be secured through the S106 legal agreement. It is accepted that a phased payment for the carbon offset payment would be appropriate given the situation with Building A.

Plant space is provided within the scheme to allow for the future connection to a district network should one become available. A condition is recommended to secure this. Currently it is not feasible to connect to the Pimlico district heating network due to major train lines running into Victoria Station.

The Be Seen guidance for the Publication London Plan highlights the requirement for reporting on actual energy performance. The applicant advises that the sub-metering strategy proposed will enable the identification of different energy usages. This will provide clarity on areas within the development that have a high/low energy consumption in comparison to the design prediction and is considered acceptable.

### Whole Life Carbon Cycle

The applicant has carried out a whole life-cycle carbon assessment in accordance with Policy SI 2 of the Publication London Plan. To fully capture a development's carbon

impact, a whole life-cycle (WLC) approach is needed to capture its unregulated emissions (i.e. those associated with cooking and small appliances), its embodied emissions (i.e. those associated with raw material extraction, manufacture and transport of building materials and construction) and emissions associated with maintenance, repair and replacement as well as dismantling, demolition and eventual material disposal.

The applicant advises that for carbon used to practical completion, the carbon used to complete the proposed development (833 kilograms of carbon per sqm) would be lower than the GLA's WLC benchmark of 850 kilograms of carbon per sqm. In terms of carbon used within the operational lifespan of the new buildings (60 years), the applicant at this stage predicts a carbon usage of 411 kilograms of carbon per sqm. Whilst this does not meet the GLA's WLC benchmark (400 kilograms of carbon per sqm), the applicant advises that further reductions are to be expected within the detailed design stage when the material specifications are developed further.

#### Flood risk and sustainable urban drainage

The site is located within Flood Zone 1 and is classified as having 'low' and 'very low' risk of surface water flooding, according to the Environment Agency. Sustainable urban drainage measures (SuDS) have been incorporated in the proposed development, including green/blue roofs, soft landscaping and planting and with further rainwater attenuation provided below the public realm in storage crates. The application is considered to satisfy Policy S30 [Flood Risk] of the City Plan. It is recommended these SuDS measures are secured by condition to ensure their provision and retention within the scheme.

#### **8.7.6 Air Quality**

The City Council has declared an Air Quality Management Area (AQMA) for the entire Borough for exceedances of the annual mean nitrogen dioxide (NO<sub>2</sub>) and 24-hour mean particulate matter (as PM<sub>10</sub>). The applicant has provided an assessment of the likely air quality effects of the development during site preparation, demolition and construction works and further assessments for completion and operational phases.

Environmental Science advise that if all the mitigation measures set out in the application documents are followed the impact is considered to be insignificant. However continuous air quality monitoring will be required at locations to be agreed with Environmental Science during the construction phase. This will form part of the Code of Construction Practice which the applicant will be required to sign up to through a condition. Environmental Science confirm that the scheme meets the relevant Air Quality Neutral benchmark targets for building and transport emissions.

#### **8.7.7 Microclimate**

The applicant has provided a local wind microclimate assessment to accompany the application. This confirms that when the completed, almost all areas around the development would have wind conditions suitable for their intended use. For example all areas at ground level would have wind conditions suitable for sitting to strolling use. On the basis of the information submitted, the microclimate implications of the proposed

development are considered acceptable.

### 8.7.8 Designing Out Crime

Policy S29 of the City Plan seeks to ensure that development addresses the need to secure a healthy and safe environment, including minimising opportunities for crime. The Metropolitan Police's Designing Out Crime officer has raised concerns about the proposal including the design of the public routes through the site, the under crofts and location of the residential entrance to Building C.

The concerns of the Designing Out Crime officer are well understood. However, it is considered that many of these issues can be dealt with through natural surveillance and during out of hours through management controls as the development would have on-site 24/7 security. The increased permeability of the site with new routes, gardens and public space is a public benefit of the proposed development and the under crofts allow the new public routes to be provided whilst maintaining the financial viability of the scheme as a whole. The applicant emphasises that anti-social behaviour and crime has been a factor in community consultation and that the original plans were amended to respond to local feedback, most notably introducing gates to the new Elizabeth Place Gardens following discussions with residents of the Coleshill Flats.

The Elizabeth Place Gardens gates are the only gates currently proposed as part of the development. However given the concerns raised by the Metropolitan Police, the applicant proposes a condition that requires the applicant to monitor the situation for each under croft for 12 months post completion and to then submit a report to the City Council detailing whether there have been any incidents and if so details for how the applicant will manage the areas in the future with a view to avoiding such incidents. As a last resort this could include the installation of additional gates and drawings have been provided that show where it would be feasible to install these. However the installation of gates would be a drastic measure as this would undermine the permeability of the site which is one of the public benefits of the scheme.

In terms of the concerns raised about the residential entrance to Building C, this part of the site would be overlooked from the communal space in Building A. The applicant has suggested chamfering the corner of the retail unit to ensure a clear line of a sight from Ebury Street. It is considered that this amendment should be secured by condition.

The applicant has revised the basement area to ensure that , other than a controlled access for fire purposes, there is no link between buildings A and C. The loading bay and vehicle lifts, also raised as a concern, will be managed by the facility management staff with video surveillance.

## 14.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the City

Council is currently consulting until 18 January 2021 on the main modifications recommended by the Inspectors. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's report.

#### **14.9 Neighbourhood Plans**

The site is not located in an area where there is a Neighbourhood Plan in place.

#### **14.10 London Plan**

The Examination in Public for the draft new London Plan took place between 15 January 2019 and 22 May 2019. Following this examination and the publication of the Publication London Plan in December 2019, the Secretary of State directed on 13 March 2020 that the Mayor cannot publish the London Plan until a number of modifications have been incorporated into the Plan. The Mayor considers that all matters have been addressed and the Mayor notified the Secretary of State on 21 December 2020 of his intention to publish the new London Plan (known as the Publication London Plan).

The emerging new London Plan is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker. The closer the document is to adoption, the greater the weight that should be given to it. Policies contained in the Publication London Plan (December 2020) that are not subject to a direction by the Secretary of State carry significant weight.

In his Stage I response, the Mayor advises that the proposals do not fully comply with the London Plan and the Publication London Plan on transport but are otherwise considered acceptable, as set out below:

##### Estate regeneration

The proposed development would secure a net increase in existing affordable housing floorspace on a like for like tenure basis and would accord with the Mayor's key principles for estate regeneration schemes. As such, the demolition and comprehensive redevelopment of the existing affordable housing can be supported.

##### Land use principle

Further housing intensification of the site is supported, as are the affordable retail/workspace studios. The quantum of town centre uses proposed is acceptable and does not raise any strategic planning concerns.

##### Housing and affordable housing

Of the self-contained Class C3 housing proposed, 47% would be affordable housing by habitable room, comprising a 55:45 tenure split weighted towards social rent. Where the Class C2 accommodation for older people is included in the calculation, the overall level of affordable housing would be 39% by habitable room (31% by unit). The intermediate housing proposed is intermediate rent at London Living Rent which is supported. Specialist housing for older people in both Class C2/C3 is proposed which is supported. The application is following the Viability Tested Route and the applicant's Financial Viability Appraisal is being scrutinised to ensure the scheme delivers the maximum viable level of affordable housing. An early and late stage Viability Review Mechanism is

required via S106 legal agreement.

#### Urban design and heritage

The design, layout, landscaping, height and massing and residential quality of the scheme is supported, and the scheme would not harm designated heritage assets. There would be some harm to non-designated heritage assets which when balanced against the public benefits provided by the scheme is acceptable.

#### Climate change:

The energy, drainage and urban greening strategies are supported.

#### Transport

The proposed level of general car parking is excessive and should be removed entirely to only provide disabled car parking. Cycle parking should be increased to comply with the Publication London Plan. Financial contributions towards improvement works to Quietway 15 and the implementation of a new cycle hire docking station are requested.

### **14.11 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 the following pre-commencement conditions relating to the City Council's Code of Construction Practice, archaeology, Cross rail, CIL phasing plans, land contamination, and tree protection. The applicant has agreed to the imposition of the conditions.

### **14.12 Planning Obligations**

a) Provision of 93 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 49 x intermediate rent tenure (rents set at

London Living Rent values for Churchill ward up to a maximum household income of £60,000.) The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 49 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.

b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerb lines, footway widening, relocated memorial fountain, relocated TfL bus

stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development.

c) A Walkways Agreement to secure access for the public across the site.

d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development)

e) Car club membership for the occupiers of all residential units for a period of 25 years.

f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development).

g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development).

h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development).

i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be:

i. Zone 1: In or close to the locations shown on planning application drawing ref 288\_P20.100 Rev B

ii. Zone 2: Within 200m of the development site

iii. Zone 3: Within Churchill and/or Belgravia wards

iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster

j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the City Council's Carbon Off Set fund. (payable prior to commencement of relevant phase of development).

k) The long term retention, access to and maintenance of any play space within the development.

l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards.

m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent.

n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period.

o) Provision of public art to the value of £75,000.

p) The provision of a travel plan and the cost of monitoring the plan.

q) The costs of monitoring the S106 legal agreement.

## CIL

The estimated CIL payment is £23,535,257.

- £2,630,480 Mayoral CIL2
- £20,922,777 WCC CIL

However if the applicant applies for, and is granted social housing relief, the estimated CIL payment would be reduced to £17,847,208.

The development is proposed to be phased to allow for the one move strategy for Walden House residents. for reasons set out elsewhere in this report. Under reg.2(1) of the CIL regulations, a phased planning permission means “a planning permission which expressly provides for development to be carried out in phases”. On this basis CIL phasing plans are submitted as part of this application and a planning condition is recommended to require a phasing plan to be submitted by the applicant prior to commencement of development.

### **14.13 Environmental Impact Assessment**

The applicant has carried out an Environmental Impact Assessment (EIA) of the development. EIA is a formal procedure underpinned by The Town and Country Planning (EIA) Regulations, 2017 (as amended). The EIA process systematically identifies and assesses the likely significant environmental effects of a development and the results are reported in an Environmental Statement (ES). For the purposes of the ES the applicant has assessed both parameters proposed for the final mix of specialist older persons housing types in Building A.

In putting forward this recommendation, officers have taken into account the ES submitted. Officers are satisfied that the environmental information as a whole meets the requirements of The Town and Country Planning (EIA) Regulations, 2017 (as amended) and that sufficient information has been provided to enable assessment of the environmental impact of the application.

The following Environmental Impact issues have been covered in the main sections of this report as follows: socio-economics (Section 8.5), direct effects on above ground heritage assets (Section 8.2), archaeology (Section 8.2), transport and access (Section 8.4), air quality (Section 8.7.6), noise and vibration including from construction (Section 8.7 and 8.14), wind microclimate (Section 8.7.1) and daylight, sunlight and overshadowing (Section 8.3).

### **14.14 Other Issues**

#### Community involvement

The applicant has submitted a Statement of Community Involvement (SCI) with the application. This sets out the phased consultation process carried out by the applicant which started 14 months prior to the submission of the application. The SCI sets out that consultation was delivered through personal contact and briefings of key stakeholders, public drop-ins at each stage of the consultation, workshops for existing residents,

printed communications, project website and an online survey. The SCI sets out that key stakeholders are existing residents on site, nearby residents, the local amenity societies, local businesses (including the Pimlico Road Farmers' Market) and local politicians.

The SCI advises that the scheme has evolved considerably through the consultation, with a number of changes being made that address the initial concerns shared at the start of the process. In particular, the impact of the proposed development on the existing community and the re-housing options available to residents in Walden House. Other key changes include the introduction of a food store, community space and cinema; removal of retail uses on Ebury Street; changes to Elizabeth Place Garden to create a residents' garden, amendments to the servicing plan and the reduction in height of the tallest building on Ebury Square.

The SCI further advises that some elements of the proposals still generate a range of different responses. For example, there is general support from the majority in the community for the layout of the new buildings; the pedestrian routes through the scheme; integration with the wider neighbourhood; the landscape proposals and the mix of uses and range of housing on the site. However, there are still areas where there are some concerns about the impact of the development on adjoining buildings and the streetscape, and that it is felt that the height is out of character with the local area, specifically building B1.

The SCI advises that it is the applicant's intention to continue the on-going communication with the local community and stakeholders through the planning process to prepare for a range of issues including the demolition and construction, should permission be granted.

#### Construction impact

It is inevitable that the construction of the proposed development would cause noise and disturbance to local residents and businesses. Given the construction phasing set out below this would be likely to extend for a number of years. The concerns of local residents who have objected on construction grounds are fully understood. However through appropriate controls and careful management the impact from construction works can be lessened.

The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects. This will ensure that the site:

- will be inspected and monitored by the City Council's Code of Construction Practice Team
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel
- pay the charges arising from site inspections and monitoring
- ensure that contractors and sub-contractors also comply with the code requirements.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP) which will need to be approved by the City Council's Environment Inspectorate team. This would need to include site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison.

A draft Construction Logistics Plan (CLP) has been submitted with the application. This sets out that the final stage of construction access routes would be along Lower Sloane Street and Pimlico Road. The construction egress routes would be along Pimlico Road and Buckingham Palace Road during Phase 1 and along Cundy Street, Avery Farm Row and Buckingham Palace Road for Phase 2. It is recommended that a final CLP is secured by condition.

Permitted hours for site work would be 08:00 – 18:00 (Monday to Friday), 08:00 – 13:00 (Saturday) with no work permitted on Sundays or Bank Holidays. It is recommended that this is secured through our standard working hours condition.

#### Construction Phasing

For reasons set out elsewhere in this report, the applicant proposes to phase the construction as set out below with predicted commencement and completion dates given as follows:

- i. Phase 1 – Demolition of the Cundy Street flats (commence September 2021);
- ii. Phase 2 – Construction of Buildings A and C (complete July 2025);
- iii. Phase 3 – Demolition of Walden House (commence July 2025); and
- iv. Phase 4 – Construction of Building B (complete July 2028).

#### Fire and Safety

A fire statement has been prepared by a third party suitably qualified assessor which details the range of fire safety measures in terms of fire detection and control, means of evacuation and escape and access. The Mayor's Stage I report advises that this is acceptable and in line with Policy D12 of the Mayor's Publication London Plan.

### **9.0 Conclusion.**

The comprehensive residential-led redevelopment of this site will create a new mixed use neighbourhood for this part of Belgravia. The site is well located, and the proposal is a high density form of development designed to meet the objectives of national, regional and local planning policies that seek to intensify the use of land and optimise the delivery of new homes. The new development will generate a number of public benefits as a result.

It has been identified in the report that the proposals will result in less than substantial harm to various designated heritage assets, as well as harming undesignated heritage assets, in and around the development site.

Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal and to

take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 193 of the NPPF requires that great weight should be given to the conservation of designated heritage assets, irrespective of the level of harm to significance. Paragraph 194 of the NPPF requires that any harm of loss to the significance of a designated heritage asset should require clear and convincing justification and at paragraph 196 where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Considerable importance and weight must be attributed to any harm to designated heritage assets. Paragraph 197 of the NPPF requires the effects on the significance of non-designated heritage assets to be taken into account in the planning balance.

The daylight and sunlight impact from the development has been set out in detail in this report. The conclusion is that the development would harm the residential amenity of a number of properties that surround the site when assessed against the BRE Guidelines, with some significant reductions in daylight and sunlight levels. This harm weighs against the scheme.

The proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. Specifically these policies are S25 and S29 of the City Plan and DES 9, DES 10 and ENV 13 (E) of the Unitary Development Plan. The proposed development does, however, comply with policies S14 and S16 of the City Plan which seeks to optimise housing delivery and to optimise the delivery of new affordable homes. In taking an overall view, and for the reasons set out in this report, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. There are also other significant public benefits arising from the proposed development that are material considerations, namely the delivery of specialist older person's housing, the provision of on-site affordable housing that would meet the housing needs of Walden House residents and the regeneration and growth benefits such as new public routes through the site, the provision of new shops, a cinema and other amenities and new workspaces. The proposed development would also meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk).

## Appendix 1

## Affordable Housing by habitable room, unit and floorspace

	Habitable rooms	Units	GIA
Building A (C2)	139	119	13,353
Building A (C3)	47	23	4,992
Market (C3)	220	70	12,732
Intermediate	118	49	4,778
Social Rent	146	44	5,582
Total	670	305	41,437
AH Percentage	39%	30%	25%
AH Percentage (excluding C2)	50%	50%	37%

Table AE.1 – Maximum Assisted Living scheme

	Habitable rooms	Units	GIA
Building A (C2)	0	0	0
Building A (C3)	232	91	18,345
Market (C3)	220	70	12,732

Intermediate	118	49	4,778
Social Rent	146	44	5,582
Total	716	254	41437
AH Percentage	37%	37%	25%

Table AE.2 – Maximum Independent Living scheme

	Habitable rooms	Units	GIA
Building A (C2)	112	100	11,336
Building A (C3)	79	37	7,009
Market (C3)	220	70	12,732
Intermediate	118	49	4,778
Social Rent	146	44	5,582
Total	675	300	41437
AH Percentage	39%	31%	25%
AH Percentage (excluding C2)	47%	47%	34%

Table A3.3 – Design Scheme

## Appendix 2

### Residential properties experiencing minor-adverse or minor-moderate adverse impact (based on the significance attributed by the City Council's independent daylight consultant).

In the tables the reference to 'BRE compliant' indicates that the window meets the BRE Guidelines criteria for either 27% retained value VSC or a reduction in VSC of no more than 20%. The figures in bold in the tables highlight the suggested alternative 15% VSC retained value which officers have given weight to in the daylight assessment.

#### Ebury Square – Block A

Room / Use	Window/ Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL loss
R1 Living room	W4-F00	24.5	12.7	48.2%	BRE compliant		
R2 Kitchen	W5-F00	21.4	9.4	56.1%	90.1	60.6	32.7%
Dining	W6-F00	15.6	9.8	37.2%			
	W7-F00	13.6	9.3	31.6%			
R1 LKD	W4/F01	27.2	15.9	41.5%	BRE compliant		
R2 Bed	W5/F01	24.4	12.5	48.8%	94.3	71.2	24.5%
	W6/F01	17.8	11.9	33.1%			
R3 Bed	W7/F01	15.8	11.4	27.8%	71.1	45.2	36.4%
R1 LKD	W4/F02	29.9	<b>19.6</b>	34.4%	BRE compliant		
R2 Bed	W5/F02	27.3	<b>16.2</b>	40.7%	BRE compliant		
	W6/F02	20.4	14.5	28.9%			
R3 Bed	W7/F02	18.4	14.1	23.4%	73.2	51.8	29.2%
R3 LKD*	W4/F03	32.9	<b>24.4</b>	25.8%	BRE compliant		
R2 Bed	W5/F03	30.7	<b>21</b>	31.6%	BRE compliant		
	W6/F03	23.6	<b>17.8</b>	24.6%			
R3 Bed	W7/F03	BRE compliant			78.9	62	21.5%

Ebury Square - Block B							
Room/Use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	Room / NSL
R2 Bedroom	W6-F00	0.3	0	100%	29.3	15.5	47.2%
R4 Living room	W8-F00	1.3	0.1	92.3%	33.8	19.7	41.7%
R10 Bedroom	W14/F01	BRE compliant			75.1	59.7	20.5%
R11 Living / kitchen / dining	W16-F01	BRE compliant			95.4	71.8	24.8%
	W17-F01	23.5	6.9	70.6%			
	W18-F01	24.7	6.6	73.3%			
R13 Bed	W20/F01	25.1	6.2	75.3%	92.7	12.3	86.7%
R15 LKD*	W21/F01	24.2	6	75.2%	96.3	92.9	3.5%
	W22/F01	22.7	5.9	74%			
	W23/F01	11.3	8.7	23%			
	W24/F01	4.8	0.8	83.3%			
R11 Bedroom	W17/F02*	26.4	9.1	65.5%	96.6	75.8	21.6%
R 11 Dressing	W18/F02	27.5	8.6	68.7%			
R14 Bedroom	W21/F02	27.2	7.7	71.7%	71.7	10.6	86.4%
R15 LKD*	W22/F02	26	7.5	71.2%	BRE compliant		
	W23/F02	12.6	9.4	25.4%			
	W24/F02	6	1	83.3%			
	W25/F02	32.3	<b>25.7</b>	20.4%			
R11 Bedroom*	W17/F03	29.7	12.3	58.6%	BRE compliant		
R11 Dressing	W18/F03	30.6	11.5	62.4%			
R14 Bedroom	W21/F03	30.5	<b>20.5</b>	67.2%	82.5	14.8	82%
R15 LKD*	W22/F03	29.6	9.6	67.6%	BRE compliant		
	W23/F03	13.8	10.1	26.8%			
	W24/F03	7.2	1.2	83.3%			
R11 Bedroom	W17/F04	33	16.8	49.1%	BRE compliant		
R11 Dressing	W18/F04	33.7	15.6	53.7%			
R14 Bedroom	W21/F04	33.6	12.9	61.6%	95.8	20.5	78.6%
R15 LKD*	W22/F04	33	12.6	61.8%	BRE compliant		
	W23/F04	14.7	10.9	25.9%			
	W24/F04	8.1	1.4	82.7%			
R11 Bedroom	W17/F05	36.2	<b>22.7</b>	37.3%	BRE compliant		
R11 Dressing	W18/F05	36.5	<b>21</b>	42.5%			
R14 Bedroom	W21/F05	36.5	<b>16.3</b>	55.3%	96.4	28.1	70.8%
R15 LKD*	W22/F05	36.1	<b>16.2</b>	55.1%	BRE compliant		
	W23/F05	18.1	14.2	21.5%			
	W24/F05	8.8	2	77.3%			
R11 LKD	W17/F06	37.5	<b>25.5</b>	32%	BRE compliant		
	W18/F06	38.9	<b>24.1</b>	38%			
	W19/F07	13.8	10.3	25.4%	BRE compliant		
R10 Bedroom	W20/F07	7.1	2	71.8%	BRE compliant		

**162 Mozart Terrace**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bedroom	W1/ B01	BRE compliant			71.3	37.6	47.2%
	W2/ B01	BRE compliant					
R2 Dining room	W2/ F00	24.7	<b>18.8</b>	23.9%	94.4	53.1	43.7%
	W3/ F00	24.8	<b>18.9</b>	23.8%			
R1 Drawing room	W1/ F01	27.1	<b>21.6</b>	20.3%	BRE compliant		

**176 Mozart Terrace**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Dining room	W1/ B01	19.4	12.9	33.5%	77.7	43.9	43.5%
R3 Living room	W2/B01	14.6	10.2	30.1%	78.5	42.1	46.4%
R1 Bedroom	W1/ F00	22.3	<b>16.1</b>	27.8%	95.3	73	23.4%
R2 Living room	W2/ F00	16.6	<b>12.5</b>	24.7%	88.4	69.5	21.3%
R1 Bedroom	W1/ F01	23.8	<b>17.8</b>	25.2%	93.1	69	25.9%
R2 Bedroom	W2/ F01	26.1	<b>20.4</b>	21.8%	93.3	70.2	24.7%
R3 Living room	W3/F01	BRE compliant			77.6	59.1	23.9%
R1 Bedroom	W1/F02	BRE compliant			86.8	54.8	36.8%
R2 Bedroom	W2/F02	BRE compliant			89.5	67.4	24.8%
R3 LKD	W3/F02	BRE compliant			70.5	43.6	38.2%

**186 Mozart Terrace**

Room and use	Window /Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Additional sitting room (for staff)	W1/ B01	BRE compliant			45	26	42.3%
R1 Dining room	W1/ F00	BRE compliant			71.4	45.4	36.4%
	W2/F00	BRE compliant					
R2 Sitting room	W2/ F01	BRE compliant			80.6	63.3	21.4%
	W3/F01	BRE compliant					
R2 Bedrooms	W2/ F02	BRE compliant			75.6	56.7	25.0%
	W3/ F02	BRE compliant					

**102 Eaton Terrace**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	BRE compliant			56.6	35.5	37.3%
	W2/B01	BRE compliant					
	W3/B01	BRE compliant					
R1 Unknown	W1/ F00	14.3	11	23.1%	86.7	60.9	29.7%
R1 Unknown	W1 F01	BRE compliant			91	61.5	32.4%
	W2/ F01	16.7	12.4	25.7%			
R1 Unknown	W1/ F02	BRE compliant			85.6	57.1	33.3%
	W2/F02	BRE compliant					

**17a Pimlico Road**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1	W1/ B01	18.1	13.1	27.6%	51.8	36.1	30.4%
R1	W1/F00	21.3	<b>16.2</b>	23.9%	81.1	58.6	27.7%

**17 Pimlico Road**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1	W1/ B01	BRE compliant			96.7	57.3	40.8%
R1	W1/F00	BRE complaint			71.9	54.5	24.2%

**2 Ranelagh Grove**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1	W1/ F01	23.5	<b>18.6</b>	20.9%	98	89.6	8.5%
R1	W2/F01	24	<b>18.8</b>	21.7%			

**4 Ranelagh Grove**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
--------------	----------------	--------------	--------------	----------	--------------	--------------	--------------

R1	W1/ F00	12.9	9.5	26.4%	59.8	57	4.7%
R1	W1/F01	15.7	12.4	21.0%	65.3	65.2	0.0%

**01-22 Coleshill Flats**

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R5 Kit	W6/F01	6.9	4.2	39.1%	BRE compliant		
R11 Bed	W13/F01	13.9	2	85.6%	79.3	4.4	34.4%
R12 Bed	W14/F01	16.3	8.3	49.1%	BRE compliant		
R5 Kit	W6/F02	7.3	4.7	35.6%	BRE compliant		
R11 Bed	W13/F02	15.8	2.8	82.3%	91.6	8.5	90.8%
R12 Bed	W14/F02	17.7	9.4	46.9%	BRE compliant		
R5 Kit	W6/F03	7.7	5.4	29.9%	BRE compliant		
R11 Bed	W13/F03	17.9	3.8	78.8%	92.2	15.8	82.9%
R12 Bed	W14/F03	19.4	10.9	43.8%	BRE compliant		
R5 Kit	W6/F04	5.7	3.6	36.8%	BRE compliant		
R11 Bed	W13/F04	21	6.2	70.5%	92.5	29.5	68.1%
R12 Bed	W14/F04	21.6	13.2	38.9%	BRE compliant		
R5 Unknown	W5/F05	34.3	13.8	59.8%	BRE compliant		
R5 Unknown	W6/F05	27.2	11.2	58.8%	BRE compliant		

**45-66 Coleshill Flats**

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bed	W1/F01	12	7.9	34.2%	BRE compliant		
R2 LR	W2/F01	4.7	3	36.2%	39.5	14.4	63.5%
R3 Kit	W3/F01	8.3	4.6	44.6%	BRE compliant		
R7 Bed	W8/F01	12.2	9.4	23.0%	BRE compliant		
R1 Bed	W1/F02	13.1	9.2	29.8%	BRE compliant		
R2 LR	W2/F02	5.7	4	29.8%	41.4	19.8	52.1%
R3 LR	W3/F02	9.4	6	36.2%	BRE compliant		
R1 Bed	W1/F03	14.6	11	24.7%	BRE compliant		
R2 LR	W2/F03	7.4	5.9	20.3%	47.5	30.3	36.2%
R3 Kit	W3/F03	11.6	8.5	26.7%	BRE compliant		
R7 Bed	W8/F04	9	7	22.25	BRE compliant		

**13 Pimlico Road**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown*	W1/F02	29.4	<b>21.6</b>	26.5%	BRE compliant		
R2 Unknown	W2/F02	29	<b>22.3</b>	23.1%	67	48.9	27.0%

**1 Ebury Bridge**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W3/F02	BRE compliant			97.4	67.6	30.6%
R1 Unknown	W6/ F02	BRE compliant			86.7	60.9	29.7%

### Appendix 3

#### Residential properties experiencing Moderate Adverse Impact (based on the significance attributed by the City Council's independent daylight consultant).

In the tables the reference to 'BRE compliant' indicates that the window meets the BRE Guidelines criteria for either 27% retained value VSC or a reduction in VSC of no more than 20%. The figures in bold in the tables highlight the suggested alternative 15% VSC retained value which officers have given weight to in the daylight assessment.

#### 11 Pimlico Road

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Living	W1/F02	29.4	<b>22.1</b>	24.8%	BRE compliant		
	W2/F02	29.6	<b>21.9</b>	26.0%			
	W3/F02	29.6	<b>21.7</b>	26.7%			
	W4/F02	29.7	<b>21.6</b>	27.3%			
	W5/F02	29.7	<b>21.1</b>	29.0%			
	W6/F02	29.9	14.1	52.8%			
	W7/F02	30.2	14.3	52.6%			
R2 Bed	W8/F02	30.3	14.5	52.1%	74	26.1	64.8%
R3 Bed	W9/F02	30.3	14.6	51.8%	82.1	19.6	76.1%
	W10 F02	30.3	14.7	51.5%			
R4 Living	W11/F02	29.9	14.5	51.5%	92.5	38.6	58.2%
	W12/F02	30.3	<b>15.6</b>	48.5%			
	W13/F02	30.2	<b>17.7</b>	41.4%			
R1Unknown	W1/F03	32.3	<b>24</b>	25.7%	84.6	74.5	11.9%
	W2/F03	32.4	<b>23.8</b>	26.5%			
	W3/F03	32.5	<b>23.6</b>	27.4%			

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	14.3	9.6	32.9%	64.9	30	53.8%
	W2/ B01	VSC compliant					
R2 Unknown	W2/ F00	24.7	<b>18.4</b>	25.5%	95.6	50.6	47.1%
	W3/ F00	24.7	<b>18.5</b>	25.1%			
R1 Unknown	W1/ F01	27	<b>21.1</b>	21.9%	91.1	65.2	28.5%
R2 Unknown	W2/ F01	27	<b>21.2</b>	21.5%	99.2	69	30.4%
	W3/F01	27	<b>21.4</b>	20.7%			
R1 Unknown	W1/F02	BRE compliant			88.8	63.8	28.1%
R2 Unknown	W2/F02	BRE compliant			99.2	68.3	31.1%
	W3/F02	BRE compliant					
R1 Unknown	W1/F03	BRE compliant			86.1	59.8	30.5%
R2 Unknown	W2/F03	BRE compliant			85.6	55.8	34.8%

#### 184 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	Room / NSL Loss (%)
R1 Unknown	W1/ B01	BRE compliant			67.2	22	67.2%
	W2/ B01	BRE compliant					
R2 Unknown	W2/ F00	BRE compliant			81.3	49.3	39.4%
	W3/ F00	BRE compliant					
R1 Unknown	W1/ F01	BRE compliant			81.1	62.8	22.6%
R2 Unknown	W2/F01	BRE compliant			84.1	65.2	22.4%
	W3/F01	BRE compliant					
R2 Unknown	W2/F02	BRE compliant			82.8	61.7	25.5%
	W4/F02	BRE compliant					

Item No.
<b>1</b>

This page is intentionally left blank

# Agenda Item 2

Item No.
----------

2
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 8 <sup>th</sup> June 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Churchill	
<b>Subject of Report</b>	<b>Darwin House, 104 Grosvenor Road, London, SW1V 3LH</b>		
<b>Proposal</b>	Redevelopment of the site on a phased basis. Phase 1 - Demolition of 23 garages and former Balmoral Castle Public House. Phase 2 - Erection of a part seven storey, part six storey and part five storey building to provide community supporting housing (Class C3) (Block A). Phase 3 - Demolition of Darwin House. Phase 4 - Erection of part five storey and part four storey building to provide housing (Class C3) (Block B). All together with new public open space, hard and soft landscaping, car parking, cycle parking, plant and other associated works in each phase.		
<b>Agent</b>	Montagu Evans		
<b>On behalf of</b>	Westminster City Council		
<b>Registered Number</b>	20/06899/COFUL	<b>Date amended/ completed</b>	10 November 2020
<b>Date Application Received</b>	30 October 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Churchill Gardens		

## 1. RECOMMENDATION

1. Grant conditional permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following:
- provision of the 52 x residential units as Community Supported Social Rented Housing (34 x 1 bedroom flats in Block A) and Intermediate Rented Housing (18 x 1 bedroom flats in Block B) in accordance with the affordability criteria specified by the Housing Development Manager;
  - provision of car club membership for 25 years for each residential flat;
  - walkways agreement to secure access through the site;
  - a contribution of £21,090 (index linked) to the Carbon Off-set fund;
  - a financial contribution of £6,954 to the Westminster Employment Service (index linked and payable on commencement of development) and;
  - the cost of monitoring the agreement.

2. If the unilateral undertaking has not been completed within six weeks then:

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

## 2. SUMMARY

This application relates to the redevelopment of a site with an area of approximately 0.4ha, located to the south west of Pimlico and forming part of the wider Churchill Gardens Estate. The site is located on the Embankment between Vauxhall Bridge and Chelsea Bridge, directly to the north of Grosvenor Road. The Site currently comprises of Darwin House, a four storey purpose-built community supported housing block. Darwin House provides 31 self-contained studio flats, which includes a managers unit, and forms part of Westminster's Community Supported Housing provision. The site further comprises of the Balmoral Castle Public House and 23 single storey lock-up garages.

The site is located in the Churchill Gardens Conservation Area with the landscape to the Churchill Gardens Estate added to the Register of Parks and Gardens at grade II in 2020. The site is located in close proximity to several grade II listed buildings including the Accumulator Tower and District Heating Workshop, Shelley House and Keats House to the west, as well as the early 19th century townhouses at 106-109 Grosvenor Road.

The proposed development seeks to demolish all existing buildings on site (Darwin House, The Balmoral Castle Public House, and 23 lock-up garages) and provide two new buildings comprising of 52 x affordable residential units:

- Block A (7 storeys' in height and comprising 34 x 1 bed Community Supported Social Rented Housing); and
- Block B (5 storeys' in height and comprising 18 x 1 bed Intermediate Rented Housing).

Landscaping works are also proposed around the remainder of the site.

The proposals aim to upgrade and provide more community supported housing and new intermediate affordable housing in the area. The council has made a commitment to the residents of Darwin House that they will only need to move once. The development would therefore be phased and Block A would be constructed in phase 1 prior to the demolition and decant of residents from Darwin House.

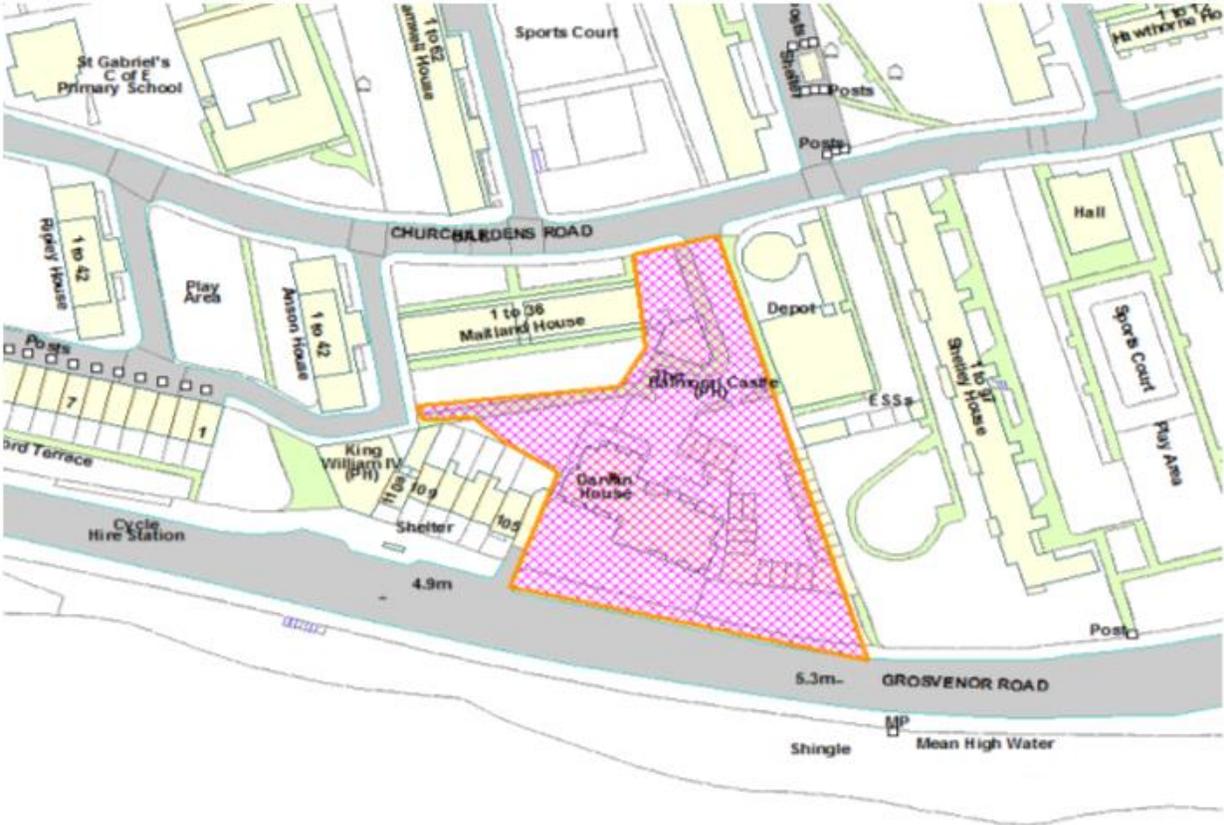
The proposals has received objections from local residents in the Churchill Gardens Estate, the local resident's association, and ward councillors. Whilst a number of objectors are not opposed to a redevelopment of the site, objections are raised to the proposals in its current form. These representations are summarised in section 5 of this report.

The key considerations of this case are:

- The acceptability of the proposals in land use terms;
- The impact of the new development on the townscape and the setting of the conservation area, registered park and garden and adjacent listed buildings;
- The impact of the development on the amenity of adjacent occupiers;
- The acceptability of the proposed landscaping;
- The impact of the development on the highway network.

The proposed development is considered against the policies in the adopted City Plan 2019-2040, London Plan and NPPF. The proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. The proposed development does, however, comply with policies which seeks to optimise housing delivery and to optimise the delivery of new affordable homes. In taking an overall view, and for the reasons set out in this report, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. The development is recommended for approval subject to the conditions set out on the draft decision letter and the completion of an unilateral undertaking.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



**Darwin House, 104 Grosvenor Road**



**View of Darwin House from Grosvenor Road with 105 – 109 Grosvenor Road (LHS)**



**View of the garages from Grosvenor Road with Darwin House (LHS) and Shelley House (RHS)**



**View looking south at the garages with Darwin House (RHS)**



**View looking north at garages with Balmoral Castle Public House (centre/ scaffolding), Maitland House (LHS) and Accumulator Tower (RHS)**



**View from Churchill Gardens Road of Balmoral Castle Public House with Maitland House (RHS)**

## 5. CONSULTATIONS

### **Cllr. Begum & Cllr. Talukder**

Raise a number of concerns regarding the current proposals on behalf of local residents, including the local resident's association and other representative bodies, who have shared their issues with the scheme.

Churchill Gardens Estate is a conservation area with grade II listed landscaping as awarded by Historic England, so it is important that the Council gets the scheme right. We are concerned that the current design of the development is not in keeping with the design of the estate and would result in a major loss of privacy and light to residents living in the surrounding blocks, particularly for those in Maitland house, Shelley house and the riverside Georgian villas on Grosvenor road, with the latter two being listed structures. Further efforts must be taken to reduce the impact of any development on these residents.

Phase 2 of the current redevelopment proposes a block of 18 units of intermediate housing with no plans for any general needs of social housing. Given the housing pressures in Churchill Gardens, including serious overcrowding and long-standing residents being pushed into temporary housing, as well as a Westminster wide housing waiting list of over 4000, we believe that this scheme should provide new social housing (with a local lettings policy) to address this problem.

During the construction period, we are concerned about the level of disturbance to residents and the impact on road traffic. We have been led to believe the only access for construction vehicles will be Churchill Gardens Road, which is a narrow road which serves residents in Churchill Gardens estate and children going to St Gabriel's Primary School furthermore the east end of Churchill Gardens road has height restrictions. Residents are concerned about noise pollution, years of demolition, piling and construction noise will impact residents particularly the elderly and young children. Darwin house residents will be some of the most effected. It is important that further steps are taken to mitigate the impact of any construction on existing residents, both around construction and traffic management.

Many residents have noted the parking pressures on Churchill Gardens Estate with a waiting list of up to 2 years for a parking permit. We believe that the council should look to make the development of additional units, currently the intermediate Block B, be truly car free (without the ability to apply for parking permits or provision of onsite parking) to help minimise additional parking pressure and help the council meet its climate goals.

We support the need for new homes for Darwin house residents but believe that any proposed plans should meet the needs of the existing community.

### **Churchill Gardens Residents Association**

Comments were submitted to WCC Development team on 17 July 2020 in relation to the pre-application community engagement proposals and prior to the submission of the finalised planning application submission.

Supports the objective of providing better homes for local people.

Concerns raise relating to a number of issues below:

#### Design

- height of the proposed block fronting Grosvenor Road does not comply with the conservation area circulation design.
- As a whole the design of the buildings do not take into consideration the design of the Churchill Gardens conservation area/ multi-award winning estate
- Disappointed that a building of historic interest was allowed to fall into such disrepair.
- A link between the current "Riverside Gardens" opposite Shelley House would enhance the green space.

#### Amenity

- Block A (adjacent Shelley House) should be no more than five storeys high given the distance from Shelley House

#### Housing

- "Shorthold Tenancies" would result in a rapid turnover of residents and tend to inhibit the establishment of a stable community.
- All units in the Darwin/Balmoral should be solely for sheltered and supported housing Second.

#### Other

- Impact of the processes of demolition and construction on the heart of the Churchill Gardens estate. A dedicated temporary access from the Grosvenor Road needs to be established.
- Increased pollution levels exacerbate morbidity rates in those infected by COVID-19.
- Darwin House should be capable of refurbishment after its current residents have been accommodated in a new block/extension.
- Materials, brick, timber slate and stone, in both the former Balmoral Castle and Darwin House to be reused by careful dismantling, rather than demolition of these buildings.

#### **Churchill Gardens Neighbourhood Forum**

The Forum is not opposed to a redevelopment of the Balmoral Castle & garages, but strongly object to the application in its current form. In general terms the Forum consider that the City Council's proposals will detrimentally affect both the neighbouring area & its buildings, as well as damaging the whole of the Conservation Area. A summary of the objections are under the ten headings below:

##### *Darwin House:*

Central government policy on brownfield sites is now to convert existing structures, where possible, rather than to demolish & rebuild.

##### *Heritage & Character:*

The estate's multi-award-winning design & build will be damaged by the increased densities proposed in the application.

##### *Architecture & Materials:*

There is little attempt to replicate the distinctive designs ( e.g. vertical congruity) or the yellow brick materials of the adjacent Buildings of Merit.

##### *Site Access:*

Application should be made to Transport for London for site access via Grosvenor Road, as Churchill Gardens Road is unsuitable for heavy plant & large lorries. That has not been attempted.

*Environmental Issues:*

The dispersal of asbestos in Darwin House is a concern, while the four phase scheduling of the scheme is much longer than desirable locally.

*Energy Sourcing:*

Solar panels, as proposed, are not best practice for green energy, whilst the current WCC planning policy specifies connecting to PDHU.

*Infrastructure:*

No worthwhile additional facilities are proposed – parking space is reduced & there is little to address the additional consequential requirements for healthcare, transport & other services.

*Open Spaces:*

The “new” open space to the north of Building B” will be largely sunless, owing to the latter’s height, which runs contrary to the architectural principles of the extant design & build.

*Consultation:*

In the City Council’s official consultation documents, at least two of the undertakings vouchsafed to residents regarding the regeneration appear to be being dishonourably breached.

*Conservation Audit:*

WCC’s own Conservation Area Audit states of the adjacent Buildings of Merit that “By definition these properties are considered to be of particular value to the character & appearance of the conservation area & their demolition or unsympathetic alteration will be resisted”. The Forum agrees.

**Affordable Housing Supply Manager**

These proposals have been discussed with Westminster Housing and are supported by the Head of Affordable Housing Partnership as these proposals will result in an enhanced accommodation offer for persons requiring community and supported housing with larger living spaces. The provision of 18 intermediate affordable homes for rent will increase affordable housing choice in this location.

**Highways Planning Manager**

The development would result in the loss of protected off-street residential parking and this would affect people already living in the area. No exceptional circumstances have been demonstrated to justify the loss of the existing residential car parking.

Supported transportation issues include Cycle Parking; Walkway/ Pedestrian link to Grosvenor Road; Waste storage; Trip generation, and Servicing. If permission is granted, conditions are recommended and the following items to be secured by legal agreement: Lifetime Car Club Membership, Highways Works, and Walkways Agreement.

**Waste Project Officer**

No objection.

**Arboricultural Manager**

There is a risk of harm to trees and in particular two mature London plane trees. However, the tree protection methods proposed are thorough and so this risk can be mitigated subject to appropriate conditions. The landscaping proposals are vague and details could be secured by planning conditions.

**Environmental Sciences**

No objection on environmental noise or nuisance grounds, subject to conditions.

**WCC Economy Team**

The scheme needs to provide an Employment & Skills Financial Contribution of £6,954

**Historic England (Listed Builds/Con Areas)**

No objection to the replacement of Darwin House, a poor quality block from 1980, or the adjacent low grade garages. The design approach suggests blocks with a horizontal emphasis that could complement the modernist buildings that form the dominant character of the conservation area.

The loss of the former Balmoral Castle pub, however, would cause harm to the significance of the conservation area by removing a rare (in this location) Victorian building of merit (and of architectural interest, despite its poor condition), and severing an important historical link to the area's pre-modernist form and development. Your authority will need to be confident that the resulting harm has been clearly and convincingly justified (paragraph 193, NPPF) before weighing that harm against the public benefits of the scheme (paragraph 196, NPPF), but Historic England has concerns about the proposals due to the harm they will cause to the historic environment.

**Historic England (Greater London Archaeology Advisory Service)**

The development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.

**The Victorian Society**

The Balmoral Castle Pub contributes towards the Churchill Gardens Conservation Area, adding variety and interest, and its loss would further obscure the legibility of 19th century development. This would lead to less than substantial harm to the conservation area. Under Paragraph 196 of the NPPF, "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." We are not opposed to the principle of the proposed surrounding development, but the renovated Balmoral Castle Public House should be included within any scheme as a way to highlight the historical progression of the site and we therefore urge the council to refuse consent to the scheme as it currently stands.

**Environment Agency**

No objection

**Thames Water Utilities Ltd**

No objection subject to conditions.

**London Borough Of Lambeth**

No objection

**Westminster Society**

Any response to be reported verbally.

**Pimlico FREDA**

Any response to be reported verbally.

**Transport for London**

Any response to be reported verbally.

**The Gardens Trust**

Any response to be reported verbally.

**Designing Out Crime**

Any response to be reported verbally.

**Adjoining owners/ occupiers & other representations received:**

No. Consulted: 1916

No. of replies: 30

No. of objections: 27

*(27 comments received from 22 local residents & the Dolphin Square Preservation Society)*

Objections on some or all of the following grounds:

Design

- Height and design of new buildings will harm the character and appearance of the award winning (Green Flag) Churchill Gardens Conservation Area, setting of adjacent listed buildings; and setting of the Churchill Gardens Registered Park and Registered Garden;
- The Balmoral Castle PH is an unlisted building of merit and should be protected;
- Harm to setting of listed Georgian terrace on Grosvenor Road;
- Some objectors consider there is scope to redevelop the site on a smaller scale and more in keeping with the character and appearance of the Churchill Gardens Estate.

Amenity

- Block A will harm the amenity (increased sense of enclosure and loss of light) to residents adjacent in Shelly House;
- Block A is 7 storeys and sited 38m away from Shelley House whereas other 7 storey buildings in the estate are separated 50+m from adjacent buildings;
- Higher buildings in the estate are further apart and inserted at angles
- Loss of privacy to residents in Shelley House;
- Buildings are too high for a small area;
- Loss of views towards River from Shelley House;
- A smaller scale project is more appropriate;
- Overlooking/ loss of privacy from balconies in Block A and to flank windows of Grosvenor Road properties;
- Overlooking/ loss of privacy from windows and balconies in Block B to rear gardens

- of properties on Grosvenor Road;
- Loss of light to windows of properties on Grosvenor Road;
- Loss of view from rear of Grosvenor Road properties towards Accumulator Tower and Shelley House

#### Land Use

- Affordable housing rents not the same as social housing rent;
- Social housing should be provide rather than Intermediate Housing;
- Increase in number of people may cause harm in an already over-populated estate;
- Insufficient infrastructure to cope with increased numbers;
- It would be beneficial if the council were to purchase available homes already on the market in Churchill Gardens

#### Highways/ Parking

- Increase on-street parking pressures;
- Currently a 2 year waiting list for a parking permit in the Churchill Gardens Estate;
- Temporary site access should be provided via Grosvenor Road;

#### Sustainability

- Demolition of Darwin House is unnecessary and wasteful – it should be refurbished/ renovated with possible extension over the garages;
- More information should be provided as to why refurbishment of Darwin House is not suitable;
- Solar panels on roof are inappropriate;
- Green roofs would help reduce potential flooding;

#### Other

- WCC councillors & staff assured local residents that the development would be no higher than the existing Balmoral Castle and Darwin House buildings;
- Construction work may be dangerous in close proximity to primary schools;
- Noise and disturbance from building works;
- Dust and pollution from building works;
- Harm to mental health of existing residents (building works and loss of light to Shelley House);
- Residents unable to discuss plans together because of the pandemic;
- The planning application should not be pushed through during a pandemic;
- It's not right that WCC is both applicant and decision maker;
- Residents allotments should be provided rather than landscaping;
- Health risk associated with proximity of new building to Pimlico District Heating Unit (may affect air quality/ wind direction will be affected decreasing dispersal of combusive products and compounds);
- Bat Survey should take place before any development;
- WCC should consult National Grid given proximity to pipelines;
- New building swill create wind tunnels;
- Lack of consultation and engagement with residents;

No. in support: 2

(incl. a representation on behalf of all Darwin House residents)

Comments on some or all of the following grounds:

- Darwin House residents welcome the proposals;
- Darwin House residents live in small/ cramped studio flats;
- The replacement Darwin House/ community supported housing will bring a huge improvement in the quality of life for Darwin House residents;
- It is vital we build more housing.

No. neither objecting to or supporting: 3

Comments on some or all of the following grounds:

- Developers/ builders should be conscious of residents and limit noisy works to certain hours of the day to minimise disruption to residents;
- Existing Churchill Gardens residents should be given 'first refusal' on new homes;
- Social housing should be provided rather than private housing.

**Press Advertisement/ Site Notice:**

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application relates to the redevelopment of a site with an area of approximately 0.4ha, located to the south west of Pimlico and forming part of the wider Churchill Gardens Estate, directly to the north of Grosvenor Road. The site currently comprises of Darwin House, a four storey purpose-built community supported housing block. Darwin House provides 31 self-contained studio flats, which includes a managers unit, and forms part of Westminster's Community Supported Housing provision. The site further comprises of the Balmoral Castle Public House and 23 single storey lock-up garages.

The site is located in the Churchill Gardens Conservation Area which was designated in 1990. The landscape to the Churchill Gardens Estate was added to the Register of Parks and Gardens at grade II in 2020. The site does not comprise of any statutory listed buildings however the Balmoral Castle Public House is designated as an 'unlisted building of merit' within the Churchill Gardens Conservation Area Audit.

The site is located in close proximity to several grade II listed buildings including the Accumulator Tower and District Heating Workshop, Shelley House and Keats House to the west, as well as the early 19th century three-storey townhouses at 106-109 Grosvenor Road. Further residential buildings ranging in heights up to eleven storeys are located to the north of the site.

Vehicle access to the site is via an access road which runs south of Churchill Gardens Road. Pedestrian access to the site is obtained from both Grosvenor Road, to the South and Churchill Gardens Road to the North.

The site is further located within Flood Zone 3, which benefits from a high probability of flooding without local flood defences. It should be noted however that the site does lie within an area which benefits from flood defences, in the form of the Thames Barrier.

The site is also located within a Rapid Inundation Flood Zone, which represents that flooding would occur in the first hour if the Thames flood defences were breached.

The site benefits from a PTAL rating of 2/3 which identifies that the site has a 'Poor' to 'Moderate' level of accessibility to public transport, although Pimlico Tube Station is located approximately 800m to the north east of the site, which is serviced by London Underground Victoria Line. The closest bus stop is located to the north of the site on Lupus Street.

## 6.2 Recent Relevant History

There are no applications of relevance.

## 7. THE PROPOSAL

*Existing & proposed floorspace figures:*

Land use	Existing floorspace sqm (GIA)	Proposed floorspace sqm (GIA)	+/-
Community Supported Social Rented Housing (Class C3)	1606	2908	+1302
Intermediate Rented Housing (Class C3)	0	1326	+1326
Public House (sui Generis)	219	0	-219
Garages	470	0	-470
<b>Total</b>	2295	4234	+1939

The application proposes:

- The demolition of the existing buildings and structures on site, including the Balmoral Castle Public House, Darwin House, and 23 single storey lock up garages;
- The redevelopment of the site to provide 52 residential units across two blocks

ranging between heights of four to seven storeys;

- The delivery of Community Supported Social Rented Housing (34 x 1 bedroom flats in Block A);
- The delivery of Affordable Intermediate Rented Housing (18 x 1 bedroom flats in Block B), which fronts the Grosvenor Road;
- The provision of 80 cycle spaces, 10 car parking spaces including 6 accessible wheelchair parking spaces and one designated ambulance drop off space; and
- Public realm and landscape works including the creation of a new green space within the centre of the development and a pedestrian route between Churchill Gardens Road and Grosvenor Road.

#### *Demolition*

It is proposed that all existing buildings and structures on Site will be demolished. This includes the existing derelict Balmoral Castle Public House, the existing Darwin House which provides 31 self-contained supported studios, including a managers flat, and the 23 lock up garages located along the eastern boundary of the Site.

#### *Phasing*

The applicant has committed to a phasing strategy for the proposed scheme. The phasing will minimise disruption to existing residents alongside enabling a single house move for the existing Darwin House Residents. The phasing strategy for the scheme is set out below:

Phase 1 – Demolition of garages and public house;

Phase 2 – Erection of a part seven storey, part six storey and part five storey building to provide community supported housing (Block A). Darwin House residents to move into Block A;

Phase 3 - Demolition of Darwin House;

Phase 4 – Erection of part five storey and part four storey building to provide general need housing/ 18 affordable one bedroom units (Block B); and

Phase 5 – Complete landscaping works.

#### *Layout & Scale*

As set out above, this application seeks planning permission for the erection of two residential blocks ranging between heights of four to seven storeys. Block A will be located along the eastern boundary of the site, parallel to the Accumulator Tower and Riverside Garden with Shelley House beyond. Block A will deliver 34 units of residential accommodation. Block B is located adjacent to Grosvenor Road, with the building line of Block B slightly set back from the Georgian Terrace Houses located to the west of the Site. Landscaping will be delivered throughout the scheme, with a buffer of landscaping proposed between Block B and Grosvenor Road, an area within the centre of Block A and Block B and finally, an area to the south of Block A, adjacent to Grosvenor Road.

*Block A - Proposed Community Supported Social Rented Housing (Class C3)*

Block A will range between five and seven storeys and will provide 34 community supported dwellings, all on Social Rents managed by WCC. The 34 community supported dwellings would house all the existing Darwin House residents and provide additional accommodation for new residents. The units located within Block A will be 1 bedroom units in line with the identified required.

These units will meet Nationally Described Space Standards and will also be designed to meet the design principles set out by Housing our Aging Population Panel for Innovation (HAPPI). The design standards aim to create a home in which an older resident can move into and remain as their care needs change. The proposals provide a substantial uplift in affordable housing floorspace.

With regard to Darwin House this means that all units within Block A will provide fully accessible kitchens, bathrooms, flexible hobby room which can accommodate an overnight bed space for career or family member if that level of support is required, step free access from the street to the unit and within the unit itself, and balconies overlooking a central courtyard.

*Block B – Proposed Intermediate Affordable Housing Units*

Block B will provide 1,326 sqm of residential accommodation (GIA) and will be delivered through 18 one bedroom units. Block B will range between four and five storeys in height. The residential accommodation to be delivered within Block B will be one bedroom, two person units. These units will be new affordable homes for intermediate rent and will be managed by WCC.

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

**8.1.1 Principle of residential accommodation**

National, regional, and local planning policies seek to optimise housing delivery and boost housing supply.

The NPPF states that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This is to support the Government’s objective of significantly boosting the supply of homes.

London Plan Policy H1 seeks to increase the supply of housing in the capital and sets the City Council a 10 year housing target of 9,850 homes.

City Plan Policy 8 (Housing delivery) states that the number of new homes built in Westminster will exceed 22,222 over the plan period. Housing delivery will be ‘stepped up’ over the first 10 years of the plan to deliver 1,495 new homes a year. The policy further states that this will be achieved through optimising site densities, planning

positively for tall building, delivering a higher number of homes on small sites and permitted upward extensions.

This application seeks to deliver 52 residential units (Class C3). The proposed development will deliver both supported affordable accommodation and new affordable housing. The accommodation delivered within Block A will be a direct replacement of that existing within Darwin House, but will improve the standard of the current accommodation and provide an additional 3 units. All units will be provided as Social Rented Accommodation. The units delivered in Block B will be delivered as Intermediate Affordable Housing and will be owned and allocated to new residents by WCC.

Furthermore, it should be noted that within the WCC City Plan, the Pimlico Area has also been identified as a suitable location within the Borough to accommodate additional residential accommodation. Given that the surrounding site context is predominately residential, it is considered that the provision of additional accommodation at this location is further acceptable as it aligns with the policy direction for both the Pimlico Area and the borough.

In light of the above, the principle of a residential development is considered to fully accord with the aims of the development plan, and assist WCC in achieving its housing targets.

#### **8.1.2 Replacement of existing Community Supported Social Rented Housing (Class C3)**

Darwin House is a four storey purpose-built accommodation for the elderly containing 31 x bedsits/ community supported units. No formal care is provided on site but residents are visited by health care professionals as with any other elderly person living in their own home. The applicant advises that the existing accommodation is no longer up to standards and needs to be upgraded.

The proposed Block A would provide 34 x 1 bed community supported units and would rehome the existing Darwin House residents with larger and improved accommodation. The upgrade and re-provision of these units is welcomed.

#### **8.1.3 Affordable Housing**

The NPPF (2019) places considerable focus on the delivery of affordable housing.

London Plan, Policy H4 (Delivering Affordable Housing) identifies a strategic target for 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 (Threshold approach to applications) states that the threshold level of affordable housing on gross residential development is set at a minimum of 35%.

City Plan, Policy 9 (Affordable Housing) outlines that the council will seek 35% affordable housing across all developments.

The scheme proposes the delivery of a 100% Affordable Housing Scheme, delivering 34 units of Community Supported Housing for over 55s at Social Rents and 18 Intermediate

Item No.
<b>2</b>

Affordable Housing Units within Block B, both falling within Class C3. In terms of tenure split this equates to 36.5 % intermediate and 63.5% Social Rent, which broadly accords with London Plan policy on tenure split.

The proposals overall deliver an uplift of 21 units (18 Intermediate / 3 Social Rent) but the significant improvement to the quality of the housing and increase in affordable housing floorspace of 1425sqm is also a significant consideration.

The proposals have been discussed with Westminster Housing and are supported by the Head of Affordable Housing Partnership as these proposals will result in an enhanced accommodation offer for persons requiring community and supported housing with larger living spaces. The provision of 18 x intermediate affordable homes for rent will increase affordable housing choice in this location.

Block A will range between five and seven storeys and will provide 34 community supported dwellings, all on Social Rents managed by WCC. Rents will be determined in line with Government Rent calculation formula for social rent. The 34 community supported dwellings can rehouse all the existing Darwin House residents and provide additional accommodation for new residents.

These units will not only meet Nationally Described Space Standards but will also be designed to meet the design principles set out by Housing our Aging Population Panel for Innovation (HAPPI). These design standards aim to create a home in which older residents can move into and remain as their care needs change. The proposals provide a substantial uplift in affordable housing floorspace.

Block B will provide residential accommodation as 18 x one-bedroom intermediate homes for rent. Block B will range between four and five storeys in height. The residential accommodation to be delivered within Block B will be one bedroom, two person units.

All units within the scheme will have a dedicated balcony space, which will exceed the London Plan requirement of 5sqm per 1-2 person unit. Within the communal and public space areas, a total of 1,788 sqm of amenity space will be provided as part of the scheme.

Of the 18 x intermediate homes for rent, none will have rents exceeding London Living Rent (LLR) levels.

LLR is the form of intermediate rented housing supported by the GLA. In addition, a proportion of these 18 homes (up to 25%) will have intermediate rents set at less than LLR levels to ensure a range of household incomes can afford these properties.

The proposed tenure mix for the site as a whole has been developed in consultation with the council's Affordable Housing Manager. As such, it has been acknowledged that the proposed tenure mix, given that it addresses a specific identified need, is acceptable.

The scheme delivers 100% affordable housing, which is given significant weight in the overall planning balance.

#### 8.1.4 Residential Density

The NPPF seeks to ensure that development proposals optimise the potential of sites to accommodate development as well as create and sustain an appropriate mix of uses. Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land as well as create and sustain an appropriate mix of uses. Plans should contain policies to optimise the use of land and meet as much of the identified need for housing as possible.

London Plan Policy D3 (Optimising site capacity through the design-led approach) seeks for development proposals to make the most efficient use of land and optimise density, including developing densities above those of the surrounding area on most Sites.

Furthermore London Plan Policy D2 (Infrastructure requirement for sustainable densities) of the emerging London Plan requires density of developments to be considered and linked to the provision of future planned levels of infrastructure rather than existing levels and be proportionate to the site's connectivity and accessibility walking, cycling and public transport to jobs and services.

The City Plan does not provide any specific policies relating to density. Paragraph 8.7 states: "Historically, housing in Westminster has been developed at relatively low densities. This cannot continue in the face of a very high demand for housing and the projected population growth. Therefore, as developable land is scarce, to deliver our housing targets, higher density development will be required".

The applicant advises that the scheme has been carefully designed to reflect both the site's context, the national, regional and local drive to optimise the development of brownfield sites in sustainable locations and most specifically to this application, the re-provision requirement of Darwin Housing and the identified need for affordable accommodation within the Borough. The site is located in a relatively accessible location, which benefits from surrounding transport links and as such is considered a suitable place for a development of this nature.

The scheme proposes to deliver 52 residential units on a Site which measures approximately 0.4ha. It is considered that the proposals will deliver a density of residential homes which will contribute to the council's increasing housing target, specifically the identified need for replacement affordable accommodation at Darwin House and the delivery of affordable housing.

#### 8.1.5 Housing Mix

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

City Plan, Policy 10 (Housing for specific groups) requires residential developments to provide a mix of units in terms of size, type and tenure to secure mixed and inclusive communities, and to contribute towards meeting Westminster's housing needs for

different groups. Part B of the policy requires 25% of new build homes to be family sized units.

The scheme seeks to deliver solely one bedroom units across both Block A and Block B. Whilst it is acknowledged that the proposed unit mix does not comply with the policy requirements set out above, the delivery of accommodation within Block A, provides Community Supported Housing for the elderly.

This type of accommodation by its very nature requires single bedroom accommodation, as it is providing for single person households and occasionally couples. It is a direct replacement and improvement of the existing 31 studio units of accommodation for the ageing population at Darwin House, plus the provision of 3 additional units of accommodation.

With regard to Block B, the applicant advises that the proposed mix has been derived as a result of the constrained site, the need to maximise unit numbers and the housing need in the area. The Housing Officer has noted that the demand in the SW1 area, in the intermediate tenure, is for approximately 79% 1 bedroom dwellings, in comparison to 18% 2 bed and 4% 1 bedroom units as of November 2019.

As such, the scheme is reflective of the need for a high proportion 1 bedroom, intermediate affordable housing. The inclusion of 2 bedroom units would reduce the overall number of homes that the scheme is able to deliver. It is considered that the provision of a greater provision of 1 bedroom units at appropriate affordable rental levels, will better meet the Borough's housing need, taking account of the overwhelming demand for the type of property. This is significant material consideration which justifies a deviation from adopted policy on mix.

#### 8.1.6 **Housing Quality**

London Plan, Policy D6 (Housing Quality and Standards) requires housing developments to be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Minimum internal space standards are set out in Table 1 of the London Plan

City Plan, Policy 12 (Housing Quality) requires all new homes to meet or exceed the Nationally Described Space Standards.

All 52 residential units will exceed the minimum space standards set out in both the London Plan and National Technical Standards (2015).

It should also be noted that the units within Block A will achieve and follow the design principals set out by the Housing our Aging Population Panel for Innovation (HAPPI). HAPPI principles represent a gold standard in home design for older residents and embedded within them the more dedicated care needs that residents may have or may develop over time. The design standards aim to create a home in which an older resident can move into and remain as their care need may change.

London Plan Policy D7 (Accessible Housing) states that at least 10 per cent of dwellings should meet Building Regulation required M4(3) 'wheelchair user dwellings' and all other dwellings should meet M4(2) 'accessible and adaptable dwellings'.

Furthermore, City Plan Policy 12 (Housing Quality) states 90% of all new-build homes will meet Building Regulation requirements M4(2) "accessible and adaptable dwellings" and 10% of new-build homes (including changes of use) will meet Building Regulations requirements M4(3) "wheel chair user dwellings."

In line with the requirements of the London Plan, the scheme will provide six wheelchair apartments which have been designed to be compliant with Part M4 (3) wheelchair accessible units. The remainder of the units will be M4 (2). Given the nature of the proposal, the six M4 (3) units will be wholly located within Block A, where the demand for such units is likely to be greater.

### Overheating

The application is supported by way of an Overheating Assessment. The overheating study confirms that with the CIBSE TM59 guidance 'compliance is achieved for all occupied rooms regardless of the adopted statistical assessment method'. The scheme has been designed to reduce overheating and solar gain. A mechanical ventilation heat recovery system is proposed so that façade openings are not required to provide whole dwelling ventilation. This is beneficial in terms of overheating and noise mitigation.

#### **8.1.7 Amenity Space**

City Plan, draft Policy 12 (Housing Quality) part D requires all new build homes to provide at least 5 sqm of private external amenity space for each dwelling designed for one-two person or more, and where practicable a further one sqm for each additional person. All units have private external balconies which exceed this requirement.

With regard to additional amenity space, residents will benefit from and have access to the public amenity spaces located throughout the development. The scheme delivers a total of 558.96 sqm of shared amenity space for building A, as well as 1,230 sqm of Public Open Space.

#### **8.1.8 Loss of Balmoral Castle Public House**

National, regional, and local planning policies recognise the important role that London's public houses can play in the social fabric of communities, meeting local needs

The NPPF recognises the important role of public houses within the community.

London Plan Policy HC7 (Protecting Public Houses) part B states: Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.

City Plan Policy 16 (Food, drink and entertainment) part B relates to protection of public houses and states: Public houses will be protected throughout Westminster, except where there is no reasonable prospect of its continued use as a public house, as evidenced by appropriate marketing for a period of at least 18 months.

The Balmoral Castle Public House closed around 2006 and has been vacant ever since. The public house is in the ownership of the Council and has external scaffolding erected to safeguard against elements of the building that may fall off. It is acknowledged that the building is in a poor state of repair. The applicant is of the view that the use of the building has been abandoned and has no lawful use in planning terms. However, no evidence has been submitted with this application to support this assertion, nor has any marketing evidence been provided to demonstrate there is no reasonable prospect of its continued use as a public house.

Notwithstanding, given its current dilapidated condition and the length of time it has been vacant, it is considered that its replacement with a scheme that delivers 100% affordable housing, is a significant material consideration which justifies a deviation from adopted policy on protection of public houses.

## 8.2 Townscape and Design

Given the highly sensitive and prominent location of this site and the scale of the development proposed, the proposal will both directly and indirectly affect the significance and setting of many designated and undesignated heritage assets including the Churchill Gardens Estate Conservation Area, the Balmoral Castle Pub which is an unlisted building of merit within the conservation area, 105- 109 Grosvenor Road which are grade II listed 19<sup>th</sup> century townhouses, the grade II listed accumulator tower, pumphouse and workshops located immediately to the north east of the proposal site, grade II listed Shelley House located to the east of the proposal site and the estate landscape which is a grade II registered park and garden.

### 8.2.1 Relevant Legislative Framework and Policies

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Section 66 of the same Act requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policies 38, 39, 40 and 43 of the adopted City Plan 2019- 2040 are of relevance to this proposal. Policy 38 (Design Principles) requires new development to incorporate 'exemplary standards of high quality, sustainable and inclusive urban design and

architecture' which must 'positively contribute to Westminster's townscape and streetscape'. Policy 39 (Westminster's Heritage) highlights the importance of Westminster's unique historic environment and requires development to ensure that heritage assets and their settings are conserved and enhanced. Policy 40 (Townscape and Architecture) requires development to be sensitively designed, '... having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape.' Policy 43 (Public Realm) relates to development within the public realm which must be 'contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design' and 'be safe, attractive and accessible to all.'

In terms of the National Planning Policy Framework (NPPF, 2019) the key sections of relevance in assessing this development are Chapter 12 (Achieving well-designed places) and Chapter 16 (Conserving and enhancing the historic environment). In the latter chapter, paragraph 193 makes clear:

'When considering the impact of a proposed development 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). This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 194 states:

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....'

Paragraph 196 states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Finally, paragraph 197 states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

### 8.2.2 Overview of Proposed Design

The proposed development involves the demolition of Darwin House, the 23 existing single storey garages and the Balmoral Castle Public House to enable the construction of a new seven storey block (Block A) running parallel to Shelley House and a five storey building (Block B) running west to east on the north side of Grosvenor Road at the southern end of the proposal site. The work is to be undertaken in four phases.

The orientation of Block A runs parallel to that of Shelley House to the east. The building is to be seven storeys in height with a flat roof, which is approximately 7m lower in height than nine storey Shelley House. PV panels are to be located on the flat roof. The proposed design incorporates full width, recessed balconies set behind railings overlooking the shared courtyard on the west side. A full height vertical stairwell is proposed to the west side which projects above main roof level, expressed with full height glazing which juxtaposes the otherwise horizontal treatment of the principal facades. To the east side, recessed external walkways provide access to flat entrances. The two uppermost storeys are recessed away from its northern end and the corner of the new block is chamfered at its north western corner. The north and south flank elevations are secondary to the principal east and west frontages and are largely unarticulated, incorporating frameless aluminium glazing with corner windows to both ends.

Block B is positioned further towards the river than the existing Darwin House, set very slightly back from the front building line of the adjacent listed building at 105 Grosvenor Road. Recessed full width balconies are proposed to the front (south) elevation overlooking the river, set behind railings, and a full height glazed stairwell is proposed to the eastern end. The proposed block is five storeys in height and the uppermost storey is recessed to its western end, away from the adjacent Georgian terrace. PV panels are to be located on the flat roof of the new building.

In terms of detailed design, both blocks are to be constructed using a pale brown brick with a light coloured mortar using raked horizontal joints and flush vertical joints. The supporting Design and Access Statement explains that the intended brick is longer in its dimensions than a standard brick, used in a stretcher bond in order to express the horizontality of the architectural treatment. The vertical columns featuring in both buildings are to be constructed using a pre-cast concrete. Triple glazed aluminium framed fenestration is to be used throughout the development in a light 'champagne' colour.

In the area between the two new buildings and south of Maitland House, the proposed landscaping plan shows the provision of new piazza and lawn areas with additional trees and planting. A new community garden is proposed in the south east corner of the site adjacent to Grosvenor Road. A gated vehicular road is retained to the east side of Block A running north to south down Rutland Street for parking, drop off and ambulance access. The existing boundary wall to the east of this road is shown retained. The new layout provides an accessible north to south pedestrian route from Churchill Gardens Road to Grosvenor Road. Existing mature trees throughout the site are shown retained. In general, new hard landscaped areas are to be paved using block paved materials of varying types and colours, as set out in the supporting Design and Access Statement. Low level planting areas are also proposed where ground floor units face on to the public realm, to provide some defensible space.

### **8.2.3 Significance of the Churchill Gardens Estate Conservation Area**

The Churchill Gardens Estate is a pioneering, prize winning, mid- 20<sup>th</sup> century housing estate designed by architects Phillip Powell and Hidalgo Moya. Construction of the new estate began in 1947 following a competition held by Westminster City Council who had acquired the 33.5 acres of land south of Lupus Street. The Royal Institute of British

Architects judged the international competition, awarding the commission to young architects Powell and Moya and their design for the first mixed housing estate of both low and high rise social housing blocks in Britain, incorporating 1576 flats and two terraces of houses for letting at an economic rent. The estate, which was constructed over four main phases, went on to become 'the most ambitious housing scheme of the 1940s' (Historic England) and was described by the Architects' Journal in 1952 as 'deservedly becoming the most highly praised example of high density development in the country.' Density was 200 people per acre which was the maximum permissible at the time. The modernist architectural style of the estate was one of the first housing projects to move away from the picturesque Arts and Crafts style of public housing which had been favoured during the interwar years. This dramatic change in aesthetic 'reflected the drive for modernisation and the need for high quality, high density housing after the destruction of the war' (Churchill Gardens Estate Conservation Area Audit by Westminster City Council, 2005).

The first phase of estate development gained a Festival of Britain Award and the whole estate gained two Civic Awards in 1962. Today, the estate is widely considered an iconic and highly regarded example of high density post-war housing development and in 2000, the estate was awarded the Civic Trust 40<sup>th</sup> Anniversary Award for the most outstanding scheme since the awards began four decades earlier. The importance of the area was recognised when the estate was formally designated as a conservation area in 1990. Several of the blocks within the conservation area have also been statutorily listed in recognition of their special architectural and historic interest.

Few pre-war buildings were retained by Powell and Moya in their masterplan. One exception to this was the Balmoral Castle Public House, which was retained. There are also some surviving Georgian townhouses which were retained on Grosvenor Road, including nos. 105-109 which are located immediately to the west of the proposal site. In the context of the estate however, surviving pre-war buildings such as these are rare and appear to have been carefully selected by Powell and Moya. As a result, those that do survive make a particularly important contribution to ones understanding of the historic chronology of the development of the area and the original architects' ambition to layer the old alongside the new in their masterplan. This deliberate layering and contrasting of architectural styles and periods makes an important contribution to the character and appearance of the conservation area.

The wider setting of the conservation area and the bold, dramatic visual impact of the high rise blocks on the Thames skyline is also an important aspect of the significance of the conservation area. The appearance of the large rooftop drums, which accommodate water tanks and lift shafts, and the unique form of the accumulator tower rising above the entire estate reinforces the high impact of this dramatic and distinctive silhouette. Likewise, at a smaller scale Powell and Moya's masterplan sought to maximise local vistas through the estate. There are many attractive, intentionally sited views available throughout, providing panoramas towards the river and the landscaped green areas between blocks.

In summary, the significance of the Churchill Gardens Estate Conservation Area is derived from its historic interest as a highly influential, widely renowned and largely intact early example of post-war high density housing which acted as a model for much subsequent post-war housing redevelopment throughout Britain. It is also significant as a

well preserved example of the early work of the two preeminent architects Powell and Moya. The implementation of the first ever district heating system in Britain is also of high historic interest. The significance of the conservation area is also derived from its architectural interest as a post-war high density housing estate that was one of the first to adopt the Le Corbusier 'Ville Radieuse' modernist principles that broke away from the previously popular vernacular style. The coherent and characteristic architectural style employed throughout the new buildings on the estate, through the use of a limited material palette, modular repetition and a range of horizontal and vertical emphasis is also of high architectural interest. So too the layering and contrasting in close proximity of buildings of dramatically different periods and styles, which provides design and historic interest. The trees, undulating landscape setting and the generous spatial separation between the high density blocks are also fundamental to the character and significance of the conservation area and underpin Powell and Moya's 'humane modernism' principles. The dramatic riverside skyline when viewed from the Thames and its wide ranging visual impact and setting is also of high architectural interest and is inherent to the significance of the conservation area, as well as many carefully planned local vistas through the estate.

#### 8.2.4 Demolition of Darwin House and Garages

The proposals involve the demolition of Darwin House, which is a four storey block fronting on to Grosvenor Road to the south and the construction of a replacement five storey block (Block B).

Darwin House does not form part of Powell and Moya's original estate design and was a later addition built by Westminster City Council in the 1980s, replacing All Saints Church which formerly occupied the site. Architecturally, the building is undistinguished and the adopted audit does not identify it as holding any merit. It is however noted that the designers of Darwin House clearly sought to respect the scale of the adjacent grade II listed 19<sup>th</sup> century buildings at 105-109 Grosvenor Road and its position further back from the front building line of these buildings enables uninterrupted views of the adjacent townhouses from both the east and west. Whilst Darwin House is not considered to hold any significant architectural merit in its own right, its scale, height and placement are respectful and subordinate to the setting of the adjacent listed terrace. The demolition of Darwin House is therefore not considered harmful to the character and appearance of the conservation area, providing the replacement building makes an equal or more positive contribution to the character and appearance of the conservation area, registered park and garden and the setting of the adjacent listed buildings.

The existing rows of single storey brick garages which form a U shape to the east of Darwin House, occupy an area which is largely paved and is low quality in terms of its public realm, effectively blocking pedestrian access from the north towards the river. This pocket of land which the garages occupy is not considered to contribute positively to the special interest of the landscape as a registered park and garden nor the character and appearance of this part of the conservation area. The removal of the unsightly garage structures represents an opportunity to enhance the visual amenity of the immediate area and to improve the quality and permeability of the public realm in this part of the conservation area. The principle of demolishing these garages is therefore supported in design terms subject to the quality and impact of the proposed replacement buildings and landscaping.

### 8.2.5 Demolition of Balmoral Castle Public House

The Balmoral Castle Public House is identified in the adopted conservation area audit as an unlisted building of merit which makes a positive contribution to the character and appearance of the conservation area. The building has been vacant with scaffolding erected for many years and it is acknowledged that the building is in a poor state of repair. The management proposals set out on page 42 of the adopted conservation area audit state that the City Council should 'seek sympathetic reuse of [the] building and make reference to [the] audit in any future development', 'ensure redevelopment is subject to consultation with Design and Conservation for best conservation practice' and 'monitor condition of the building regularly to ensure it does not fall into further disrepair.' Notwithstanding these adopted management proposals, the building has not been maintained and permission is now sought to demolish it to allow for the construction of proposed Block A.

There is a strong presumption against demolition of this unlisted building of merit in the City Council's adopted policies. Policy 39 (L) of the City Plan 2019- 2040 outlines a presumption that unlisted buildings of merit will be conserved, unless it has been demonstrated that the relevant national tests have been met. Policy 39 (R) also states that 'Non-designated heritage assets (including local buildings of merit, archaeology and open spaces of interest within and outside conservation areas) will be conserved. When assessing proposals affecting non-designated heritage assets, a balanced judgement will be made regarding the scale of any harm or loss of the asset and the benefit of the proposed development.'

The building occupies an unusual wedge-shaped plot which is indicative of the former dock line and the previous urban street layout which was almost entirely swept away following the war. The building dates to c1855 and is three storeys in height with a stuccoed finish and Classical embellishments such as window pediments and bottle balustrades at first floor level. Whilst the building is attractive, it is not unique, and its architectural treatment is typical of public houses of this period. Its architectural interest as an undesignated heritage asset is therefore considered moderate.

However, whilst the post- 1947 residential buildings represent the predominant typology and style of the conservation area, Powell and Moya's retention of a small number of earlier buildings such as the Balmoral Castle Public House, contributes to a more diverse, contrasting and therefore interesting streetscape. This Victorian public house was evidently retained by the original architects to serve an important community and aesthetic function in the context of the new modern housing estate. The survival of earlier buildings such as this, as Historic England notes, enhances the interest of the post-war architecture by providing a 'visible overlaying' of the Victorian and post-war periods. In this context therefore, the pub makes a very important contribution to the significance of the designated conservation area and has high historic interest despite its moderate architectural interest. The diversity of high density residential buildings alongside community buildings such as public houses, schools and community halls, was also fundamental to Powell and Moya's masterplan and the integrity of the estate as a whole. The preservation of this mix of building typology is therefore of historic and architectural interest and inherent to the significance of the conservation area.

Notwithstanding the poor condition of the building fabric, this public house is considered to make a vital contribution to the significance of the Churchill Gardens Conservation Area and is a highly significant and rare pre-war remnant of 'Old Pimlico' preserved by Powell and Moya in their estate masterplan. Whilst the long-term presence of scaffolding on the building has degraded the contribution made to the character and appearance of the conservation area to a degree, its historic interest in this context remains high. The poor condition of the building at present is therefore not attributed any weight in the City Council's assessment of harm, in compliance with paragraph 191 of the NPPF which states 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.' The poor state of repair of this important building is considered insufficient justification for the proposal to demolish it.

Historic England have raised concerns regarding the demolition of this building following the City Council's consultation. The Victorian Society have also objected to this aspect of the proposals and advise that the application to demolish the building should be refused. Both Historic England and the Victorian Society describe the significance of this building and its high degree of interest as a pre-war survival of Victorian Pimlico, which was preserved with intent by Powell and Moya and therefore contributes to ones understanding of the development of the estate as a whole and the significance of the estate as a designated conservation area.

It is acknowledged that the interest of the Balmoral Castle Public House is rare and unique only within its context of this iconic post-war housing estate rather than as an example of this building typology in more general terms. However, the loss of this particular public house in this specific context will degrade ones understanding and legibility of Powell and Moya's intentions set out in their masterplan and will therefore cause harm to the significance of the conservation area.

For the reasons set out above, the demolition of this important unlisted building of merit is considered harmful to the character and appearance of the conservation area. The comments received from Historic England and the objection received from the Victorian Society are considered entirely valid for the reasons set out above. Whilst the degree of harm caused by the complete demolition of this building will cause substantial harm to the non-designated heritage asset, the degree of harm caused to the significance of the designated heritage asset (the conservation area) is less than substantial. Paragraph 197 of the NPPF requires that when the significance of a non-designated heritage asset is affected by an application for development, 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. Given the vital contribution that this building makes to ones understanding of the original design intentions of the estate as a whole as set out above, the degree of harm caused is considered moderate on the less than substantial scale. The NPPF requires that harm to be weighed against the public benefits of the proposal.

#### **8.2.6 105- 109 Grosvenor Road**

105-109 Grosvenor Road is a group of five 19<sup>th</sup> century buildings which face towards the river on the north side of Grosvenor Road, immediately adjacent to the proposal site. The buildings are grade II listed and also fall within the Churchill Gardens Estate Conservation Area, making a positive contribution to its character and appearance.

Item No.
<b>2</b>

Nos. 106-109 are two bays in width and appear to retain their original slate clad mansard roof storeys, whilst the former rectory building to the now demolished church at no. 105 is wider at three bays and consists of three sheer storeys with a shallow roof set behind a parapet embellished with a decorative dentil cornice, retaining two apparently original chimney stacks which are prominent roovescape features. The eastern flank wall and chimney stack to no. 105 is currently exposed in local views westwards from Grosvenor Road, given the existing set back of Darwin House.

Overall, the significance of 106-109 Grosvenor Road is derived from their historic interest as good examples of early 19th century domestic architecture and their architectural interest as early- mid 19<sup>th</sup> century townhouse buildings that retain their original appearance and proportions. The group value of each building in the context of this short surviving terrace is high and together they retain a consistent, uniform appearance which is in keeping with the original design intentions and is reminiscent of the speculative development system. Whilst the significance of 105 Grosvenor Road is in part derived from its historic functional connection to the now lost church, its well preserved façade remains of architectural interest and its differential architectural treatment and scale compared to 106-109 contributes to the aesthetic interest of this group, representing a transition in scale from the townhouses at 106-109 towards the now demolished church at its eastern end. As a group, the retention of these buildings along with the unlisted King William IV Public House and 110 Grosvenor Road, is also of high historic interest in the context of the wider estate, forming part of Powell and Moya's original design aspirations to layer architecture of different periods and character in close proximity. These local views are identified as significant in the adopted conservation area audit. The group also therefore makes an important contribution to the significance of the designated conservation area.

However, it is acknowledged that the immediate setting of these listed buildings has been heavily compromised since the post-war period and makes a limited contribution to their significance. The houses historically formed part of a wider system of Georgian terraces, as evident on archival maps of the area, which were largely demolished during the war and post-war periods. Powell and Moya however chose to retain this group of buildings in their masterplan as well as the adjacent All Saints Church. However, the church to which the rectory at no. 105 was historically linked has been lost to allow for the development of Darwin House in the 1980s. Given that these buildings have been so dramatically severed from both their original Georgian context as well as Powell and Moya's intended context, the immediate setting of the group is not considered to make an important contribution to their significance.

The proposed Block B building represents a significant increase in height and bulk compared to the existing Darwin House. Its building line is also set further forwards than Darwin House, roughly in line with the front building line of 105 Grosvenor Road. Verified views of the site demonstrate that the proposed development will have a significantly more dominant impact on views of the adjacent listed buildings than Darwin House, diverting attention away from the designated heritage assets towards the considerably bulkier and taller Block B which will serve to dominate the appearance of the streetscape on Grosvenor Road. In its position further forwards, Block B will obscure some views which are currently available towards the listed buildings when viewed from Grosvenor Road. Block B will no longer appear as subordinate to and respectful of the scale of the adjacent listed buildings and will serve to overwhelm the scale and proportions of the

adjacent listed buildings, which is best demonstrated by verified views nos. 2, 4 5 and 6 in the applicant's submission.

The proposed development is therefore considered harmful to the setting of the listed buildings at 105-109 Grosvenor Road. The resulting increase in height and massing of Block B will have a significant visual impact on local views of the group when viewed from both directions on Grosvenor Road, which will also cause harm to the character and appearance of this part of the conservation area. This increase in scale immediately adjacent to the listed buildings will serve to dominate the appearance of these modest townhouses and this part of the streetscape significantly more so than Darwin House does at present. Given the limited contribution made by their setting to the significance of these listed buildings however, the degree of harm is considered minor on the less than substantial scale. The NPPF therefore requires that harm to be weighed against the public benefits of the proposal.

### 8.2.7 Shelley House

The proposal site is located immediately to the west of Shelley House, which was completed in 1951 and is one of Powell and Moya's original nine storey blocks that were constructed as part of the earliest phase of estate development. The building was listed grade II in 1998 along with the neighbouring contemporary blocks Chaucer House, Coleridge House and Keats House. Whilst all four blocks are grade II listed, the proposed development most directly affects Shelley House.

The building is constructed from a reinforced concrete frame clad in the yellow stock bricks which Powell and Moya had favoured throughout the estate. The four blocks are linear in their form, running north to south, with green space between, and incorporate projecting glazed stairwells with the long bands of fenestration creating a strong horizontal emphasis. The prominent roof level drums which house water tanks and lift machinery create a dramatic roofscape, the form of which contrasts with the rectilinear accent of the blocks.

The significance of this building is heavily derived from its historic interest as one of the original buildings that was constructed during the first phase of the development of the estate. The architectural interest of the building is also high, indicative of Powell and Moya's architectural style, employing the 'humane modernism' architectural language described above. The group value of the building in the context of the four original listed north to south blocks is also high and together the group retains a strong degree of uniformity which is appreciable from wide ranging views both within and outside of the conservation area. The significance of Shelley House and its group is reinforced by their large scale, distinctive roof level drums and their prominent position close to the Thames, from which these blocks are landmark buildings that form an important part of the panoramic views available from several long distance vantage points. The wider setting of the building is also therefore considered integral to its significance and that of the conservation area. The building and its group also form a prominent part of the townscape from many shorter local views from within the estate and from Grosvenor Road and have a dramatic impact on local vistas. The contribution of this building and its group to the character and appearance of the conservation is also therefore highly significant.

The proposed development will cause harm to this significance. Block A is located parallel to Shelley House running in a north to south direction, designed to emulate the form of the original blocks. However, given the proximity to Shelley House, the new block will serve to obscure visibility and distract from this important landmark feature. The scale of existing development immediately to the west of Shelley House is significantly lower than Shelley House itself, which serves to reinforce its prominence within the townscape and within local views of significance. Whilst it is acknowledged that the proposed seven storey Block A is lower than nine storey Shelley House, its height and bulk remains considerable and the minor difference in height will have very limited appreciable impact on the degree of harm it causes to the setting of the listed building. The proposal to construct a new seven storey building in the existing gap to the west of Shelley House, will reduce the prominence of this listed building within the local and wider streetscape from many views and degrade its legibility as a landmark feature within the context of the conservation area.

Long views of significance are described in the adopted conservation area audit from Chelsea Bridge, from the south side of the Thames and from trains crossing the railway bridge. The proposed new block, which from this angle will appear directly in front of Shelley House, will disrupt the rhythm of the group and degrade the impact that Shelley House has within the context of this panorama. Given the high significance of these views and the role they play in understanding the group of listed blocks as a cohesive whole and their context within the wider estate, the impact on long distance views will also cause harm to the significance of the listed building, its group value and its contribution to the character, appearance and wider setting of the conservation area.

Overall therefore, the proposed development will harm the setting and significance of Shelley House as a landmark building within the context of the immediate estate and its wider context. Block A will obscure visibility of Shelley House from many angles both within and outside of the conservation area and serve to compete with its scale, thereby reducing its prominence and significance as a building of special architectural and historic interest, as well its contribution to the significance of the conservation area. For these reasons, it is therefore considered that the proposed development will cause a moderate degree of less than substantial harm to the significance of this listed building. The NPPF therefore requires that harm to be weighed against the public benefits of the proposal.

#### **8.2.8 The Accumulator Tower, Pump House and Workshops**

The accumulator tower, pump house and workshops formed part of an early phase of development in 1947-50 and were listed at grade II in 1998. The site formed the first district heating system in Britain and used waste heat from Battersea Power Station. The building forms part of a group consisting of Chaucer, Coleridge, Keats and Shelley House(s), which are located to the north and east of the accumulator tower and are also listed at grade II.

The 136ft accumulator tower itself remains a highly prominent feature within the local townscape and its significant visual impact remains available from many short and long public and private views, including from the south side of the river from which it projects prominently above the height of the surrounding towers, echoing the housing blocks' distinctive projecting roof level lift machinery and water tanks set within circular drums.

The tower is identified in the adopted conservation area audit as a landmark building 'providing a unique and unusual feature visible from throughout the estate.' This listed building therefore makes a highly significant contribution to the character and appearance of the conservation area.

The significance of the accumulator tower, pump house and workshops is therefore derived from their historic significance as the first district heating system in Britain. They also form part of Powell and Moya's innovative masterplan, which is of high historic and architectural interest. The historic functional relationship between the accumulator tower site and Battersea Power Station is also of significance, and the visual connection between these two tall, prominent landmarks on each side of the river reinforces this connection. The significance of the tower is also derived from its architectural interest as a recognisable landmark feature; its large scale reinforces its visual prominence both within the estate and from longer views. Its distinctive appearance and its translucent form provides interest and contrast to the linear, solid blocks of housing, whilst also echoing the prominent roof level drums of the taller residential blocks. Its group value and relationship to the high rise residential blocks is also of significance. The pump house and workshops are also of architectural interest; the relevant list description quotes Ian Nairn who stated 'The best single building is the crisp and elegant boiler house at the bottom of the big polygonal tower ... the machines and their fine-drawn glass and steel cage which surrounds them are a perfect match.'

The proposed development will cause harm to this significance. Given the significantly lower scale of the buildings which surround the tower to the south and west, the tower currently dominates the immediate townscape and enjoys a wide open vista to the south, from which views of the tower are available. In contrast, the proposed blocks will partially obscure visibility of the tower and reduce its prominence by infilling the existing gap with a seven storey block immediately to its south west. The enlarged Block B (compared to existing Darwin House) will also further degrade the prominence of the tower when viewed from Grosvenor Road, by obscuring it from some vantage points. The tower currently projects above the roofline of Darwin House, forming part of its backdrop from Grosvenor Road which will be lost as a result of the enlarged Block B which will block views of the tower behind, harming its significance as a prominent landmark building.

As described above, the accumulator tower was designed to use waste heat from Battersea Power Station. The functional connection between these two highly prominent and iconic buildings is reinforced by the visual connection which can be appreciated from many viewpoints on Grosvenor Road, from which the two landscape buildings can be viewed in conjunction with each other. The visual connection between these two landmark buildings will be eroded from some viewpoints. The proposed development will therefore degrade this visual connection between the accumulator tower and Battersea Power Station and therefore legibility of their historic connection and significance. The proposed development will therefore cause harm to the significance and setting of the accumulator tower as well as its contribution to the significance of the conservation area. Given the prominence of this recognisable landmark feature and the scale and proximity of the proposed new blocks, the proposed development will cause a moderate degree of less than substantial harm. The NPPF therefore requires that harm to be weighed against the public benefits of the proposal.

### 8.2.9 Long Views and Conservation Area in its Wider Setting

The appearance of the conservation area on the Thames skyline is also of high significance. The adopted conservation area audit identifies several long distance vistas as being of importance, including the view from Chelsea Bridge eastwards towards the estate from which the estate forms a significant landmark on the Thames. The tall blocks, and their value as a cohesive group, can be appreciated from this position and from the south side of the river, with the accumulator tower forming a prominent landmark in the centre of the estate. These long distance views of the conservation area from Chelsea Bridge, the railway bridge and the south side of the river are important in appreciating the estate's architectural significance as a coherent whole, where one can value the integrity of the overall design of the estate as a cumulative sum of several individual blocks, in a way that is not easily appreciable in shorter views. The canopies of the mature trees on Grosvenor Road add an attractive secondary layer below the blocks.

However, at the height proposed, the proposed development will breach the tree canopy height and interrupt the rhythm and significance of the existing skyline when viewed from Chelsea Bridge and the south side of the river as well as from the recognised view that is achieved from trains leaving and arriving at Victoria railway station as they travel across the railway bridge. The insertion of a new block in the position proposed for Block A in particular, will disrupt the rhythm of the existing skyline, creating an incongruous and jarring addition between the existing north to south blocks, which will undermine Powell and Moya's original design aspirations. The development will also erode the prominence of the accumulator tower when viewed from the south side of the river, partially blocking it from view.

Furthermore, the generosity of space between the high-density blocks was evidently a deliberate and inherent aspect of Powell and Moya's masterplan, which sought to retain space between blocks to establish a sense of openness. Pevsner noted that 'the generosity of space [is] still persuasive'. As the adopted conservation area audit identifies, the estate design breaks from traditional street patterns by building upwards in order to maximise the sense of openness and sunlight to the residents by facing east to west. In this respect, the gaps between existing blocks are of significance and will be undermined by the proposal to insert another block within an original gap. However, it is acknowledged that at low level, the landscape character of this gap has been seriously harmed by the development of the 23 garages which occupy the site. The proposal site is not, in this respect, a high quality area of green space which contributes positively to the character and appearance of the conservation area. Notwithstanding this, the original design aspirations remain legible at a high level and the long distance views of the rhythmic layout of the conservation area remain highly significant.

For the reasons set out above, these long distance views are considered to be of high significance. The insertion of new blocks at the height and bulk proposed is considered harmful to the significance of the conservation area and one's ability to understand the overall design integrity and ambition of the estate's architects, which is best appreciated from long distance views. The proposed development is therefore considered harmful to the wider setting and significance of the designated conservation area.

#### 8.2.10 Landscape to the Churchill Gardens Estate

The landscape to the Churchill Gardens Estate was added to the Register of Parks and Gardens at grade II in 2020. The supporting list description clearly sets out the reasons for its significance, namely:

1. Historic interest as a 'scheme which pioneered the use of high density mixed development within a carefully planned urban landscape',
2. Design interest as a 'series of informal gardens set within a formalised plan, blending traditional and modern materials' and as an integral example of the work of pre-eminent architects Powell and Moya in an early phase of their career.
3. Group value with the eight listed buildings which form part of the estate scheme.

However, in the area that the proposal site occupies, the significance of the landscape has been harmed by the development of the garages and Darwin House. Except for the mature trees on Grosvenor Road, the proposal site, which is largely tarmacked and of low design merit, is considered to make a negative contribution to the registered park and garden and is not considered to contribute to its significance. The trees on Grosvenor Road do however contribute to the significance of the landscape as a registered park and garden and are to be retained as part of the development.

The proposed development involves landscaping works in the gap formed between Block A, Block B and Maitland House, as well as the creation of a new community garden fronting on to Grosvenor Road to the south east of the proposal site. Overall, the proposed development represents a significant increase in soft landscaping, trees, and low level planting. The proposal to re-establish an area of greenery between the built forms is in keeping with the original design ambitions of Powell and Moya and will enhance the significance of the landscape as a grade II registered park and garden. The enhanced pedestrian permeability throughout this part of the estate will also have a positive impact on the significance of the landscape and its users.

#### **8.2.11 Design and Heritage Benefits of Proposed Development**

Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. Whilst the proposed development represents wide ranging public benefits that are set out elsewhere in this report as part of the overall planning balance, the following section identified only those benefits that relate to urban design and heritage.

The proposed development offers some notable public realm improvements. As set out above, the demolition of the existing garages, which have a negative impact on the appearance of the conservation area and inhibit permeability through the estate, is supported and represents an opportunity to enhance the significance of the designated conservation area. The removal of existing tarmac throughout the proposal site and the use of higher quality paving materials is supported and will improve accessibility throughout the site. The proposal to landscape the area between the two new blocks and Chaucer House, with the addition of new trees and planting, represents a significant improvement to the visual amenity of this part of the area and wider public benefits for the users of this space. The proposed piazza is designed to encourage users to meet

outdoors and represents a new area for residents to congregate, offering important public benefits for its users. North to south pedestrian permeability will also be improved significantly, allowing a step free access route between Grosvenor Road and Churchill Gardens Road and more flexible movement through the proposal site towards the Thames, enhancing the connection between the two streets. The provision of high quality external furniture such as seating, details of which can be secured via condition, will also help enhance the visual amenity of the area as well as encourage users to congregate within the space. Overall, the visual amenity of the public realm will be improved and will be significantly more accessible than at present.

The proposed development also represents some improvements to the public realm fronting on to Grosvenor Road. A community garden is proposed in the south east corner of the site, in an area which is currently grassed behind a low level railing and in front of a brick wall which has a deadening visual impact from the street, blocking views northwards into the conservation area from street level. The proposal to remove this wall and to reintegrate this area into the landscape proposals, with some views northwards up to the estate between the new buildings reinstated, is a design benefit of the proposal which is supported in principle.

For the reasons set out in the previous section, the proposed development will also enhance the significance of the proposal site as a registered park and garden by reinstating a communal landscaped area between blocks, which is a heritage benefit. It is acknowledged that the design of the new blocks does offer some mitigation measures. For example, the blocks are to be faced in brickwork which will relate to the palette of the existing Powell and Moya blocks and will reflect the linear, north to south form of the existing high rise blocks that are most visible from the river. The horizontal emphasis of the proposed building design, with expressed vertical stairwells, is also reflective of the blocks dating from the first phase of development. The external expression of vertical communal circulation space is a characteristic feature of the original blocks, as well as the recession of balconies into the 'carved mass' of the building. The repetition and stacking of balconies are also reminiscent of Powell and Moya's design motifs. Overall, whilst the height, bulk and location of the new buildings will cause harm to the designated and undesignated heritage assets identified above, the overall design expression of the proposed buildings is considered appropriate to their context.

### **8.2.12 Townscape and Design Conclusion**

In conclusion, the proposed development will disrupt the generous spatial integrity which was inherent to the original masterplan, interrupt the uniformity and rhythm of the existing group of high rise blocks which run north to south towards the Thames, obscure and dominate the appearance of many important views within and towards the conservation area and undermine Powell and Moya's original design ambitions to layer old pre-war buildings alongside modern development. All of these existing features are considered to contribute to the significance of the conservation area. The proposed development is therefore considered to cause a moderate degree of less than substantial harm to the significance of the conservation area and is contrary to policies 38, 39 and 40 of the City Plan 2019- 2040.

The proposed development will also result in the demolition of the Balmoral Castle Public House, which will cause substantial harm to this undesignated heritage asset, but in the context of the impact on the wider conservation area, the degree of harm to the designated heritage asset would equate to less than substantial albeit at a moderate degree given the significance of this important building within the context of the estate. The demolition of the Balmoral Castle Public House is contrary to Policy 39 (K), (L) and (R) of the City Plan 2019- 2040. Policy 39 (L) and (R) require a balanced judgement to be made regarding the scale of any harm or loss of the asset and the benefits of the proposed development.

In addition, the proposed development will cause less than substantial harm to the setting of grade II listed buildings at 105-109 Grosvenor Road, Shelley House, and the Accumulator Tower, which is contrary to Policy 39 (G) and (I) of the City Plan 2019- 2040.

The proposed development will enhance the significance of the landscape as a registered park and garden, which is compliant with DES 12 of the UDP. In this respect, the proposed development is compliant with Policies 39 (Q) and 43 of the City Plan 2019- 2040.

The design of the proposed replacement buildings, in terms of their orientation, overall architectural composition and choice of facing materials does provide some mitigation to the heritage impacts identified, reflecting aspects of the conservation area's character and appearance.

The proposed improvements to the local public realm as set out above offer significant public benefits in compliance with Policy 43, but these improvements are considered insufficient in isolation to outweigh the harm identified above. Therefore the wider public benefits of the proposed development, in conjunction with the urban design and heritage benefits identified above, will need to outweigh the harm caused to the affected heritage assets for this proposal to comply with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 8.3 Residential Amenity

Objections have been received from local residents, particularly those living adjacent in Shelley House and Grosvenor Road, that the proposed development would have an unacceptable impact on their amenity in terms of loss of light, increased sense of enclosure, overshadowing, loss of privacy and overlooking.

City Plan, Policy 7 (Managing development for Westminster's people) part A states: "Developments will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking".

The NPPF states at paragraph 123 c) :

*c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would*

*otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).*

### 8.3.1 Daylight and Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment 'Site layout planning for daylight and sunlight: a guide to good practice' (as revised 2011) (BRE Guidelines), albeit recognising that these Guidelines should be applied flexibly.

Two methods of measurement are recommended to measure daylight impacts in the BRE Guidelines: (1) Vertical Sky Component (VSC); and (2) Daylight Distribution (DD). VSC assesses the quantum of skylight falling on a vertical window and DD (also referred to as No Sky Line or NSL) measures the distribution of direct skylight in a room space.

VSC is calculated from the centre of a window on the outward face and measures the amount of light available on a vertical wall or window following the introduction of visible barriers, such as buildings. The BRE Guidelines suggests that if the VSC is greater than 27%, enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. Should the VSC with development be both less than 27% and less than 0.8 times its former value, occupants of the existing building are likely to notice a reduction in the amount of skylight they receive. The Guidelines say: "the area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time". This form of assessment does not take account of window size, room use, room size, window number or dual aspect rooms.

The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. For the NSL assessment the 'working plane' means a horizontal 'desktop' plane 0.85m in height for residential properties. The NSL divides those areas of the working plane which can receive direct sky light from those which cannot. If a significant area of the working plane receives no direct sky light, then the distribution of daylight in the room will be poor and supplementary electric lighting may be required. The BRE Guidelines state that if the area of a room that does receive direct sky light is reduced by more than 20% of its former value, then this would be noticeable to its occupants. The measurement and plotting of NSL requires the knowledge of the internal room layouts and dimensions.

For daylight to be compliant with the BRE Guidelines both the VSC and NSL tests have to be met. If either or both of the VSC and NSL tests are not met the daylighting is likely to be significantly affected.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly and that in special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified.

The application is accompanied by two Daylight and Sunlight reports prepared by Rapley's. The first considers the impact of the proposals on the existing residential occupiers and the other the level of light that will be received to the proposed accommodation.

### 8.3.2 Daylight Assessment

The existing properties tested for daylight include:

- 105 Grosvenor Road; a three storey residential dwelling located west of the proposed development site;
- 106, 107, 108, 109 & 110a Grosvenor Road; a four storey residential house located west of the proposed development site;
- 111 Grosvenor Road; a three storey residential building containing a house located west of the proposed development site;
- Accumulator Tower; a non-residential building containing an energy plant located east of the proposed development site;
- Anson House; a ten storey residential building containing flats and communal areas located North west in relation to the development site;
- Chaucer House, a nine storey residential building containing flats and communal areas located north of the proposed development site;
- Maitland House; a four storey residential building containing flats and communal areas located north west of the proposed development site; and
- Shelley House; a nine storey residential building containing flats and communal areas located east of the proposed development site.

In total, 793 windows and 597 rooms have been tested.

#### Vertical Sky Component

In terms of the Vertical Sky Component (VSC) results, of the 793 windows tested, 719 meet the BRE recommendations, leaving only 74 falling short. This is an initial pass rate of around 90%. The windows that fall short of the BRE guidelines are within the falling properties:

- Shelley House;
- Maitland House; and
- 105 Grosvenor Road

#### *Shelley House*

Of the 555 windows tested at this property, 489 (around 88%) achieve satisfactory results and good levels of daylight should continue to be received to these windows following the construction of the proposed development. This means that 66 (around 11%) windows fall short of the BRE recommendations for the VSC test.

Of these 66 windows, 49 are secondary windows that serve rooms with other windows that would be considered to be the main window to the room.

This leaves 17 windows falling short of their recommendations. All of these windows achieve a marginal result of no less than 0.70 their former value, against a target of 0.8. Given the urban location, it is considered that these results are acceptable.

#### *105 Grosvenor Road*

The VSC results for this property are satisfactory, with the exception of 4 windows.

The report identifies that of these 4 windows, 2 serve non-habitable rooms (bathrooms), 1 is a secondary window that serves a room with another window, and the other is 1 of 5 windows to a conservatory.

The occupier of this property objects and highlights that the report inaccurately labels one of the windows as a non-habitable room/ bathroom (3<sup>rd</sup> floor flank elevation) when in fact it serves a bedroom. On review of the report's window identification drawings, it would appear that this bedroom window is also a secondary window and the bedroom is served by another window in the rear elevation.

All other windows including the properties principal windows are not affected. Overall, the impact on this property is considered minor.

#### *Maitland House*

The VSC results for this property are satisfactory, with the exception of 2 windows. The results for both of these windows are marginal (before/after ratios of 0.78 - against the BRE target of 0.8). Given the urban location of the proposed development, it is considered that these results are acceptable.

#### Daylight Distribution

The results for the Daylight Distribution test demonstrate that of the 597 rooms tested that only 5 fall short of their targets (when ignoring commercial rooms), this gives a compliance rate of around 99%. The report finds that these 5 windows all serve non-habitable rooms or are rooms within a non-residential building.

### **8.3.3 Sunlight**

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months (winter PSH). As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The results of the Annual Probable Sunlight Hours test (APSH) demonstrate that of the 665 windows tested for sunlight 5 fall short of their requirements, giving a compliance rate of around 99%.

It should be noted that this test only applies to living rooms (or conservatories or places with a specific need for sunlight). The 5 affected windows all do not serve living rooms and therefore can be removed from further consideration

### **8.3.4 Overshadowing to gardens and open spaces**

Of the 9 neighbouring amenity spaces tested 7 meet the BRE requirements, leaving 2 falling short. These are located at 105 & 108 Grosvenor Road. Both of these spaces fall short of their targets as their sunlight availability before the development is low. Therefore, the small impact the development has on these gardens creates a larger than normal comparative impact.

The garden at 105 would lose 0.83m<sup>2</sup> of sunlight as a result of the development and 108 would lose a marginal 0.05m<sup>2</sup>. It is considered that this light loss is so small that it would unlikely be noticeable or fundamentally change the way in which the space is presently used.

### **8.3.5 Daylight and Sunlight Conclusions**

It is apparent from the data within the submitted daylight and sunlight report and as summarised above, the development will have a minor impact, with some losses demonstrated particularly to Shelly House, Maitland House, and 105 Grosvenor Road. The BRE notes that their guidelines should be applied flexibly and having regard to the context of the site. While the losses to surrounding properties are regrettable, they are considered acceptable, given the urban context, current very low level of development on the site and the considerable regeneration and housing benefits that this scheme will deliver.

### **8.3.6 Light to Proposed Accommodation**

The application is also accompanied by a Daylight and Sunlight report that assesses the level of light that will be received to the proposed accommodation. The report assesses 104 residential windows within the development.

The report assesses the habitable rooms of the proposed development for daylight and notes that of the assessed rooms 68% achieve or are very close to achieving the advised BRE standard, which is a good standard.

The report notes a low level of compliance for direct sunlight, but the retention of the substantial mature trees on the site naturally limits the results in this regard. The overall results are considered in the context of the amenity space that is provided for each flat through the provision of substantial private balconies.

It is also noted that the development proposals achieve passivehaus standard. In order to achieve this there is a need to strike a balance between the direct light received and the need to restrict overheating. The balconies themselves and overhanging walkways are an integral part of the passivehaus design, as they restrict the direct sunlight that results in overheating.

It is considered, having regard to the overall standard of accommodation that the levels of light received are acceptable.

### **8.3.7 Sense of enclosure**

Objections have been received, primarily from residents in Shelley House, that

proposed Block A would adversely affect residents in terms of an increased sense of enclosure.

The orientation of Block A runs parallel to that of Shelley House to the east and is to be seven storeys in height with a flat roof, which is approximately 7m lower in height than nine storey Shelley House.

The proposed separation distance between Block A and Shelley House would measure approximately 38m. This is a shorter separation distance compared to the distance between the other taller flats elsewhere in the estate. Shelley House residents currently enjoy an open outlook looking westwards. Block A will be positioned directly in front of the west elevation of Shelley House and its impact in terms of increased sense of enclosure, is likely to be greater than anywhere elsewhere on the Estate. As such, it is considered that the proposals are unneighbourly given the distance between Block A and Shelley House.

Given the bulk and height of Block A and its proximity to Shelly House, the proposals are likely to result in an increased sense of enclosure to residents of Shelley House which is regrettable. This is weighed in the overall balance with the considerable regeneration and housing benefits that this scheme will deliver.

#### **8.3.8 Privacy**

The proposed blocks include windows and inset balconies on both elevations. Similarly, the adjacent residential blocks have windows balconies/terraces and therefore there will be a degree of mutual overlooking as a result of the proposals. In relation to the proposed balconies, the benefits of providing these outside areas for the proposed flats is considered to outweigh the harm from potential noise, disturbance and overlooking. The impact in terms of increased overlooking from windows will be similar to many an urban context and is not considered unacceptable in this location.

#### **8.3.9 Amenity of proposed units/ Noise**

City Plan, Policy 33 (Local Environmental Impacts) requires developments to prevent adverse effects on noise and vibration and improve the noise environment in compliance with the Council's Noise Thresholds.

This application is accompanied by a Noise Impact Assessment, prepared by RPS. A baseline noise survey was conducted on site in order to capture the noise climate from the surrounding road traffic and any other surrounding noise sources. The report identifies that the dominant noise source in the vicinity of the development site during the daytime and night-time period is considered to be the road traffic on Grosvenor Road and operation noise related to the operation of the Pimlico District Heating Unit (PDHU) facility to the east of the Site.

The report further identifies that the existing nearest noise sensitive receptors are the residential dwellings to the west of the site on Grosvenor Road and Shelley House to the east. The report also identifies that the proposed residential dwellings of the development are also considered as noise sensitive receptors for the purpose of this assessment.

The report concludes that internal and external sound levels will meet the relevant guideline's values. With regard to the noise generated by the PDHU facility, which operates 24/7, it is not possible to mitigate the plant noise emissions at the various sources. Through the provision of appropriate façade design to control internal noise levels within the proposed development, it is considered that the noise of the plant will be adequately mitigated. The application is further accompanied by a Plant Noise Assessment Report, prepared by Ramboll, which assessed the noise generating from the PDHU.

Environmental Sciences has reviewed the Noise Assessment and has no objection subject to conditions to protect the development from external noise.

#### **8.4 Transportation/Parking**

The proposal includes 10 car parking spaces. This includes 4 replacement on-street estate car parking spaces and 6 accessible wheelchair parking spaces. A designated ambulance drop off space is also proposed.

Objections have been received from local residents on grounds that the proposals would increase on-street parking pressures in an area where residents say there is already a 2 year waiting list for residents to obtain parking permits. They also consider that the development, if allowed, should be secured as car free so that residents cannot apply for a parking permit. Ward Cllrs Begum and Talukder raise similar concerns and advise that Intermediate Block B should be truly car-free (without the ability to apply for parking permits).

The Highways Planning Manager has also raised an objection to the proposed development due to the lack of proposed parking for the new residential units.

##### **8.4.1 Loss of Car Parking**

It is acknowledged that the existing site has existing car parking. The applicant indicates there are 23 existing garages and 6 on-street estate car parking spaces. The applicant states that the existing garages are not used for car parking but up to 18 garages are in use by local residents, which demonstrates a demand for car parking in the local area. The evidence of the council's most recent night time parking survey indicates that parking in the area is above stress levels.

The City Plan 2019-2040 states that development should be predominantly car free, but does also seek to ensure that parking stress is not exacerbated above stress levels. It states that in stress areas, mitigation measures will be expected to off-set the impact of increased parking stress. It notes that as a minimum, lifetime car club membership should be provided.

The Highways Planning Manager has confirmed that this is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers and assist in not increasing on-street parking stress further. This should be secured by a unilateral undertaking, to ensure that it is provided for each of the flats. Many objections have requested that should permission be granted, the development should be 'car free', to ensure occupiers cannot apply for a parking permit. While this would address the

shortfall in parking, this is not set out within adopted or emerging local policies.

On balance, it is considered that benefits of providing additional residential units, and affordable housing, outweigh the increased parking pressure that the development would likely have on the highway network, subject to the securing of lifetime car club membership for each of the proposed units.

#### **8.4.2 Cycle Parking**

80 cycle parking spaces are proposed which is compliant with London Plan requirements and is secured by condition.

#### **8.4.3 Walkway/ Pedestrian Link to Grosvenor Road**

The proposal creates a new pedestrian link through the site from Churchill Gardens Road to Grosvenor Road. This link is welcomed as it improves the quality of the pedestrian and street environment. To ensure the benefit of this new link, a Walkways Agreement is to be secured by unilateral undertaking to ensure a through route is retained and is accessible to all.

#### **8.4.4 Servicing**

The largest regular service vehicle expected to be associated with a residential development in this location is the refuse collection vehicle. It is accepted that the internal access road is sufficient to accommodate servicing of the new residential development, including refuse collection. Further, the site is located within a Controlled Parking Zone, which means that single yellow lines in the vicinity allow loading and unloading to occur.

#### **8.5 Economic Considerations**

Westminster Economy Team have indicated that the scheme triggers a financial contribution of £6954 to the Westminster Employment Service.

Any economic benefits that the scheme delivers are most welcomed including a clause within the unilateral undertaking for the provision of an employment training, skills and apprenticeships opportunities for residents of Westminster in relation to the construction phase of the development.

#### **8.6 Access**

Level access is provided to the building entrances. The scheme also provides six wheelchair apartments which have been designed to be compliant with Part M4 (3) "wheelchair accessible units". The remainder of the units will be M4 (2) "accessible and adaptable dwellings". Given the nature of the proposal, the six M4 (3) units will be wholly located within Block A, where the demand for such units is likely to be greater. The scheme also proposes 6 disabled parking spaces.

## 8.7 Other UDP/Westminster Policy Considerations

### 8.7.1 Refuse /Recycling

The provision for the storage of waste and recyclable materials for the development is acceptable and is to be secured by condition.

### 8.7.2 Trees

There are a number of trees on the Churchill Gardens site which are affected by the development. The trees are owned and managed by Westminster and are protected by virtue of their location within the Churchill Gardens conservation area.

The most significant trees directly affected by the development are T12, one lime, and T13 and T14, two London planes, all located on the southern boundary with Grosvenor Road. T4, T6 and T7, three sycamores, are located internally within Churchill Gardens and are also directly affected.

There is a risk of harm to trees and in particular to the two mature London plane trees. However, the Arboricultural Impact Assessment proposes thorough tree protection measures and it is considered that this risk can be mitigated subject to appropriate conditions.

The proposed development involves landscaping works in the gap formed between Block A, Block B and Maitland House, as well as the creation of a new community garden fronting on to Grosvenor Road to the south east of the proposal site. Overall, the proposed development represents a significant increase in soft landscaping, trees and low level planting.

It is recommended that landscaping details are secured by condition. Tree species should be chosen to maximise canopy cover. A variety of species would be welcomed. The existing tree stock on Churchill Gardens includes a very broad range of species. The development presents an opportunity to select high amenity tree species, which are perhaps less commonly planted. There may be opportunities to incorporate additional trees, for example to the south of block B, on the Grosvenor Road frontage.

### 8.7.3 Biodiversity

The application is supported by way of an Ecological Appraisal report. The Balmoral Castle Public House and Darwin House are identified as having moderate and low potential to support roosting bats, and the scattered trees on the site have the potential to be used by bats for commuting and foraging.

A pre-commencement condition is therefore recommended that no development shall take place until a Bat Survey has been carried out and submitted to the council for approval in consultation with Natural England.

### 8.7.4 Sustainability

Westminster City Council declared a climate emergency in September 2019 and committed to becoming climate neutral as a borough by 2040. Energy efficiency and low carbon design are therefore key considerations for developments across the borough.

The scheme is compliant with the London Plan's zero carbon requirement, which relies on carbon offsetting. However, the ambition on the scheme was far higher and it aimed to achieve Net Zero Carbon on-site including all energy uses and without relying on offsets. The scheme achieved a great result but fell a bit short of this best practice target. The level achieved was possible as the scheme is exemplar in many respects:

- i. Energy efficiency: the scheme is targeting Passivhaus with exemplar levels of insulation and airtightness, triple glazed windows, and heat recovery ventilation throughout.
- ii. No use of fossil fuel on site and low carbon heat: the flats will be heated by individual exhaust air source heat pumps.
- iii. Renewable energy generation: Blocks A and B are predicted to generate over the year an amount of electricity equivalent to respectively 77% and 81% of their total annual energy use. This is very close to the figure of 100% required to achieve Net Zero Carbon on site and currently represent very best practice across London.
- iv. Demand flexibility: each flat will have an individual hot water tank and should be able to benefit from lower, flexible electricity tariffs, helping to manage electricity demand and reduce energy costs for the residents.

Despite the above measures taken to ensure the most sustainable, energy efficient building is provided, the remaining regulated carbon emissions associated with the site's residential element are therefore offset through a carbon offsetting contribution to the value of £21,090. This is based on the recommendations of the Greater London Authority of a carbon offset fund of £95/tonne for a period of 30 years. This is to be secured via Unilateral Undertaking.

#### Refurbishment of Darwin House

Objections have been received on the grounds that it would be more sustainable to refurbish Darwin House rather than demolish and replace it with a new building.

The applicant advises that refurbishment of Darwin House would be difficult and if they were to refurbish Darwin House instead of building new community supported homes, they would only be able to deliver 14 homes to modern standards within the current building, as opposed to 34 new homes in the replacement building.

The applicant states that refurbishment of Darwin House would require Darwin residents to move twice instead of once, which would be disruptive, particularly for those with health care needs.

The applicant also advises that it would be difficult to bring the building up to new environmental standards, and the council must consider energy use and sustainability

over the full lifetime of the building, and create homes that are made to last.

For these reasons, the applicant has decided to propose a new building, rather than refurbish the current one.

#### **8.8 Westminster City Plan**

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### **8.9 Neighbourhood Plans**

The site is located outside of an area with an adopted Neighbourhood Plan.

#### **8.10 London Plan**

This application is considered to be in accordance with the London Plan unless otherwise outlined within this report.

#### **8.11 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 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 following conditions:

- i. Method Statement of measures to protect trees on and close to the site;
- ii. Phasing plans;
- iii. Contaminated land;
- iv. Bat survey;
- v. 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 these conditions.

## 8.12 Planning Obligations

The draft 'Heads' of unilateral undertaking are proposed to cover the following issues:

- a) provision of the 52 x residential units as Community Supported Social Rented Housing (34 x 1 bedroom flats in Block A) and Intermediate Rented Housing (18 x 1 bedroom flats in Block B) in accordance with the affordability criteria specified by the Housing Development Manager;
- b) provision of car club membership for 25 years for each residential flat;
- c) walkways agreement to secure access through the site;
- d) a contribution of ££21,090 (index linked) to the Carbon Off-set fund;
- e) a financial contribution of £6954 to the Westminster Employment Service (index linked and payable on commencement of development) and;
- f) the cost of monitoring the agreement.

## 8.13 Environmental Impact Assessment

The proposals do not meet the threshold and criteria to constitute EIA development.

## 8.14 Other Issues

### 8.14.1 Construction impact

Concerns have been raised in relation to disturbance as a result of construction. Given the scale of the proposed development, it will inevitably have an impact on the surrounding environment, however this is not a ground for refusing planning permission. In order to mitigate the construction impacts the Council has adopted its Code of Construction Practice, which requires developments of this nature to submit details of how the construction phase of the development will be managed. This is to be secured by condition. It is also recommended that the applicant is advised of the Considerate Contractors scheme by way of an informative, which also seeks to ensure that developments are undertaken in a way as to reduce their impact and to work with surrounding occupiers. Subject to this condition and informative, the proposals are considered acceptable.

### 8.14.2 Statement of Community Involvement

The Applicant advises that they have undertaken extensive pre-application engagement with the local community. WCC undertook a 'Listening and Initial Engagement' exercise in July 2019 which involved talking to key stakeholders in the community with an interest in the project. This included engagement with the Resident's Association, Darwin House residents and the residents of Shelley House. The Applicant held two drop-in sessions on the design of the proposals at their early stages, providing the residents an opportunity to share their aspirations for the proposal. An additional series of drop in sessions were ran between September and October 2019 at the request of the Community.

A formal public consultation event was held in February 2020. An invitation to the event was sent to approximately 1,800 residents across the estate and surrounding area. Invitations were also sent to local schools, businesses and lease holders who did not live

on the estate. A public consultation event was held over three days at varying times to ensure it was accessible to as many people as possible.

In light of the Covid-19 Global Pandemic, a further and final consultation stage on the application was held electronically. The consultation exercise included four different ways for people to give feedback on the proposal. This included post, email, phone and through an online feedback form. Key stakeholders were offered a virtual meeting and a dedicated website was created which displayed the proposals. All residents across the estate were sent a leaflet outlining the consultation process and ways in which they could provide feedback on the proposal.

This application is also accompanied by a Statement of Community Involvement, which details all the engagement with the local residents undertaken by Westminster City Council prior to the submission of this application. The Statement of Community Involvement demonstrates that over the year the Applicant has spoken to over 500 residents in person and online. Following the consultation event, the Applicant team have collected more than 150 formal comments on the proposal which have fed into the design development of the Scheme. Notwithstanding the Covid-19 Pandemic, the adaptable nature of the consultation exercise undertaken by the Applicant team, has ensured that the team have consulted everyone who has wished to be participate despite the social distancing that has been put in place. Through effective engagement throughout the development process, at the final round of engagement 50% felt positively towards of the Site's redevelopment, 28% were opposed and 22% left neutral feedback.

#### **8.14.3 Air Quality**

Objections have been raised in relation to air quality. The application is supported by way of an Air Quality Assessment that considers the air quality impacts from the construction phase and once the proposed development is operational. The council's Environmental Sciences officer has reviewed the Air Quality Assessment and raise no objection.

#### **8.14.4 Contaminated Land**

A contaminated land assessment is recommended to be secured by condition.

#### **8.14.5 Flood Risk**

The application is supported with a Flood Risk Assessment (FRA). The site is located within Flood Zone 3 but within an area which benefits from flood defences. The site is also located within a Rapid Inundation Flood Zone, which represents that flooding would occur in the first hour in the unlikely event that the Thames flood defences were breached. The Environment Agency has been consulted and raises no objection to the proposals on flood risk grounds.

#### **8.14.6 Archaeology**

The application is supported with an Archaeological Desk Based Assessment Report. Historic England (Greater London Archaeology Advisory Service) advise that the

development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.

#### 8.14.7 Wind

London Plan Policy D8 (Public Realm) states that to provide suitable areas of public realm, development proposals should ensure microclimatic considerations, including wind are taken into account.

The application is supported with a Pedestrian Level Wind Microclimate Assessment. The report identifies that the meteorological data for the site indicates prevailing winds from the south-west quadrant throughout the year with secondary winds from the north-east direction which are more prevalent during the spring months. With regard to a baseline scenario, the report further identifies that wind conditions would range from suitable for sitting to strolling use during the windiest season. During summer season, wind conditions would generally be one category calmer and thus a larger area of the site would fulfil the sitting use criteria.

The report concludes that within the proposed Development, the wind conditions would remain largely similar to the baseline scenario as the scheme of the proposed development massing is similar to the immediate surrounding buildings, which would offer shelter from the prevailing wind direction. Wind conditions on thoroughfares at entrances and bus stops would be suitable for the intended use during the widest season. During the summer season, the report identifies that the amenity spaces including the shared communal areas at ground and balconies would have wind conditions ranging from sitting to standing use, which are generally suitable for mixed-use amenity spaces. The report concludes that no instances of strong winds exceeding the 15m/s for more than 2.2 hours per year threshold would be expected within the Proposed Development. As such, the proposal is considered to comply with the London Plan policy requirement.

### 9. Conclusion - Planning Balance

The residential redevelopment of this site will meet the objectives of national, regional, and local planning policies that seek to intensify the use of land and optimise the delivery of new homes. The new development will generate a number of public benefits as a result.

It has been identified in section 8.2 of this report that the proposals will result in less than substantial harm to various designated heritage assets, as well as harming undesignated heritage assets, in and around the development site.

It has also been identified in section 8.3 that the proposals are likely to harm the amenity of residents in Shelley House and result in an increased sense of enclosure given the bulk and height of Block A and its proximity to Shelley House. There will also be a loss of light to some properties.

However, there are significant public benefits that should be attached weight in the determination of the proposals.

These can be summarised as follows:

- The proposals optimise a previously developed site through the delivery of high quality residential accommodation;
- Replaces current sub-standard Community Support Housing accommodation within the existing Darwin House with high quality accommodation which achieves HAPPI standards – this represents a substantial increase in affordable housing floorspace;
- The new intermediate affordable housing is of a high quality, which is both a national and local strategic priority and contributes to the local authority's housing need, specifically the Council's affordable housing needs;
- Delivers additional Community Supported Affordable Housing and Intermediate Affordable Housing (21 homes);
- All accommodation to be delivered is affordable housing (100%);
- Delivers new highly energy efficient buildings which achieve Passivhaus principles and are close to net zero carbon;
- Provides a new Public Open Space for existing and proposed residents that is extensively landscaped as well as a pedestrian route through the site.

The proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. The proposed development does, however, comply with policies which seeks to optimise housing delivery and to optimise the delivery of new affordable homes. In taking an overall view, and for the reasons set out in this report, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. There are also other significant public benefits arising from the proposed development that are material considerations, namely the delivery of Community Supported Affordable Housing, the provision of 100% on-site affordable housing and public realm improvements. The proposed development would also meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK

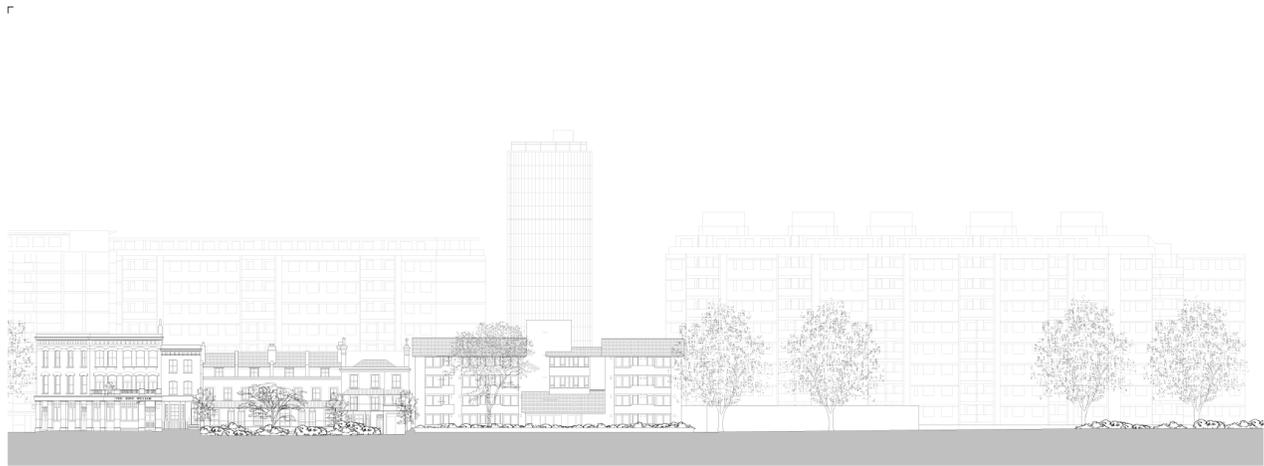
9. KEY DRAWINGS



1 Existing Site Block Plan  
1:500

Existing block plan





① Grosvenor Road Elevation - Existing  
17.256



② Grosvenor Road Elevation - Proposed  
17.256

Existing and proposed Grosvenor Road elevations



1 Proposed Ground Floor Plan  
1 : 200

Proposed ground floor plan



1B HAPPI Flat Type 1  
1:50



1B HAPPI Flat Type 2a  
1:50



1B HAPPI Flat Type 3  
1:50



1B HAPPI Flat Type 2b  
1:50

Block A - Community Supported Housing Flat Type Layouts

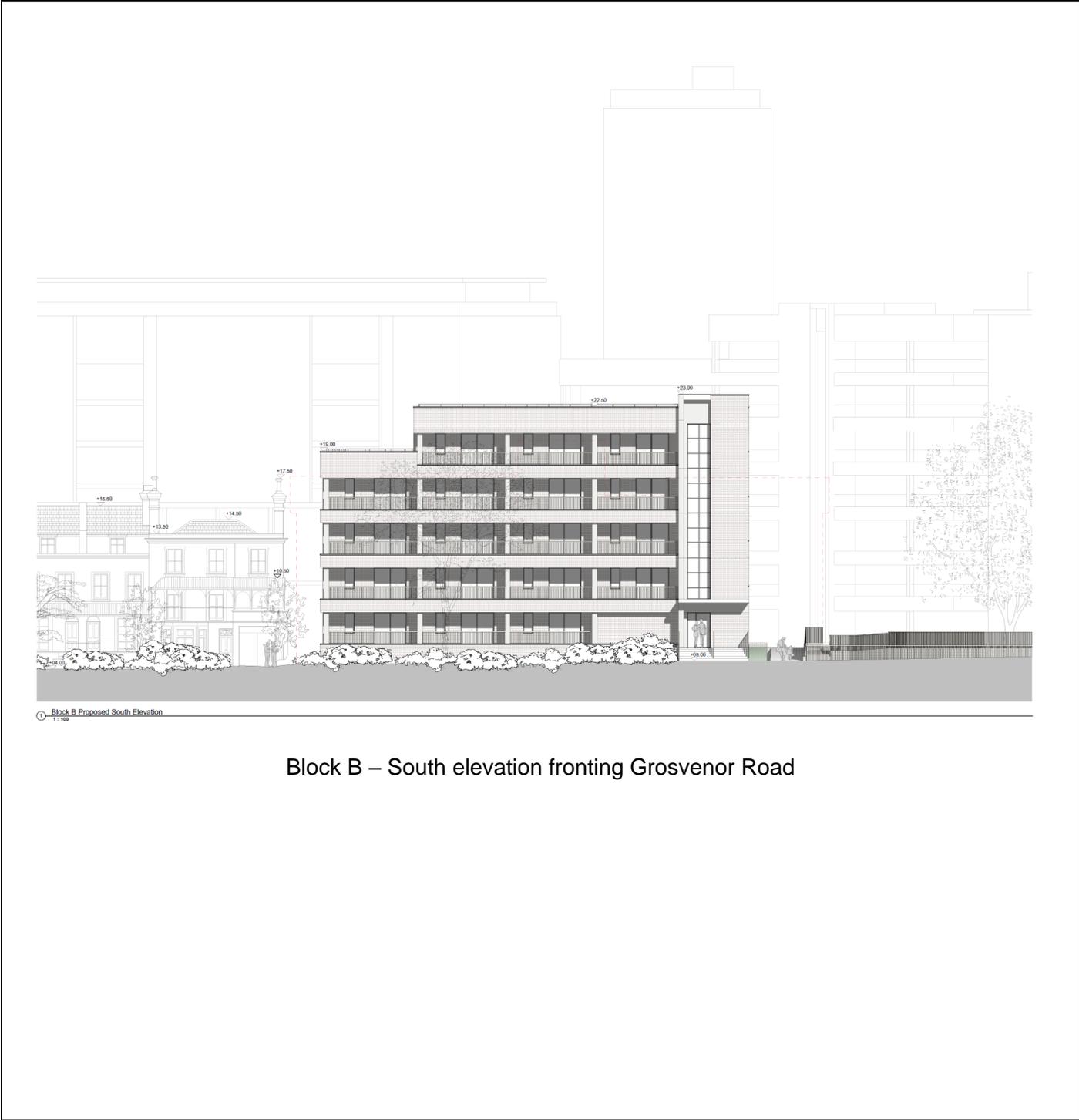


① 1B2P - Flat Type 4  
1:1.50



① 1B2P - Flat Type 5  
1:1.50

Block A – Intermediate Housing Flat Type Layouts



Block B – South elevation fronting Grosvenor Road



① Block A Proposed West Elevation  
1:100

Block A – Proposed west elevation



Perspective looking south west from Churchill Gardens Road



Perspective view of Block A looking south west from 7<sup>th</sup> floor balcony of Shelley House



Perspective view of central courtyard



Perspective view of Block B Intermediate homes from Grosvenor Road

**DRAFT DECISION LETTER**

- Address:** Darwin House, 104 Grosvenor Road, London, SW1V 3LH
- Proposal:** Redevelopment of the site on a phased basis. Phase 1 - Demolition of 23 garages and former Balmoral Castle Public House. Phase 2 - Erection of a part seven storey, part six storey and part five storey building to provide community supporting housing (Class C3) (Block A). Phase 3 - Demolition of Darwin House. Phase 4 - Erection of part five storey and part four storey building to provide housing (Class C3) (Block B). All together with new public open space, hard and soft landscaping, car parking, cycle parking, plant and other associated works in each phase.
- Reference:** 20/06899/COFUL
- Plan Nos:**
- 3640-LB-ZZ-ZZ-DR A-101000 Existing Site Location Plan
  - 3640-LB-ZZ-ZZ-DR-A-101001 Existing Site Block Plan
  - 3640-LB-XX-XX-DR-A-104000 Existing Site Elevations - 1 of 2
  - 3640-LB-XX-XX-DR-A-104001 Existing Site Elevations - 2 of 2
  - 3640-LB-ZZ-ZZ-DR-A-110000 Proposed Site Location Plan
  - 3640-LB-ZZ-ZZ-DR-A-110001 Proposed Site Block Plan
  - 3640-LB-ZZ-00-DR-A-120000 Ground Floor Plan
  - 3640-LB-ZZ-00-DR-A-120001 First Floor Plan
  - 3640-LB-ZZ-00-DR-A-120002 Second Floor Plan
  - 3640-LB-ZZ-00-DR-A-120003 Third Floor Plan
  - 3640-LB-ZZ-00-DR-A-120004 Fourth Floor Plan
  - 3640-LB-ZZ-00-DR-A-120005 Fifth Floor Plan
  - 3640-LB-ZZ-00-DR-A-120006 Sixth Floor Plan
  - 3640-LB-ZZ-00-DR-A-120007 Roof Plan
  - 3640-LB-ZA-ZZ-DR-A-130000 Block A Proposed East Elevation
  - 3640-LB-ZA-ZZ-DR-A-130001 Block A Proposed North & South Elevation
  - 3640-LB-ZA-ZZ-DR-A-130002 Block A Proposed West Elevation
  - 3640-LB-ZA-ZZ-DR-A-130003 Block A Proposed North Elevation
  - 3640-LB-ZA-ZZ-DR-A-130004 Block A Proposed West & East Elevation
  - 3640-LB-ZA-ZZ-DR-A-130005 Block A Proposed South Elevation
  - 3640-LB-ZA-ZZ-DR-A-130006 Grosvenor Road Street Elevation - Existing & Proposed
  - 3640-LB-ZA-ZZ-DR-A-140000 Block A Proposed Section 1
  - 3640-LB-ZA-ZZ-DR-A-140001 Block A Proposed Section 2 & 3
  - 3640-LB-ZA-ZZ-DR-A-140002 Block B Proposed Section 1
  - 3640-LB-ZA-ZZ-DR-A-140003 Block B Proposed 2 & 3
  - 3640-LB-ZZ-ZZ-DR-A-158000 Site Demolition Plan
  - 3640-LB-ZA-ZZ-DR-A-300000 Block A Flat Layouts
  - 3640-LB-ZB-ZZ-DR-A-300001 Block B Flat Layouts
  - 3640-LB-ZZ-00-DO-A-412001 P2 Refuse Strategy
- Planning Statement, prepared by Montagu Evans LLP;  
 Design and Access Statement incl. Crime Prevention Statement, prepared by Levitt Bernstein;  
 Heritage, Townscape and Visual Impact Assessment, prepared by Montagu Evans LLP  
 Daylight and Sunlight Assessment (proposed accommodation), prepared by

Item No.
<b>2</b>

Rapleys;  
 Flood Risk Assessment, prepared by RPS;  
 Foul and Surface Water Drainage Assessment prepared by RPS;  
 Energy Assessment, prepared by Etude;  
 Overheating Assessment, prepared by RPS;  
 Air Quality Assessment, prepared by RPS;  
 Air Quality Neutral Assessment, prepared by RPS;  
 Noise Impact Assessment, prepared by RPS;  
 Transport Statement, prepared by RPS;  
 Arboriculture Impact and Method Statement, prepared by RPS;  
 Statement of Community Involvement, prepared by Westminster City Council;  
 Pedestrian Level Wind Microclimate Report, prepared by RWDI;  
 Tree Survey, prepared by RPS;  
 Preliminary Ecological Appraisal, prepared by RPS;  
 UXO Survey Assessment, prepared by RPS  
 Utilities Survey, prepared by RPS;  
 Archaeological Desk Based Assessment, prepared by RPS; and  
 Sunlight Daylight Assessment (adjoining properties), prepared by Rapleys.

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641  
07866038730

**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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies. (C26OA)

Reason:  
To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades (including courtyard facing elevations and structures) of Block A and Block B to indicate the following:
  - 1) windows;
  - 2) external doors;
  - 3) cills and reveals;
  - 4) interfaces with windows;
  - 5) entrance canopies
  - 6) interfaces with architectural metalwork;
  - 7) ventilation and other services terminations at façade;
  - 8) railings and balustrades;

- 9) integral external lighting;
- 10) PV panels,

Reason:

To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must apply to us for approval of samples of the hard landscaping materials you will use, including 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 improve the appearance of the development and its contribution to the character and appearance of the Churchill Gardens Conservation Area and the Churchill Gardens landscape as a grade II Registered Park and Garden. This is as set out in Policies 38, 39, 40 and 43 of the City Plan 2019 - 2040 (April 2021).

- 8 You must apply to us for approval of details (1:20 and 1:10) of the following parts of the development:
1. External seating
  2. Bollards
  3. Public realm lighting
  4. Gates
  5. Railings and boundary treatments
  6. External steps and walls
- You must not start any work on these parts of the development until we have approved what you have sent us.  
You must then carry out the work according to these details. (C26DB)

Reason:

To improve the appearance of the development and its contribution to the character and appearance of the Churchill Gardens Conservation Area and the Churchill Gardens landscape as a grade II Registered Park and Garden. This is as set out in Policies 38, 39, 40 and 43 of the City Plan 2019 - 2040 (April 2021).

- 9 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 **Pre Commencement Condition.** 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 11 **Pre Commencement Condition.** Prior to the commencement of development (including any demolition or site clearance), a phasing plan for the development proposal, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved phasing plans.

Reason:

In the interests of proper planning, for the purposes of CIL and to ensure that the planning benefits of the scheme are delivered in accordance with the approved development.

- 12 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 13 You must provide each car parking space shown on the approved drawings prior to occupation of the development and thereafter permanently retain them. Each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22BC)

- 14 Prior to occupation of the development electric vehicle charge points (EVCPs) shall be installed for a minimum of 6 of the car parking spaces. These charging points shall not be removed unless authorised by the City Council as local planning authority and maintained in working order for the lifetime of the development.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with Policy 26 of the City Plan 2019 - 2040 (April 2021). (R22BC)

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 3640-LB-ZZ-00-DO-A-412001 P2 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the buildings. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 16 **Pre Commencement Condition:** Notwithstanding the submitted details, 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.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 17 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 in writing what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing).  
If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To protect the trees and the character and appearance of this part of the Churchill Gardens Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 18 You must apply to us for approval of detail of any foundations or surfacing within tree root protection areas. The details must include existing and proposed section drawings and must demonstrate the surfacing and foundations will not cause any harm to tree roots. You must start any work on the relevant parts of the development until we have approved what you have sent us. You must then construct the foundations and surfacing according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Churchill Gardens Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 19 **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 1, 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.
- 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 in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18BB)

- 20 (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 in writing 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 in writing 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 written approval by the City Council. Your submission of a noise report must include;

- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.
- (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 21 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

- 22 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49AB)

- 23 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 20 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 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 22 of this permission. You must not start work on this part of the development until we have approved in writing 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. (C51BB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 25 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. Where appropriate, details of a programme for delivering related positive public benefits.
- C. 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 Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 26 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., , Photovoltaic panels, , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 27 Prior to the occupation of the development, a suitably qualified independent review of the energy efficiency measures to be provided within the development shall be provided to the Local Planning Authority. This shall confirm that the building has been designed to Passivhaus standards. If another method is used, it must be demonstrated to achieve an equally high standard. All the energy efficiency measures referred to in the review shall be installed and function before first occupation of the building. The features shall be maintained and retained for the lifetime of the development.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 28 **Pre Commencement Condition.** You must apply to us for approval of details of the action you will take to protect bats in the area around the development. 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 reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

### 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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).  
**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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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 at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)
- 3 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide ([www.cae.org.uk](http://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](http://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 email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
- 5 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 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 email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). 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).
- 7 When you apply to us for approval under condition C31CC you must include:
  - o Specific details of the type of ground protection to be used in each area/at each stage of the development,
  - o Details of the site set up including the site compounds, materials storage and welfare areas.,
  - o Provision within the arboricultural supervision schedule to send a written report to the Council's arboricultural officer within 5 days of each site visit.
- 8 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974). British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 9 Under the Construction (Design and Management) Regulations 2015, 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](http://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.
- 10 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.
- 11 Conditions 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)
- 12 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation

measures installed are in operation, e.g. windows kept closed and mechanical ventilation utilised.

- 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.
- 14 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](http://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: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) , Forms can be submitted to [CIL@Westminster.gov.uk](mailto: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.**
- 15 Thames water note the following: 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-largesite/Planning-your-development/Working-near-or-diverting-our-pipes> , The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. 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-your-development/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

This page is intentionally left blank

# Agenda Item 3

Item No.
----------

3
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 8 <sup>th</sup> June 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>50 Eastbourne Terrace, London, W2 6LG</b>		
<b>Proposal</b>	Change of use of Retails Units at ground and lower ground floor level along Craven Road from Classes A1/A2/A3 to Gym, Retail and or Restaurant (Class E).		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	CSHV		
<b>Registered Number</b>	21/00264/FULL	<b>Date amended/ completed</b>	15 January 2021
<b>Date Application Received</b>	15 January 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	The site is located outside of a conservation area, but borders the Bayswater Conservation Area.		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

The proposed Gym, Retail and Restaurant uses (Class E- Commercial, Business and Service) are considered to be appropriate uses within this site, which is located within the Paddington Opportunity Area, North Westminster Economic Development Area and within the Praed Street Shopping Centre.

The key issue is the potential impact on the amenities of residents within the vicinity of the site.

The objections raised by the South East Bayswater Residents Association and residents of Chilworth Mews, are considered to be adequately addressed by conditions, to ensure that the uses are able to function without any significant detrimental impact on resident's amenities. On this basis, the proposal is considered to satisfy the relevant policies of our City Plan and a favourable recommendation is given.

3. LOCATION PLAN



4. PHOTOGRAPHS



50 EASTBOURNE TERRACE- CORNER OF CRAVEN ROAD AND EASTBOURNE TERRACE.

## 5. CONSULTATIONS

### COUNCILLORS FOR HYDE PARK WARD

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH

No objection, subject to conditions.

### HIGHWAYS PLANNING

No objection, subject to conditions.

### WASTE PROJECT MANAGER

Objection. Further Details Required but could be required by condition. Although, the waste storage was indicated at the lower ground level, the drawing and the waste detail submitted are not in line with the council waste storage requirements. Applicant will need to submit revised lower ground level drawing to include the following: Provide storage provision for food waste and label the food waste bins as O on the drawing; Class E uses is a broad use that include use for medical facilities. Therefore, applicant will need to provide separate storage for clinical or medical waste. The storage area needs to be labelled as clinical waste.

### PADDINGTON BID

Any response to be reported verbally.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (SEBRA)

Objection.

- Gym will add to footfall, cycles and cars in Craven Road and Chilworth Mews (can park on single yellow line before 08.30). 06.00 opening Monday to Friday is too early, earlier than for the permitted uses (07.00) and most shops in the area are not open at 06.00.
- Points raised by residents should be given careful consideration.
- Conditions should be considered to mitigate potential harm to residents of Chilworth Mews, e.g. 07.00 opening (rather than 06.00).
- Applicant should contribute £5,000 to the cost of cycle parking nearby but outside the Mews (Eastbourne Terrace west side, near to the junction with Craven Road)
- Relocated restaurant use should be subject to conditions 14-16, 31-32 and Informative 12 of consent 18/09733/FULL, on hours, takeaway, etc.
- Limit on Class E uses beyond gym and restaurant to prevent any new harmful impact on residents through more traffic, noise or air pollution. e.g. Reverting to a retail use, in whole or in part. If so there should be a restriction of hours and prevention of cold takeaway -no 'mini markets' operating 24/7; no changing the whole Craven Road frontage to a restaurant use; no changing part of it to other types of indoor sport uses or to light industrial uses that are generally permissible within Class E.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No.Consulted: Total No.of Replies: 2,- including 1 on behalf of 5, 15, 17, 19, 21, 23 and 35 Chilworth Mews.

On all or some of the following grounds:-

#### Land use

- Class E allows changes in use across a wide variety of commercial activities without the need for planning permission. This would remove planning safeguards against the ingress of inappropriate commercial activity in our Conservation Area, residential road and contrary to Westminster City Plan policy S29.

#### Transportation

- Neither the building at 50 Eastbourne Terrace, its pavements, or the road layout have been designed to accommodate the increased customer activity, footfall, parking, and cycle requirements for this change of class; nor does the proposal adhere to the site's current planning permission.

#### Amenity

- The proposal seeks increased flexibility in the site's permissions without due attention to its neighbours' amenity, as detailed below.

1. The proposed hours of operation are contrary to the current planning permission. Condition 17 states that retail operations should not open before 07.00. This proposal seeks to open at 06:00 Monday-Friday. This would clearly be disruptive to residents and diminish their residential amenity.

2. Cycle Parking. The proposed cycle parking is inappropriate and inadequate. Condition 21 of the current permission specifies London Plan requirements: that cycle parking must be "convenient and readily accessible...and be located within 15 metres of the main site entrance". The proposed location for the retail cycle parking is not visible from the entrance to the gym or retail unit and is located some 20-30 metres away. The proposed number of cycle parking spaces is deficient by half. Policy 6.9 requires 10 spaces for the A1/A2 retail, (406 sq. m at 1 space per 40 sq. m), and 6 spaces for D2 sports, (548.7 sq. m at 1 space per 100 sq. m). This is a total of 16 in total against the 8 spaces proposed. Additional residential disruption will inevitably ensue if retail and gym customers are left searching for street furniture on which to park their cycles.

3. Internal reconfiguration concerns. Concerns have been raised regarding the proposed change of use and its impact on the Craven Road back of house (back of house) corridor and exit. It is unclear whether gym customers are intended to access the existing shower and changing facilities on the lower ground floor. If so, this would contradict the approved Servicing Management Plan, which designates the retail unit's back of house corridor for delivery and servicing only. Equally, this would provide general access to the doorway off the back of house corridor and contradict the approved Servicing Management Plan, which states: No general access to any of the commercial land uses is provided via Chilworth Mews. Access to this exit would be very disruptive to residents.

4. If Class E use allowed against resident's objections conditions in mitigation of the potential damage to residential amenity in Chilworth Mews and Craven Road should

be imposed:-

\* Hours of operation of gym 07.00 - 20:00 Monday to Friday; 08:00 - 20:00 on Saturdays and 10:00 -16:00 on Sundays, Bank Holidays, and public holidays. These hours will ensure consistency with the site's approved activity in Chilworth Mews and ensure that this activity is not extended.

\*Re-position all cycle parking away from Chilworth Mews to an accessible position visible from the retail units' entrances, (either Eastbourne Terrace or Craven Road).

\* That the lower ground floor back of house corridor exit located near the south arch Chilworth Mews is an alarmed fire door only. This will ensure that general access to the building and retail units is prevented in Chilworth Mews.

\* In any relocated restaurant use, that the Conditions 14-16, 31-32 and Informative 12 of consent 18/09733/FULL, on hours, takeaway and other matters are applied.

\* A condition restricting the uses within Class E to a gym only.

ADVERTISEMENT/SITE NOTICE; Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site, is a recently completed 6-storey building which occupies a prominent corner plot at the junction of Eastbourne Terrace and Craven Road, opposite Paddington Station and benefits from three street frontages, to Eastbourne Terrace, Craven Road and Chilworth Mews, all with differing characters.

To the north of the site is an office building, 40 Eastbourne Terrace, which has also received planning permission for development (see history section of this report). To the rear of the site is Chilworth Mews, a residential mews.

The site is located outside of a conservation area. However, the site borders the Bayswater Conservation Area and a number of designated heritage assets are located in close proximity, including Paddington Station (Grade I) on the opposite side of Eastbourne Terrace, the Hilton hotel (Grade II) located to the front of the station in Praed Street and terraced properties along Westbourne Terrace (Grade II).

The site is located within the designated Paddington Opportunity Area (POA), the North Westminster Economic Development Area (NWEDA) and the Praed Street District Shopping Centre.

#### Background

Conditional planning permission was granted in 2016, varied in July 2019 (First Variation Application) and again in February 2020 (Second Variation Application) and was the subject of a S106 modification. It granted permission, subject to a S106 legal agreement, for the redevelopment of the site to provide a new 6 -storey plus basement building for mixed use purposes. Development is substantially complete.

## 6.2 Recent Relevant History

### **50 EASTBOURNE TERRACE**

#### Original Application

Demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. (16/07359/FULL). , Application Permitted 15 November 2016

#### First Variation Application

Variation of Condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. NAMELY, to provide an additional floor of Class B1 office accommodation beyond the approved; minor alterations to the proposed massing, terraces, green roof, solar panels and external facades; minor internal reconfiguration of the proposed retail (Classes A1/A2/A3) and office (Class B1) floorplates including ancillary spaces. (18/09733/FULL). Application Permitted 10 July 2019.

#### Non-Material Amendment Application

Amendment to planning permission dated 10 July 2019 (RN: 18/09733) for: Variation of Condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper storeys. Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews, to provide an additional floor of Class B1 office accommodation beyond the approved; minor alterations to the proposed massing, terraces, green roof, solar panels and external facades; minor internal reconfiguration of the proposed retail (Classes A1/A2/A3) office (Class B1) floorplates including ancillary spaces. NAMELY, to split Condition 3 (Part B) (Code of construction Practice) into two parts to reflect the two separate construction phases. (19/05689/NMA), Application permitted 26 July 2019.

#### Second Variation Application

Variation of condition 1 of planning permission dated 10 July 2019 (RN: 18/09733/FULL) which itself varied condition 1 of planning permission dated 15 November 2016 (RN:

16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. NAMELY, to allow the relocation of cycle and refuse storages into defensible zone landscaping along Chilworth Mews; party wall adjustments to incorporate services; amendment to unit mix increasing the provision of family sized dwellings; amendments to facade and roof; to the mews buildings and changes to the ground floor office reception layout and the introduction of an ancillary retail cafe unit (Class A1) (19/07378/FULL) Application Permitted 5 February 2020.

#### Relevant conditions of note

##### Condition 14

In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, an Operational Management Plan shall be submitted for approval. You must not start the restaurant use until we have approved what you have sent use. You must then carry out the measures included in the plan at all times the restaurant is in use.

##### Condition 15

In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, if you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals.

##### Condition 16

In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, customers shall not be permitted within the restaurant before 07.00 or after 00.00 on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 22.30 on Sundays, bank holidays and public holidays.

##### Condition 18

Notwithstanding the outline servicing plan submitted, you must apply to us for approval of a detailed Servicing Management Plan in relation to the commercial premises. You must not occupy the commercial premises until we have approved what you have sent us and abide by the terms of the Servicing Management Plan at all times.

##### Condition 20

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

##### Condition 24

You must apply to us for approval of details of how waste is going to be stored on the

site and how materials for recycling will be stored separately. The details must include:,  
 i) Show and indicate the bin compactor, storage location of waste cooking oil on the plan;, ii) The storage bins must be shown and indicated on the plan, and mark the recyclable materials bin as R, food waste bin as O and mark the general waste bin as W;,, iii) Provide a waste route diagram showing how the occupiers of the A1/A2/A3 units will access the commercial waste store located in the basement;,, iv) If a cardboard bailer is required, provision for this equipment should be included within the commercial waste store.

#### Condition 31

All servicing must take place from the loading bay shown on the drawings (whether enclosed in a structure or not) and this area shall only be used for this purpose and servicing must only take place between 07.00-20.00 on Monday to Saturday and 10.00-16.00 on Sunday and Bank Holidays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

#### Condition 32

In the event that the corner unit on Eastbourne Terrace and Craven Road is used as a restaurant, you must not sell any take-away food or drink from the approved Class A3 unit even as an ancillary part of the primary Class A3 use.

#### Non Material Amendment Application

Amendments to planning permission dated 5 February 2020 (109/07378/FULL which allowed a : Variation of condition 1 of planning permission dated 10 July 2019 (RN: 18/09733/FULL) which itself varied condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. For the relocation of cycle and refuse storages into defensible zone landscaping along Chilworth Mews; party wall adjustments to incorporate services; amendment to unit mix increasing the provision of family sized dwellings; amendments to facade and roof; to the mews buildings and changes to the ground floor office reception layout and the introduction of an ancillary cafe unit. NAMELY to amend the car parking layout for the seven car parking spaces associated with the residential mews houses. (20/02091/NMA) Application permitted on 08.04.2020.

#### S106 Modification

Deed of Modification of Schedule One Clause 4.1 and 4.4 to the Section 106 Agreement dated 5th February 2020 associated with planning permission reference 19/07378FULL, To:-, 1) Change the plans showing car parking spaces so that it aligns with non-material amendment under reference 20/02091/NMA, And , 2) To vary the basis on which the car parking spaces are to be managed, specifically for them to be managed on an allocated basis (one space per one residential unit). (20/02323/MOD106) Application agreed on 08.07.2020.

#### Approval of Details

Various Approval of Detail applications have also been approved including but not limited to:-

Approval of details granted on 05.10.2020 for Details of Servicing Management Plan and waste storage pursuant to condition 18 and 24 of planning permission dated 5th February 2020 (RN:19/07378/FULL) under reference 20/02855/ADFULL

#### **40 EASTBOURNE TERRACE**

##### Original Planning Application

Demolition of top floor and erection of replacement floor plus one storey extension, rear extensions, and replacement facades with associated external alterations for use as a 366 bed hotel (Class C1) with flexible use at part of ground floor for restaurant/hotel use (Class A3/C1).(19/03058/FULL)., Application permitted 01 November.2019.

##### Pending Applications

Amendments to planning permission dated 1st November 2019 (RN 19/03058/FULL) for the demolition of top floor and erection of replacement floor plus one storey extension, rear extensions, and replacement facades with associated external alterations for use as a 366 bed hotel (Class C1) with flexible use at part of ground floor for restaurant/hotel use (Class A3/C1). NAMELY, Replacement of relocated lower ground floor plant rooms with bedrooms; recesses to fire exits removed at lower ground floor level; cycle and bin store relocated within the lower ground floor level; entrance to cycle store relocated at lower ground floor level; 8 windows replaced with 8. inset brick bays at ground floor level; 1 window added at ground floor level on the South Elevation; curtain walling replaced with individual windows on Chilworth Street; windows included within lightwell on Chilworth Street; and certain consented windows replaced with shadow box windows. (21/01110/NMA)

Excavation below existing building to accommodate basement level for water tank relating to the approved hotel planning permission (19/03058/FULL). (21/01170/FULL)

Details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look pursuant to condition 16 of planning permission dated 1 November 2019 (RN: 19/03058/FULL).(21/02444/ADFULL)

#### **7. THE PROPOSAL**

Planning permission is sought for the use of the shop units at ground and lower ground floor level along Craven Road as a Gym and Retail/Restaurant Class E (Commercial, Business and Service) purposes. During the course of the application, the applicant has revised the hours of use proposed for the Gym, from a 06.00 opening to 06.30, to seek to address concerns raised.

<b>Approved 3 units</b>		<b>Proposed 2 units</b>	
Flexible A1/A2	143.8m2 ground (corner with Chilworth Mews) & lower ground 126m2	Gym	142 m2 ground (corner with Chilworth Mews) & 389m2 lower ground.
Flexible A1/A2	137.6m2 ground (central unit) and lower ground 104m2	Retail and Restaurant	406m2 ground (corner with Eastbourne Terrace)
Flexible A1/A2/A3	267.5m2 ground (corner with Eastbourne Terrace) and lower ground 176m2		
<b>Approved Hours of use</b>		<b>Proposed Hours of use</b>	
<u>A1/A2 Retail</u> Unrestricted hours		<u>Class E Gym:</u> 06.30-20.30 Monday to Friday 08.00-20.30 Saturdays, Sundays and Bank Holidays	
<u>A3 Restaurant</u> 07.00 - 00.00 on Monday to Saturday (not including bank holidays and public holidays) 08.00-22.30 on Sundays and Bank Holidays.		<u>Class E Retail/ Restaurant</u> 07.00-.00.00 Monday to Saturday 08.00-22.30 Sundays and Bank Holidays.	

### Legislation

Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity.

This planning application is required, as the use of the lower ground and ground floor

retail units have not yet begun and therefore their use from vacant unit to a Class E use which is not stipulated under the original permission (Now redundant Class A1, A2,A3) is not permitted without planning permission. Had the units been occupied for the approved uses and subsequently for use for Class E purposes, then it would not have been development requiring planning permission.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The new development that has been constructed, was granted permission for the use of commercial floorspace at lower ground and ground floor level to Craven Road frontage, comprising Retail and Financial and Professional Services and Restaurant use ( Flexible A1/A2/A3 and A1/A2. All of these uses now fall within Class E (Commercial, Business and Service) and had those uses begun operating on site, then they would have automatically become Class E units and able to flexibly change back and forth between any of the uses within Class E without planning permission.

Although the change to Class E would usually allow flexibility for different uses in the shop units, the applicant has confirmed their intention is for an indoor gym use to occupy part ground, and the entire lower ground floor, with a retail/restaurant use occupying the remainder of the ground floor level.

The applicant has in support of their proposal, submitted a letter from Nash Bond. They are a London retail property consultancy and the leasing agent for the property. The letter states that they have provided retail leasing strategy for this development since January 2019 and that the leasing strategy centres around attracting good quality occupiers that add value to both the street scene, local community, and new office worker. They state that Covid 19 has decimated the retail businesses throughout London, with the market saturated with availability and that most retail occupiers have pivoted their businesses to online sales, resulting in 15-20% retail availability in Paddington, which is expected to rise post lockdown and with the introduction of retail as part of Paddington Square. Consequently, the leasing strategy was reconsidered, highlighting little provision for wellbeing and gym space, with only 5 class based gyms within 15 minute walk from Paddington Station. They consider that the gym use would help attract people to the area to help support other commercial uses in the vicinity and that the units could, otherwise, remain vacant for some time, if a retail use is required.

The proposed gym and retail/restaurant use are considered to be appropriate (scale, type, and format) ground and lower ground floor uses within the POA , NWEDA and the Praed Street District Shopping Centre) (Secondary Frontage). This is because Commercial, Business and Service use class (E), in which these uses fall, includes a broad and diverse range of uses which principally serve the needs of visiting members of the public and or are suitable for a town centre area as set out in PPG. They are considered to be appropriate and complimentary town centre offer as a place to shop work and spend leisure time and which enhance and diversify the town centre, meet the needs of residents, workers and visitors and support opportunities for community interaction. Furthermore, retail and restaurant and other commercial uses have already been approved within the Craven Road frontage as part of the original planning permission.

For these reasons the proposal is considered to be acceptable in principle in land use terms in accordance with policy 3 (Spatial Development Priorities: Paddington Opportunity Area) , Policy 5 ( Spatial Development Priorities: North West Economic Development Area), Policy 14 (Town centres, high streets and the CAZ) and Policy 16 (Food, drink and entertainment).

In order to maintain an active frontage with interest at street level, a condition is recommended to secure a “shop type” window display for the gym unit.

Under Class E, the use of a building can flip flop back and forth between any number of Class E uses without the need for planning permission, on the basis that it is not development and does not therefore require planning permission. The other uses within Class E may have different and potentially harmful impact in relation to noise nuisance, blocking of streets, non-sustainable transport modes and impact on air amenity impacts than the proposed gym and retail/restaurant uses, particularly given the size of the planning units and their location. For example, other leisure, health or medical services, creche, nursery or day centres and some sport uses (or a combination of these uses) could cause significant harm with respect to noise nuisance, blocking of surrounding streets, use of non-sustainable modes of transport and or significant adverse impact on air quality. The applicant has not provided any information to demonstrate that the amenity impact of these other uses within Class E would be adequately mitigated in the event of a change of use. Accordingly, a condition is recommended to prevent further changes of use within Class E without planning permission. This suggested condition also addresses SEBRA’s and local residents request for a limit on Class E uses.

## 8.2 Townscape and Design

This application seeks permission for operational development (use) and does not seek any external alterations. As such, the proposal does not raise issues of townscape and design.

## 8.3 Residential Amenity

Policy 7 (Managing Development for Westminster people) expects development to be neighbourly, by among other things protecting amenity, by preventing unacceptable impacts in terms of privacy, local environmental quality (polluted air, noise and odours), not overburdening the local infrastructure and by improving sustainable transport and appropriate and effective waste management.

The retail/restaurant and gym need to be considered with respect to their operation and potential impact on the amenity of residents, the closest of which are located along Craven Road and within the adjacent Chilworth Mews, including new residential houses proposed within the Mews.

### The Gym

This unit occupies part of the ground floor (142 m<sup>2</sup>) on the corner of Craven Road and Chilworth Mews, together with the entire basement (389m<sup>2</sup>) (accessed internally from ground floor). Access is via a single door on Craven Road (furthest point away from Chilworth Mews). It is proposed to be operated between 06.30-20.30 Monday to Friday and 08.00-20.30 Saturdays, Sundays and Bank Holidays. The applicant revised the opening hour of the Gym from their originally proposed 06.00 to 06.30 to seek to address concerns raised.

The early opening hour of use for the gym have brought about objection from SEBRA on the basis that other shops in the area are not open until 07.00 and that the proposal would add to early morning footfall and general activity including the ability to park on single yellow lines until 08.30. Residents have also raised concern with respect to the early opening hours and disruption to residents and their residential amenity and on the basis that the hours are different to that already granted under the redevelopment scheme.

Given the location of the site within the POA, NWEDA and Praed Street Shopping Centre, the nature of the use whereby users generally arrive alone, and subject to an Operational Management Plan, it is considered that the hours of use sought are acceptable. The fact that the hours of use are different to that which has been previously granted is not relevant. The assessment is made in relation to this specific application.

Given the nature of the use, the use of amplified music and or equipment such as free-weights have the potential to cause noise nuisance and sound transmission/vibration. Therefore, in order to mitigate against this and in accordance with the advice from the City Council's Environmental Health Team, conditions are recommended with respect to sound limitation and impact sound.

#### The Retail/Restaurant

This unit occupies a large part of the ground floor (406m<sup>2</sup>) on the corner of Craven Road and Eastbourne Terrace with access via two doors on Craven Road. It is proposed to be operated between 07.00-.00.00 Monday to Saturday and 08.00-22.30 Sundays and Bank Holidays. This arrangement is similar to the previous approved arrangement and the hours of operation are the same.

Whilst it is acknowledged that kitchen extract details were approved as part of the original redevelopment scheme, it is unclear if this will change as a result of this application and more importantly, as this is a stand-alone application, details should be provided specific to this proposal. As such and in accordance with the advice from our Environmental Health Team it is considered necessary to impose a condition to require details to be submitted for approval prior to operation of use.

SEBRA has suggested that the restaurant use should be subject to the same conditions as imposed on the redevelopment scheme (14,15,16,31,32) and officers are in agreement.

For the reasons set out, it is considered both appropriate and necessary to impose conditions to control the operation of both of the uses. The recommended conditions are set out below:

#### Conditions for both uses

- Hours of use
- Operational Management Plan
- Compliance with approved Servicing Management Plan including use of the designated off street loading bay for 50 Eastbourne Terrace.
- Hours of servicing

- Waste storage

Additional conditions relating to the Retail/Restaurant Use:-

- Kitchen Extract Ventilation
- No take-away
- Restriction on size of ancillary bar to 15% of floorspace

Additional conditions relating to Gym use

- Active “shop style” front
- Sound limiter for amplified music
- Appropriate flooring to mitigate against impact sound for free weights.
- Cycle storage

Conditions are appropriate and enforceable, as whilst the application site relates to the specific shop units (red line plan), the submitted site location plan includes a blue line ownership plan which encompasses the development known as 50 Eastbourne Terrace and its associated back of house areas and servicing bay within its rear curtilage.

This planning application also provides an opportunity through the recommended conditions to gain greater control over the use of the units, which would not otherwise have been possible if the units had been occupied (as part of the redevelopment scheme for A1,A2,A3 use) and subsequently utilised the Class E flexibility.

### **Transportation/Parking**

Impact on the Highway

While retail and restaurant uses were assessed and granted permission as part of the earlier planning permission/s for the development, a gym use did not form part of that proposal. As such a transport note detailing trip rates has been provided during the course of the application in support of the proposal for the gym use. The City Council's Highways Planning Manager has advised that the proposal would not be problematic with respect to its impact on the wider road network.

In order to manage the potential for a number of people arriving and departing in a short space of time (e.g. Timed based classes) and to minimise potential for localised congestion, especially on the footway and to other pedestrians, an operational management plan is recommended to be secured by condition, which will require processes to mitigate any potential impact.

Servicing

The City Council's Highways Planning Manager has advised that the proposal will not result in a significant difference in number of servicing trips when compared to the approved use of the units.

The proposed uses will be subject to the same servicing arrangements as agreed under the original development of the site, which includes the use of these units for retail and restaurant uses. Conditions are recommended to ensure servicing takes place off-street from the loading bay within the curtilage of 50 Eastbourne Terrace (whether enclosed in a structure or not) and during the agreed hours (07.00-20.00 on Monday to Saturday and 10.00-16.00 on Sunday and Bank Holidays) and in accordance with the already agreed

servicing strategy for the site.

Residents have raised concern over the internal configuration of the unit and specifically whether the proposal affects the back of house facilities. The shower and changing facilities beneath the centre of the building secured under the redevelopment scheme are related to the long stay cycle parking for staff within the building. They are not proposed for use by customers of the commercial units. It is likely that the Gym will have its own independent shower and changing facilities within the unit. Furthermore, the servicing of the units, is once again to be secured by condition to ensure compliance with the agreed servicing management plan, hours of servicing and use of off street loading bay on Chilworth Mews. For these reasons the concern raised is not supported by officers.

### Cycle Parking

As part of the development scheme for 50 Eastbourne Terrace, long and short stay cycle parking was approved. Long stay cycle parking (129 spaces) within the lower ground floor of the development site and 8 short stay cycle spaces to the rear within Chilworth Mews (close to the archway with Craven Road). This provision would remain and would be accessible to these premises.

The City Council's Highways Planning Manager has confirmed that the long stay cycle parking may be acceptable, but that additional short stay cycle parking should be provided for the Gym use. However, the applicant has indicated that there is no significant difference in policy requirement for the Gym use. However, given the continued and increased focus on active travel together with the likely increased demand for cycle parking associated with a gym use, it is considered that additional provision should be made to support active travel to the site by visitors. In addition, residents have suggested that the cycle parking is both inappropriate and inadequate, on the basis that the short stay cycle parking in Chilworth Mews is not visible from the entrance to the gym or retail units and is not enough and consequently will result in customers searching for street furniture to lock their bikes on.

The visibility of the cycle parking could be addressed through the operational management plan and advising customers of the locations of cycle parking in the vicinity of the site. However, in order to address the need for additional cycle parking, a condition is recommended to secure additional short stay cycle provision, which would ideally be located within the unit itself, which has been the secured in similar cases elsewhere in Westminster.

Whilst a request has been made by residents to re-position all cycle parking away from Chilworth Mews. The 8 short stay cycle parking spaces secured under the redevelopment scheme are for use for all commercial units and were considered to be an appropriate location within the development site.

SEBRA has requested that the applicant contribute £5,000 to the cost of cycle parking nearby but outside the Mews (Eastbourne Terrace west side, near to the junction with Craven Road). This is not something that has been offered by the applicant and an assessment has not been undertaken as to whether this would be possible.

Representations of objection have suggested that the neither the building, pavement or road have been designed to accommodate increased customer activity, footfall, parking, and cycle requirements for Class E. However, apart from the cycle provision, which is

referred to above, it is not considered that the proposed Gym use would result in any significant increase in activity to cause highway or transportation issues. Furthermore, the City Council's Highways Planning Manager has not raised such a concern. As such the objection raised is not supported by officers.

#### Class E

It is acknowledged that other Class E uses would have different transport impacts, and this is recognised in the recommended condition to restrict the uses to those applied for.

#### Waste and Recycling

Whilst details have been indicated, these are not fully in accordance with the City Councils' requirement in terms of different waste streams, However, this can be addressed by requiring appropriate details by condition.

The Waste Project Manager has requested details of clinical waste, on the basis that a Class E use is proposed and the restaurant or gym could change to a medical use in the future. As set out elsewhere in this report, as it is proposed to restrict the use of the units to that which are currently proposed (Gym and Retail/Restaurant), any medical or health related use of the units would require planning permission and appropriate waste storage would be secured at that time.

#### **8.4 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.5 Access**

The units are proposed to be accessed from Craven Road

#### **8.6 Other Westminster Policy Considerations**

None

#### **8.7 Westminster City Plan**

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### **8.8 Neighbourhood Plans**

Not relevant to this location.

#### **8.9 London Plan**

This application raises no strategic issues.

#### **8.10 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 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 draft conditions. 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.

#### **8.12 Environmental Impact Assessment**

Environmental Impact issues have been covered elsewhere within this report.

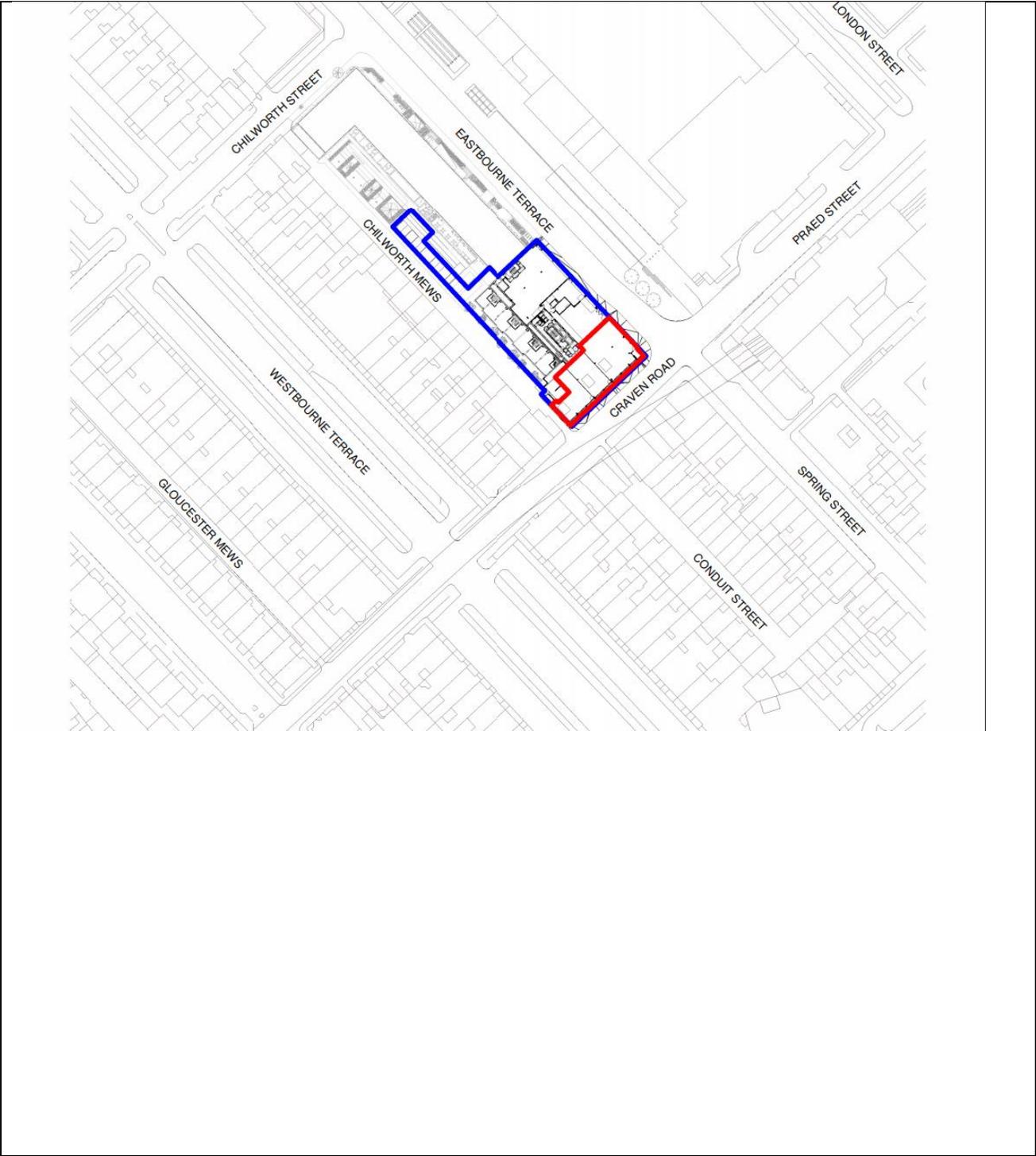
#### **8.13 Other Issues**

None

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

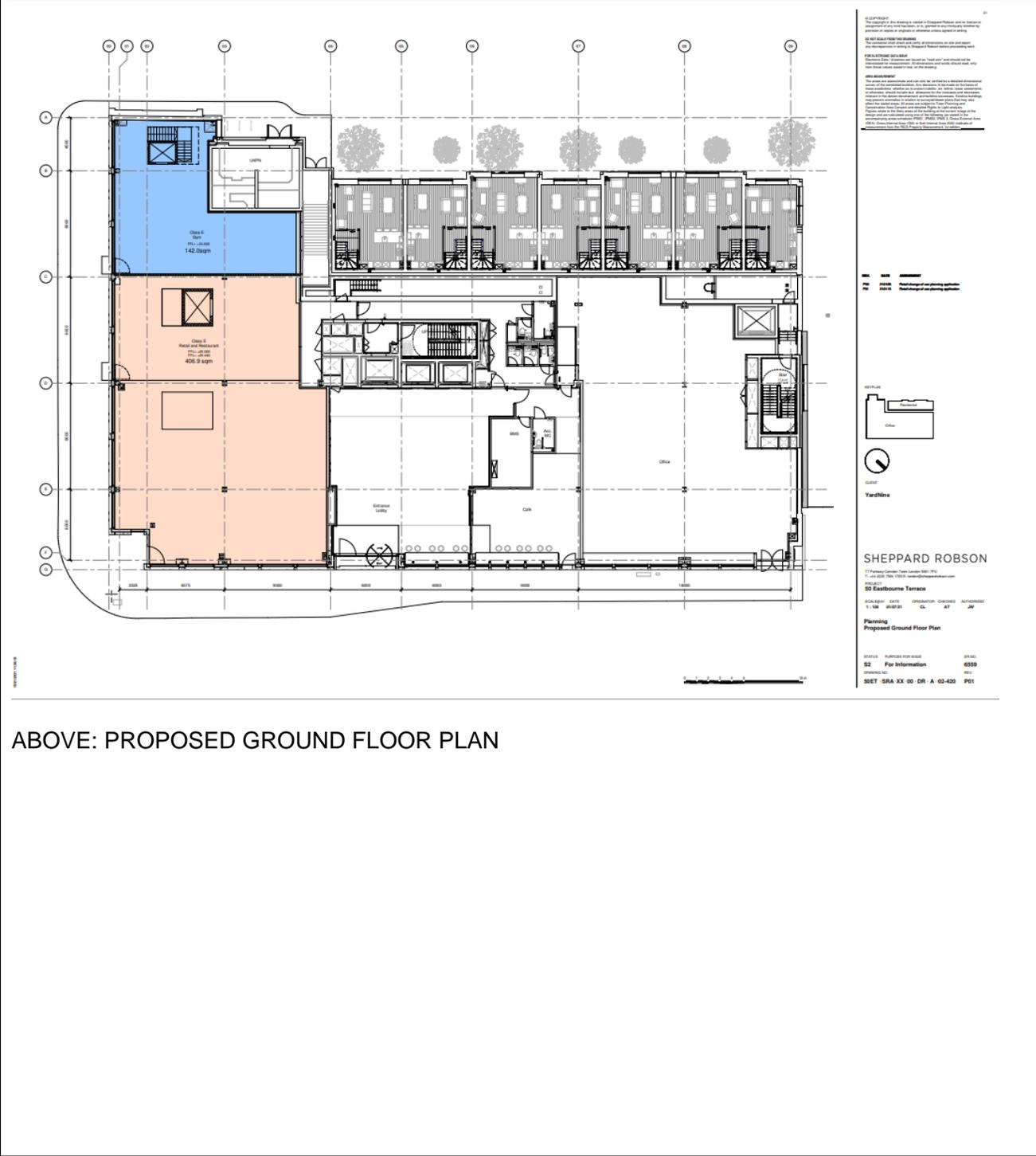
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT SWHITNALL@WESTMINSTER.GOV.UK

9. KEY DRAWINGS

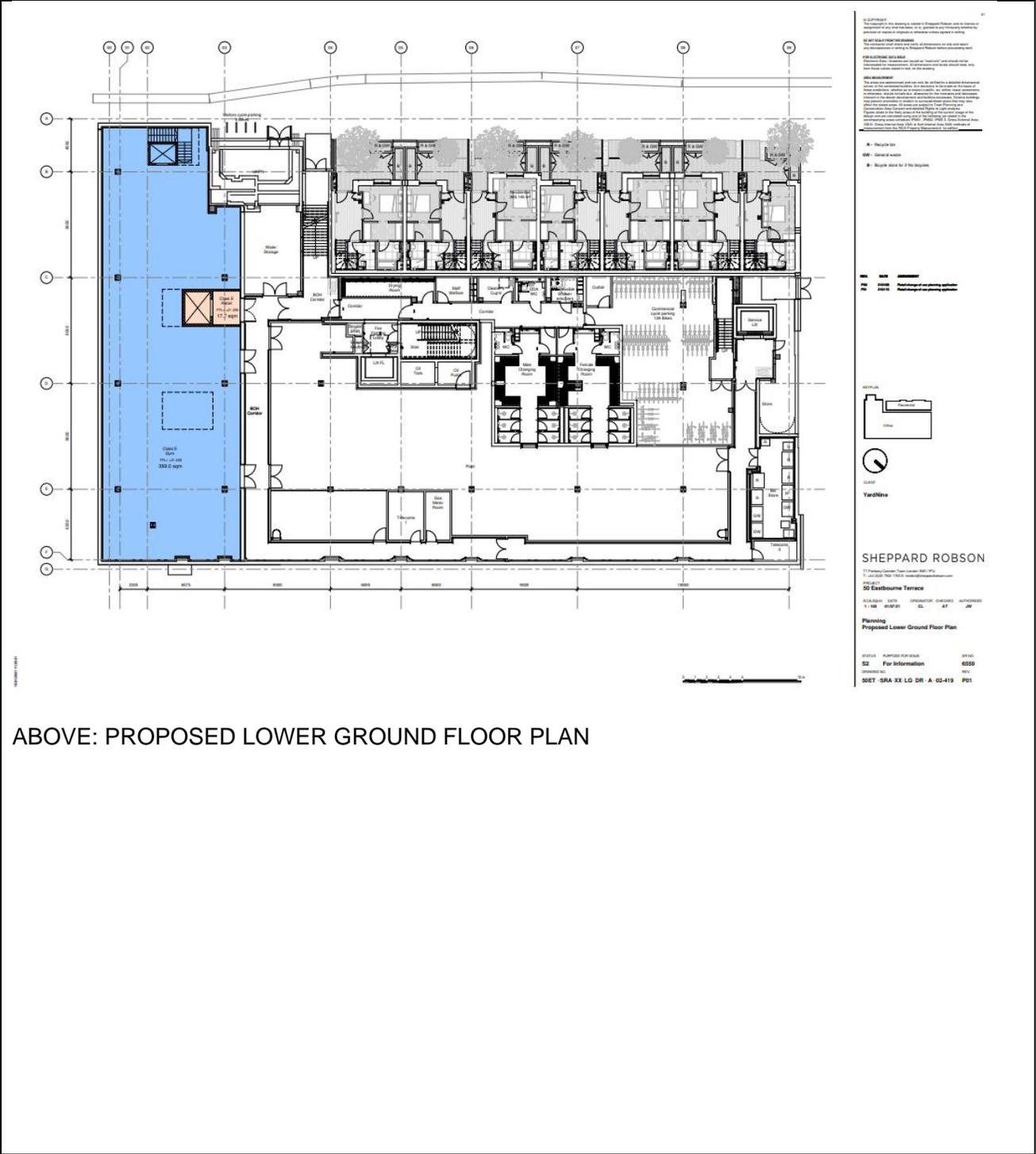








ABOVE: PROPOSED GROUND FLOOR PLAN



ABOVE: PROPOSED LOWER GROUND FLOOR PLAN

**DRAFT DECISION LETTER**

**Address:** 50 Eastbourne Terrace, London, W2 6LG

**Proposal:** Change of use of Retails Units at ground and lower ground floor level along Craven Road from Classes A1/A2/A3 to Class E.

**Reference:** 21/00264/FULL

**Plan Nos:** 50ET-SRA-XX-XX-DR-A-02-401 Rev P01; 402 Rev P01;  
50-ET-SRA-XX-00-DR-A-02-410 Rev P01; 02-420 Rev P01;  
50-ET-SRA- XX-LG-DR-A-02-409 Rev P01; 02-419 RevP01;  
Gerald Eve Letters 15.01.2021 and 02.03.2021 and Email 04.02.2021, Nash Bond letter 15.01.2021, Steer Transport Note 02.02.2021

**Case Officer:** Sarah Whitnall **Direct Tel. No.** 020 7641  
07866036375

**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 You must only use the premises or part of the premises annotated for gym use, retail use and restaurant use (as annotated on the drawings) for those uses. You must not use them for any other purpose, including for any other use within Class E, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it), unless otherwise agreed in writing by us.

**Reason:**

To protect neighbouring residents from noise nuisance, avoid blocking surrounding streets, to ensure that sustainable transport modes are used, to prevent sensitive air quality receptors from occupying the site or uses that would have a significant adverse effect on air quality, policies 7, 25,28, 29, 32, 33, 38,39,40 of the City Plan 2019 - 2040 (April 2021).

- 3 The restaurant unit on the corner of Craven Road and Eastbourne Terrace shall not include a bar and or bar seating, which takes up more than 15% of the floor area of the

unit, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 4 A. Prior to the use of the gym, you must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the gym use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the gym is in use.

B. Prior to the use of the retail/restaurant, you must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurant is in use.

The Operational Management Plan must include details of staff and capacity, arrival and departure processes, hours of operation and length of stay.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 5 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary restaurant/ café use. (C05CC)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 6 A. You must operate the Gym in accordance with the detailed Servicing Management Plan approved for the site which provides details of the servicing process including using the approved off-street servicing area within the curtilage of 50 Eastbourne Terrace and the route between the loading bay and the unit, all as agreed on 05.10.2020 under reference 20/02855/ADFULL.

B. You must operate the Retail/ Restaurant in accordance with the detailed Servicing Management Plan approved for the site which provides details of the servicing process including using the approved off-street servicing area within the curtilage of 50 Eastbourne Terrace and the route between the loading bay and the unit, all as agreed on 05.10.2020 under reference 20/02855/ADFULL.

You must then continue to operate the uses in accordance with the approved Servicing Management Plan at all times unless otherwise agreed by us in writing.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 7 A. Customers shall not be permitted within the Gym before 06.30 or after 20.30 Monday to Friday and before 08.00 and after 20.30 Saturdays, Sundays and Bank Holidays.
- B. Customers shall not be permitted within the Retail/Restaurant before 07.00 or after 00.00 Monday to Saturday and before 08.00 and after 22.30 Sundays and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 8 You must not use the Gym until a detailed scheme for the shop windows of the unit has been submitted to and approved in writing by the local planning authority. The scheme shall include the area immediately behind the windows, shall not include any obscured glass and shall define any display panels within the windows. The development shall thereafter be carried out in accordance with the approved scheme and no further modifications shall be made.

Reason:

To protect the appearance and character of the shopping frontage as set out in Policy 14 of the City Plan 2019 - 2040 (April 2021). (R26IA)

- 9 All servicing must take place from the loading bay within the curtilage of 50 Eastbourne Terrace (whether enclosed in a structure or not) and this area shall only be used for this purpose and servicing must only take place between 07.00-20.00 on Monday to Saturday and 10.00-16.00 on Sunday and Bank Holidays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 10 A. Prior to the use of the Restaurant on the corner of Craven Road and Eastbourne Terrace for hot food, you must submit for approval a scheme for the prevention of odour nuisance from the kitchen extract ventilation and subsequently install it maintain it.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 11 If amplified music is played above background levels in the gym and/or restaurant units then an electronic sound limiter must be fitted to the musical amplification system set at a level to comply with Condition 13 and also to prevent nuisance from low frequency noise.

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the use does not cause a noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the draft Noise Technical Guidance Note (November 2019).

- 12 If the gym use involves installation of equipment, such as free weights, that results in impact sound transmission then floor areas with such equipment must be of a type that prevents the transmission of vibration or structure borne sound to other users of the building block.

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the use does not cause a noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the draft Noise Technical Guidance Note (November 2019).

- 13 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49AB)

- 14 A. Prior to the use of the gym , you must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not use the Gym until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to the use commencing and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the Gym.

B. Prior to the use of the Restaurant , you must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not use the Restaurant until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to the use commencing and thereafter permanently retain the stores according to these details. You must clearly

mark the stores and make them available at all times to everyone using the Restaurant.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 15 You must apply to us for approval of details of secure short stay cycle storage for the Gym use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the Gym. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

### 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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 Kitchen extract ventilation informative:, , o In order to permit any food type, intensity of use and/or method of cooking without requiring it to be altered should the food operation change in the future the best option is to provide a system that discharges the kitchen fumes at 'full height'. , , If the scheme discharges below full height then the odour prevention scheme must be to at least 'best practicable means' standards and bespoke designed for the intended food operation. Details of the intended food operation will need to be submitted with the proposed scheme when submitting information for approval of this condition - however it should be noted that any final approval of a low level discharging scheme is likely only to be able to be made after it has been installed and operating under its maximum intensity of use. Should the installed scheme not prevent nuisance then additional mitigation will be required., , o The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of about 25 centigrade and provide sufficient air changes within the workspace as recommended in the Building & Engineering Services Association (BESA) guidance DW172 -2018 or as in equivalent guidance, , o The kitchen extract ducts must be fitted with doors/hatches for

cleaning and maintenance, at approximately 2-3 metre intervals or in compliance with the BESA document TR19 for cleaning and maintenance, , o Any cladding to the ducts must be made of non-flammable materials (approved by Building Control and/or Fire Brigade) and still allow access to any cleaning and maintenance doors/hatches. , , o Prior to an application to discharge this condition the Council's Environmental Health Consultation Team or the Environmental Sciences Team can be contacted for further advice and information., , Smoke Control Area Informative, , The whole of the City of Westminster is a Smoke Control Area under the Clean Air Act 1993. Thus, premises cannot emit smoke unless burning an 'authorized fuel' or using 'exempt appliances'. Further information on the requirements can be found at the following government website: <https://www.gov.uk/smoke-control-area-rules>

- 3 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide ([www.cae.org.uk](http://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](http://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: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)
- 5 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
- 6 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)

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.

This page is intentionally left blank