



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 8th March, 2022

Time:

6.30 pm

Venue:

18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Robert Rigby (Chairman)
Mark Shearer
David Boothroyd

Geoff Barraclough
Jim Glen
Louise Hyams



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

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. 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
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on 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 hybrid 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 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>

(Pages 5 - 10)

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

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|----|--|--------------------------|
| 1. | TRAVIS AND PERKINS BUILDING 149 HARROW ROAD LONDON W2 6NA | (Pages 15 - 116) |
| 2. | SOUTH WEST WING BUSH HOUSE STRAND LONDON WC2B 4RD | (Pages 117 - 180) |
| 3. | 581 - 587 HARROW ROAD LONDON W10 4RH | (Pages 181 - 234) |
| 4. | 70 - 73 PICCADILLY LONDON W1J 8HP | (Pages 235 - 262) |

**Stuart Love
Chief Executive
25 February 2022**

Order of Business

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

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) 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.



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 18th January, 2022**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby (Chairman), Geoff Barraclough, Jim Glen, Elizabeth Hitchcock, Louise Hyams and Nafsika Butler-Thalassis

1 MEMBERSHIP

- 1.1 It was noted that Councillor Elizabeth Hitchcock had replaced Councillor Mark Shearer.
- 1.2 It was noted that Councillor Nafsika Butler-Thalassis had replaced Councillor David Boothroyd.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Rigby 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 on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Hyams declared that in respect of Item 1, the Application site was in her ward (St James's). Cllr Hyams, along with her ward colleagues, received a briefing for the 2016 application by the Applicant but was not briefed in 2019, and had not been briefed on the application which was discussed in this Committee.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 23 November 2021 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 25 - 31 WELLINGTON STREET LONDON WC2E 7DD

Partial demolition, alterations, extensions and refurbishment of existing buildings to provide a part 4-8 storey block plus one basement level for use as Hotel (Class C1) with ancillary facilities and roof terrace; continued pub/bar (Sui Generis) and residential (Class C3) at 23 Wellington Street; provision of plant, servicing, cycle parking and other associated works (Site includes: 23 Wellington Street, 25-31 Wellington Street, 22 Tavistock Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street and 15 Exeter Street).

An additional representation was received from Applicant (13/01/2022).

A late representation was received from the Covent Garden Community Association (18/01/2022).

The Presenting Officer tabled the following corrections and amendments to draft conditions.

Item No. 1 25-31 Wellington Street London WC2E 7DD

Corrections to NPPF paragraph references in report:

8.2 Townscape and Design

Start of paragraph 7—correct NPPF paragraph reference is 199 not 132

Start of paragraph 10—correct NPPF paragraph reference is 202 not 134

8.8 Westminster City Plan

Penultimate line of paragraph—correct NPPF paragraph reference is 47 not 49

8.10 National Policy/Guidance Considerations

Second line – should read NPPF 2021 not NPPF 2019

Amendments to draft conditions:

Condition 30

Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P20049-FCH-XX-B1-DR-A-1301 P03 & P20049-FCH-00-DR-A-1302 P03 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 hotel, bar/bistro, pub and residential. No waste or bins should be left or stored on the public highway.

Condition 43

Pre-Commencement Condition: No development shall commence until a programme has been submitted to and approved by the City Council as local planning authority for the implementation of a Community Liaison Group to keep local residents and businesses including the Lyceum Theatre informed throughout the demolition and construction works and for when the hotel is operational.

Additional condition:

A post construction BREEAM assessment to demonstrate a target rating of Excellent has been achieved shall be submitted to and approved by the local planning authority within two months of practical completion. The details approved in the BREEAM report shall thereafter be retained, and shall not be removed.

Naomi Heaton addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY

That permission be granted subject to additional Conditions as tabled and additional Conditions recommended by the Committee.

1. That conditional permission, as amended, be granted subject to:

- a) a s106 legal agreement to secure the following:
 - i. Employment and Skills plan
 - ii. Financial contribution of £335,022.17 to the Westminster Employment Service - index linked and payable prior to the commencement of development
 - iii. Carbon off-set payment of £695.40 index linked and payable prior to commencement of development
 - iv. Financial payment index linked to cover cost of essential highways works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions
 - v. Monitoring costs
- b) Condition 16 be amended to omit reference to roof top bar/terrace
- c) Condition 18 be amended to state that a closing time of 0100 on Monday to Saturday and midnight on Sundays for the bistro/bar be implemented.
- d) Condition 20 be amended to state that the Operational Management Plan for the hotel include 'house rules' which prohibit the use of terraces accessible via guest bedrooms after 10pm daily

- e) Condition 32 to be amended to require the Servicing Management Plan to include full details of the hours of servicing and to encourage the use of electric vehicles and, when the application for approval of details is submitted, it shall be reported back to Committee.
- f) an additional amending Condition requested by the Committee to require the removal of the proposed internal door openings from the three flats in 23 Wellington Street into the hotel and therefore the covenant in draft S106 is not required.
- g) an additional Condition requested by the Committee to limit number of hotel bedrooms to 189 was agreed.
- h) an informative be included which ensures the Community Liaison Group involves the St James's ward Councillors.
- i) an informative be included to reflect the inclusion of the Lyceum Theatre in the detailed COCP/SEMP to ensure the theatre is protected.
- j) any changes to the highway layout in Exeter Street should also explore the possibility of creating more short-stay cycle parking

2. That if the S106 legal agreement had not been completed within eight weeks of the Committee resolution then:

- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition 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 be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

3. That conditional listed building consent be granted.

4. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter was agreed.

The Meeting ended at 8.15 pm

CHAIRMAN: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 8th March 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 21/04536/FULL Hyde Park	Travis And Perkins Building 149 Harrow Road London W2 6NA	Demolition of existing Travis Perkins building(s) on the Site at 149 Harrow Road, erection of a new building (plus basement) comprising re-provision of builders merchant (Sui Generis) and student accommodation (Sui Generis), ancillary community space (Sui Generis) and student amenity terraces above, together with public realm works to Harrow Road and the creation of a canal side path with landscaping. Provision of cycle parking and car parking for the builders merchant. Relocation of bus shelter on Harrow Road. Works associated with the creation of new public walkway under Bishops Bridge Road bridge. Installation of plant equipment photo voltaic panels and other associated works. [The development is accompanied by an Environmental Impact Assessment]	Unite Group Plc and Travis Perkins Plc
Recommendation Subject to referral to the Mayor of London, refuse permission – daylight, sense of enclosure and highways.				
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 21/07179/FULL St James's	South West Wing Bush House Strand London WC2B 4RD	Refurbishment and reconfiguration of the existing Bush House South West Wing including an extension at roof level, rear extension; minor demolition works associated with internal and external alterations to provide class E at ground floor and dual alternative use for either Class E (office) or Class F1 (educational) at basement, part ground floor and first to tenth floor, outdoor terraces, hard and soft landscaping and associated works.	Derwent London BH Limited
Recommendation 1. Grant conditional permission, subject to a s106 legal agreement to secure the following: <ol style="list-style-type: none"> a) A financial contribution of £281,580 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development); b) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data; c) In the event the office use is implemented, a financial contribution of £132,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development); d) Measures to protect the trees adjacent to the site during the works; and e) The costs of monitoring the S106 agreement. 2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then: <ol style="list-style-type: none"> 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 				

CITY OF WESTMINSTER
 PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 8th March 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	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.			
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 21/08497/COFUL Queen's Park	581 - 587 Harrow Road London W10 4RH	Demolition of the existing buildings, construction of part 4, part 5 and part 6 storey building to create ground floor commercial space and twenty five, 1-bedroom flats with private balconies, bicycle storage, refuse storage and communal roof terrace.	Westminster Community Homes
<p>Recommendation</p> <p>1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure:-</p> <ul style="list-style-type: none"> a) Provision of 25, one bedroom intermediate homes for rent, let at London Living Rents, with tenancies for a maximum period of five years. b) A financial contribution of £7,500.00 towards the Westminster Employment Service (index linked and payable on commencement of development). c) A financial contribution of £27,520 towards Carbon Offset Fund (index linked and payable on commencement of development). d) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the existing vehicle crossovers (Harrow Road and St John's Terrace) as footway and creation of on-street parking bays and electric vehicle charging point (subject to detail design and the approval of the Highway Authority). Threshold level checks prior to commencement of development. All of the above to the Council's specification, at full cost (administrative, legal, and physical) of the developer. e) Lifetime Car Club Membership for Residential Occupiers from first occupation of the development. (Car Club operator must be a CarPlus member). f) Monitoring costs <p>2.If the s106 agreement has not been completed within 3 months from the date of the Committee's resolution then:</p> <ul style="list-style-type: none"> 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 is has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of 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 				

CITY OF WESTMINSTER
 PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 8th March 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
4.	<p>RN(s): 20/06991/FULL</p> <p>West End</p>	<p>70 - 72 Piccadilly London W1J 8HP</p>	<p>Variation of Conditions 1, 11 and 15 of planning permission dated 4 March 2020 (RN: 18/10021/FULL) for, 'Part demolition of, and extensions to, the existing buildings, including a 2 storey roof extension; the refurbishment of the existing and creation of new office (Class B), hotel (Class C1), retail (Class A1 - A5) and Leisure and non-residential institutions (Class D1 - D2) floorspace with ancillary functions; basement refurbishment works; the erection of a 5 storey pavilion on the corner of Piccadilly and Dover Street; Installation of plant at roof level; hard and soft landscaping works as part of an improved public realm offering at Dover Yard and pedestrian route between Dover Street and Berkeley Street, including the creation of additional retail outlets; and other ancillary works. (Site includes 1 - 7 Berkeley Street)'; Namely: to amend approved drawings to deliver a contractable canopy to the east side of Dover Yard, addition of a canopy to the hotel entrance at Berkley Street, expansion of the green wall to Berkeley Street and Dover Yard, revised landscaping scheme for Dover Yard, introduction of a small retail kiosk at Dover Yard Passage, amendments to lift overrun and plant screen, and minor façade amendments to the Annex Building (all amendments to drawings approved under Condition 1); to support the allowance of a car retail showroom use (Sui Generis) within the commercial units (amendments to Condition 11); and, to allow the placement of furniture in Dover Yard to be subject to a Management Plan (amendments to Condition 15). Application made under S73 of the Act</p>	<p>Crosstree Real Estate Partners LLP</p>
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a deed of variation to the original s106 legal agreement dated 4 March 2020 (under application RN: 18/10021/FULL), which secured the following:</p> <ul style="list-style-type: none"> i. A financial contribution towards employment, training and skills of £88,188 (index linked); payable on commencement of development; ii. A servicing management plan; iii. A walkways agreement; iv. Stopping up the highway. v. The costs of monitoring the S106 legal agreement 				

CITY OF WESTMINSTER
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 8th March 2022
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

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| | <p>2. If the legal agreement has not been completed within 3 months from the date of the Committee's resolution then:</p> <ul style="list-style-type: none">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 notb) 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 an appropriate timescale, and that the proposals are unacceptable in the absence of 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. |
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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 March 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Hyde Park	
Subject of Report	Travis And Perkins Building, 149 Harrow Road, London, W2 6NA		
Proposal	Demolition of existing Travis Perkins building(s) on the Site at 149 Harrow Road, erection of a new building (plus basement) comprising reprovision of builders merchant (Sui Generis) and student accommodation (Sui Generis), ancillary community space (Sui Generis) and student amenity terraces above, together with public realm works to Harrow Road and the creation of a canal side path with landscaping. Provision of cycle parking and car parking for the builders merchant. Relocation of bus shelter on Harrow Road. Works associated with the creation of new public walkway under Bishops Bridge Road bridge. Installation of plant equipment photo voltaic panels and other associated works. [The development is accompanied by an Environmental Impact Assessment]		
Agent	Chloe Staddon		
On behalf of	Unite Group Plc and Travis Perkins Plc		
Registered Number	21/04536/FULL	Date amended/ completed	5 July 2021
Date Application Received	5 July 2021		
Historic Building Grade	Unlisted. Nearby listed buildings include: 179 Harrow Road + Rotunda Grade II*; Church of St Mary Grade II*; Paddington Station Grade I.		
Conservation Area	Outside however, Maida Vale Conservation Area is to the northwest, Paddington Green to the north east and Bayswater to the south		

1. RECOMMENDATION

Subject to referral to the Mayor of London, refuse permission – daylight, sense of enclosure and highways.

2. SUMMARY

The application site is sandwiched between the Paddington Branch of the Grand Union Canal, Bishops Bridge Road, Harrow Road and the Westway. There is a small patch of open space to the

northeast of the site which includes the end of a pedestrian footbridge which links over to Paddington Central to the west. The site is currently in use by Travis Perkins builders merchant, which includes a number of uses including the warehouse with forecourt, retail store and offices. The buildings go right up to the canal, with no current access along it however there are two commercial moorings used by canal maintenance barges.

There are no heritage assets on the site, which also lies outside of a designated conservation area. It is within the Central Activities Zone (CAZ) and the Paddington Opportunity Area (POA). A full list of site constraints is within the site description of this report.

The proposal involves the demolition of the existing buildings on the site and the erection of a new building set back from the canal edge for a mixed use of a re-provided Travis Perkins builder's merchants, a small community facility and student accommodation.

During the course of the application the development has been amended as follows. These changes resulted in a full re-consultation on the development proposals:

- Two storeys removed from the overall massing: one 'stepped' storey from the top and another full storey from the 'middle' layer to reduce the scheme from a maximum height of 7-22 storeys to 6-20 storeys.
- A reduction in the number of student bedrooms from 843 to 768. Amendments to the mix of accommodation also proposed.
- Overall area of builder's merchant reduced by 28sqm and internal layout changes.
- Design changed on canal side with vertical expression on the canal side, instead of the horizontal emphasis previously submitted. Change to canal frontage design with glazed brick detailing and opening up of two further glazed bays to retail areas of Travis Perkins canal frontage.
- Revised servicing strategy including the removal of the proposed on street loading bay and its replacement with an area of double yellow lines. Consolidated deliveries for all non-perishable goods to take place within the builder's yard.
- Alterations to the public realm, adding additional planting and benches, changes to the moorings and lighting.
- Additional PV panels to roof and an area identified for future connection to a District Heating Network.
- Minor internal changes following amendments to the fire safety strategy.
- Amendments to the site boundary / 'red line' to incorporate the works under Bishops Bridge Road and on Harrow Road as a result of the amended servicing strategy.

The proposed development now includes the following principal elements:

- Erection of a staggered and stepped building which ranges in height from 6-20 storeys.
- Excavation of a basement under part of the site.
- Reprovision of a builder's merchant split between warehouse, retail, offices and plant spaces at basement, ground and mezzanine levels.
- Provision of 768 student bedrooms with ancillary spaces at ground, and upper 20 levels. Includes accessible terraces on stepped roofs and PV panels.
- Provision of a public footpath along the canal frontage of the building and under Bishops Bridge Road.
- Relocation of existing bus stop on Harrow Road frontage.
- Landscaping and removal of trees adjacent to the site.

The proposed scheme is targeting net zero carbon through construction and operation. Reduction in embodied carbon will be achieved through design optimisation and material selection including specification of cement replacement and recycled steel. Residual embodied carbon will be offset using carbon offsets. The building will also be net zero carbon in operation, through high specification building fabric and energy efficient building services as part of a fully electric system. The proposed building is targeting a BREEAM Excellent rating.

Objections to the development have been raised by Councillors, stakeholders and local residents. A full summary of objections is summarised in section 5 of this report.

The key issues in the consideration of this case are:

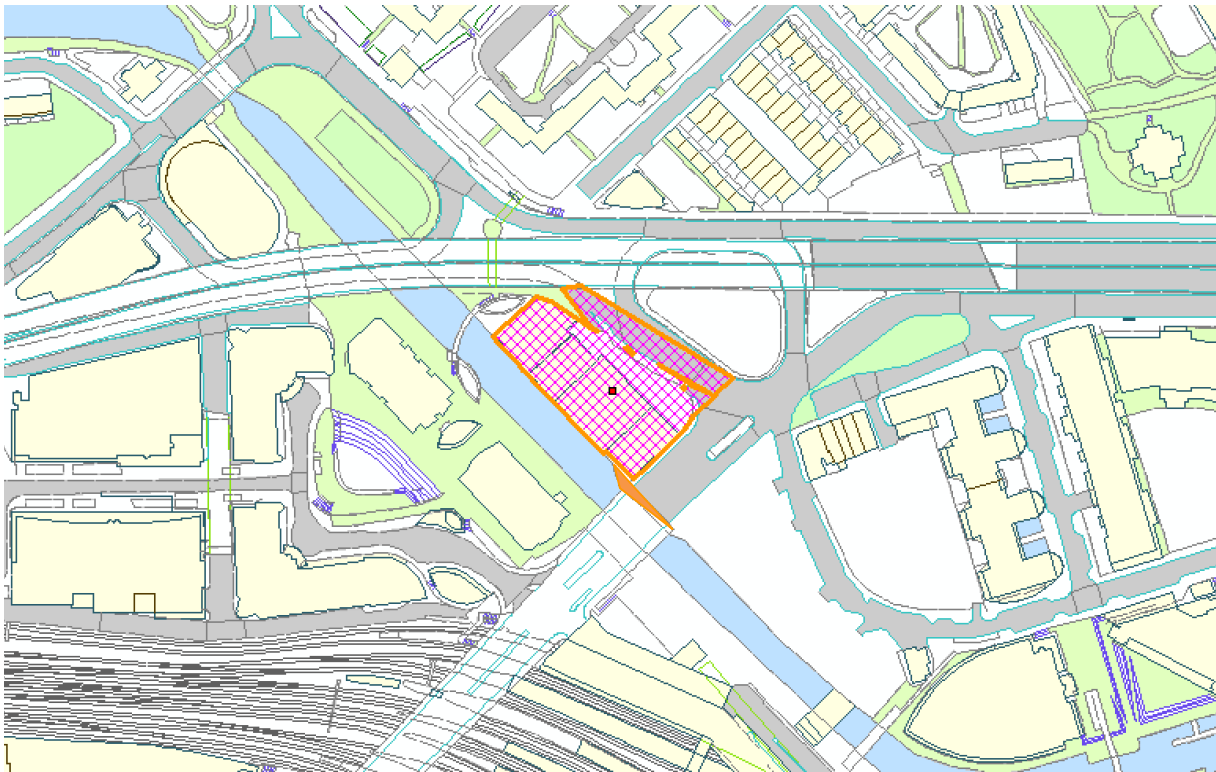
- The acceptability of the proposals in land use terms;
- The provision of affordable student housing;
- The economic considerations of the redevelopment;
- The impact on the amenity of neighbouring residents;
- The acceptability of the proposed building in design, townscape and heritage terms;
- The impact of the building on the environment;
- The highways and servicing implications of the scheme;
- Sustainability of the new building;
- The impact of the development on city greening and biodiversity.

A range of benefits have been offered by the applicant, these are summarised as follows:

- Opening up of the canal footpath adjacent to the development site and under Bishops Bridge Road, providing continuous link from Brunel Building up to Stone Wharf Park.
- Contribution towards the Canal and Rivers Trust for habitat and ecosystem schemes
- 138sqm community room at first floor level at peppercorn rent and Category B finish.
- £200,000 towards a TfL cycle docking station
- Student accommodation, including 35% as affordable student bedrooms.
- Re-provision of Builders Merchant.
- A net zero carbon, BREEAM Excellent, sustainable building with £638,249 carbon offset contribution
- £848,157.80 Employment & Skills Plan financial contribution
- Mayoral CIL payments of £1,891,952
- Economic benefits through construction and to the local area post completion from new occupiers.
- Biodiversity net gain of 968% across the site

While it is appreciated that these benefits would not be delivered should the proposals not be implemented, it is considered that the development would have a significant negative impact on the amenity of adjacent residential occupiers and does not provide adequate on-site servicing. The benefits are not considered to outweigh this harm. The proposals are therefore considered contrary to policies in Westminster City Plan 2019-2040 (City Plan) as set out within report, therefore the application is recommended for refusal.

Should members agree to refuse permission, this application will need to be referred back to the Mayor of London for his concurrence that permission should be refused in accordance with the Committee's resolution.

3. LOCATION PLAN

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4. PHOTOGRAPHS



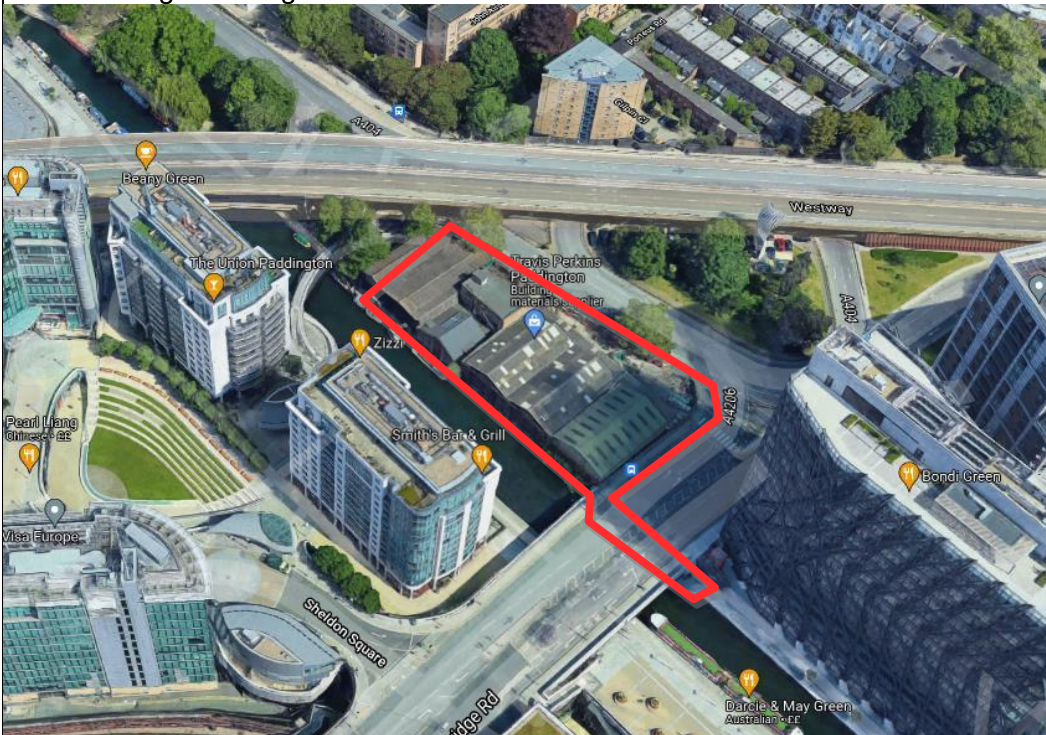
Travis Perkins warehouse



Travis Perkins retail and offices



Canal frontage buildings



Birds eye view of site (outlined in red)

5. CONSULTATIONS

Responses to first round of consultation:

COUNCILLOR COX & COUNCILLOR ACTON:

Raise objection to the proposals and provide the following comments:

- Support the retention of builders yard and accept need for more student housing.
- Welcome sustainability features and roof terraces will soften the visual impact.
- Concerns regarding the overall height of the building and resultant impact on shadowing of Sheldon Square residents and Little Venice Ward.

WARD COUNCILLORS FOR LITTLE VENICE

Object to the proposals on the following grounds:

1) The height and bulk are excessive

- blocking strategic views from Little Venice Ward including John Aird Court and St Mary's Terrace and strategic views from Warwick Avenue Station towards Paddington.
- Block daylight to neighbouring properties dramatically, with some buildings seeing more than two-thirds of rooms fall below industry standard baseline values.

2) The ability of the operator to manage so many students and prevent antisocial behaviour.

- The large number of roof terraces may cause issues around noise at night and overlooking to local residents. Balconies are not specifically referred to.
- Insufficient detail in the management plan to assure councillors.
- Does not deal with drug related issues.

3) The applicant has not adequately demonstrated the need for students accommodation in Westminster.

- WCC Policies state that "there is no overwhelming demand for accommodation for Westminster-based students to be housed in Westminster"
- The student demand report provided does not why Westminster-based students need to be housed in Westminster.

4) The servicing plan requires the removal of the bus stop at the Travis Perkins roundabout and deliveries via a single loading bay which could cause tailbacks on Harrow Road.

- Servicing is based on pre-pandemic levels and does not account for rise in supermarket, takeaway and online shopping deliveries as well as advent of rapid grocery shopping deliveries. Question if single bay can cope with volume, leading to tailbacks contributing to already poor air quality.
- Moving of bus stop around the corner by the Harrow Road and under the Westway, likely increasing exposure to toxic emissions.

COUNCILLOR HUG

Object to the proposals on the following grounds:

1) Overdevelopment of the site.

- The applicant is cherry picking examples of tall buildings to claim local context, however there is a stronger link with the lower residential buildings immediately opposite. The wall at the 22-storey end looks particularly out of scale.

2) Out of scale with low-rise residential Little Venice Section of the canal.

- The development would damage the current Little Venice section of the canal which is

predominantly modern low rise and mid-rise developments. The lower rise section of the canal and is clearly apparent from the Bishops Bridge Road which creates a strong divide between the low rise and the taller office buildings to the east. The hated Brunel Building should be last 20+ storey building at the western end of the canal.

3) Impact on Sheldon Square

- Applicant have admitted lower residents would be detrimentally impact, but not offered any mitigation or support to them.

4) The wrong use of the site

- Westminster needs more homes, which this site should be used for.
 - While 35% affordable students beds is welcomed, it will do little to meet housing need in Westminster. The affordable contribution should be used to provide accommodation for local people at social rents.

JONATHAN DJANOY MP

- Development which accommodated nearly 900 students will adversely affect the area which has a diverse but delicate constitution.
- The loss of the bus stop would be unwelcome.
- Bulk of the building unwelcome addition to the area.
- Central location not appropriate for student accommodation.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION and PRACT:

Raise objections on the following grounds:

1) Traffic flow on Harrow Road and Bishops Bridge Road

- This is the key gyratory providing links to Paddington, St Marys Hospital (incl ambulances and fire) and Edgware Road.
- Gyratory has little additional capacity with delays to Harrow Road and Bishops Bridge Road.
- Gyratory regarded as very dangerous for cyclists. Development could be an opportunity for cycle and taxi issues to be addressed
- Concerns in relation to students being dropped off at start/end of term.

2) Impact of development: Specific aspects

- Lay-by for deliveries unlikely long enough to enable buses to get in. Due to the size of development, lay-by unlikely large enough, with additional vehicles spilling into bus lane.
- Rubbish Collection should be maintained with Veolia for daily evening collections after Travis Perkins closes but not after 23:00.
- Impact of food and grocery shopping deliveries. Data is unlikely comparable and further tolerance should have been considered. Location less convenient than others tested, which may increase demand and therefore impact.
- If deliveries are from the main canal frontage, then additional delivery times as further away from parking.
- Deliveries into Travis Perkins at night ingenious, but unlikely delivery drivers would where to go. Query if this will be staffed.

3) Danger for student cyclists

- Conflicts with gyratory
- Only enough cycle parking for around 80% of students (660 spaces)
- Cyclists would need to tackle the gyratory if heading east, which would be unsafe.
- Routes to cycle quietways are convoluted and unlikely to be used.

4) Danger for student walkers

- Query if there are recommended routes to transport hubs? Has the increased use of

- the pedestrian crossing been fully allowed for in the traffic modelling, particularly in am peak.
- 5) Construction Lorries cannot use connecting bridges (over 7.5 tonnes).

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Raise objection on the following grounds:

- 1) The proposals result in the loss of historic fabric of the original warehouse building
- 2) Negative impact on the conservation area
 - Site has been identified as suitable for a tall building which would have a harmful impact on setting conservation area.
 - Area already affected by Brunel building particularly in southerly views from Warwick Avenue and properties such as those on Park Place Villas and St Mary's Mansions.
 - While the building will cover the Brunel Building it will cause further substantial harm to the setting of the conservation area.
- 3) Substantial negative impact on the sunlight and daylight of existing residents in Sheldon Square, due to bulk, mass and juxtaposition.
- 4) Negative impact on the setting of the canal, creating tunnel affect on airflow and noise.
- 5) Agree with negative traffic implications raised by PRACT, namely insufficient infrastructure and servicing to support development (Travis Perkins and students)

ST MARYLEBONE SOCIETY

Comments as follows:

- Aware of other scheme with Travis Perkins and student accommodation at Kings Cross
- Important to retain Travis Perkins here as only large building suppliers in the area. Lost their heavy materials yard 15 years ago, to lose this facility would result in longer lorry movements increasing congestion and pollution.
- Query what assurance TP will remain long-term and not converted. The new canal entrance may make conversion to another function more likely.
- Points raised by PRACT in relation to traffic should be examined
- Query what the impact of pollutants are on the student occupiers, and what measures can be applied to counteract them.
- Office more appropriate use of the site, due to insufficient infrastructure and impact of pollution on 800+ students
- On the whole, like the architecture and level of detailing.

BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY:

Any response to be reported verbally.

WESTBOURNE NEIGHBOURHOOD ASSOCIATION:

Any response to be reported verbally.

PADDINGTON BID:

Any response to be reported verbally.

CANAL & RIVERS TRUST (CRT)

Concerns and suggestions provided. Proposals subject to conditions and S106 legal agreement in consultation with CRT

- 1) Canal heritage, design and height of proposed building
 - Concerns in relation to the height and proximity of the building to the canal, causing shadowing of canal, towing path in morning and will therefore appear oppressive and overbearing creating 'canyon' along the canal corridor.
 - Footway in front of Brunel is at least 1.2m wider than proposed here.
 - Loss of canal heritage with the removal of the gable ended building, which provides distinct feature to Paddington Arm of canal. Should have been retained.
 - Would support use of commercial barges for use by Travis Perkins, to boost use canal to move materials by water in accordance with London Plan Policy S1 15 and WCC Policy 31. Would also promote for demolition and construction.
- 2) Proposed walkway, and access/security of adjacent operational moorings.
 - Pedestrian walkway could be beneficial subject to it having suitable surveillance and overlooking. Concerns in relation to canalside frontage and how this is used.
 - Concerns with student access from the canalside.
 - Lift from Bishops Bridge Road is currently not operational (adjacent to Brunel).
 - Important balance of protecting canal corridor wildlife.
 - Request no bins along the waters edge to prevent litter.
 - A smooth surface is recommended.
 - Stress how critical existing mooring are both to CRT and third parties.
 - Suggest a pontoon may be possible to provide safe secure access to moorings.
 - Note mooring rings/bollards, servicing and bubble machine required / should be retained.
- 3) Impact on the biodiversity of the Grand Union Canal
 - Lighting should not exceed 5 lux and be warm white and be low level. A condition is recommended to secure details.
 - Landscaping looks appropriate but more detail required.
 - Due to height, overshadowing will occur of water space affecting biodiversity. Ecological mitigation should be provided
- 4) Impact on structural integrity of Canal
 - Condition recommended for wall survey and schedule of repairs to be undertaken.
 - Water source heat pumps should be investigated.
 - Offsite contributions should be provided such as wayfinding.

ENVIRONMENT AGENCY

There are no environmental constraints on this site within remit, therefore no comments.

GREATER LONDON AUTHORITY:

Proposals do not comply with the London Plan, but could be resolved with suggested remedies.

- Student accommodation co-location with TP acceptable subject to being secured exclusively for students through nomination agreement and legal agreement including affordability.
- New canal path is strongly supported.
- Consider the building to have a positive impact on views from different distances and it would not harm the significance of adjacent heritage assets.
- The impacts of the proposed tall building will be subject to the councils detailed assessment and conditions and obligations.
- Agent should confirm design measures to minimise potential noise nuisance

- generated by Travis Perkins operations and the student accommodation would benefit from high levels of amenity. Also ensure Travis Perkins is safeguarded from unreasonable restrictions.
- Proposed fire safety in accordance with London Plan.
 - Inclusive access and means of escape acceptable.
 - A financial contribution of £200,000 should be secured for the provision of a cycle hire docking station in the area.
 - Reduction in parking (16-13) is acceptable, but infrastructure for electric vehicles should be provided.
 - The quantum of people choosing to cycle to the site should be higher and a sensitivity test should be undertaken to reflect future mode share.
 - An Operational Management Plan should be produced to ensure that students move in-and-out days are managed. A Travel Plan should be secured and to encourage active travel.
 - Final delivery and Servicing Plan should be secured by condition and approved in consultation with TfL. All cost of moving bus stop should be secured through S106.
 - Construction Logistics should be secured by condition.
 - Subject to further information the energy strategy generally complies with London Plan policies.
 - o Lean: Application should confirm min 15% improvement on 2013 Building Regs from energy efficiency
 - o Overheating: Comfort cooling is used – applicant should ensure cooling hierarchy is followed and confirm passive measures considered
 - o Clean: Evidence of no district heating provided and future connection ability provided. Information on heat network should be provided.
 - o Green: Roof layout and constraints should be provided to confirm roof potential for PV. Onsite renewable energy should be maximised.
 - o Seen: Development should commit to post construction monitoring. Carbon off-set payment should be provided to council.
 - o Whole life carbon: Template should be submitted in Excel format to allow full assessment.
 - o Circular Economy: Ways to go beyond standard guidance should be considered.
 - Proposal is under the 0.4 Urban greening requirement at 0.34, however given the constraints of the site this is acceptable. No further loss of greening would be acceptable however. Adjacent to the London Canal's Metropolitan Site of Importance for Nature Conservation (SINC), details of how they will avoid impacts on this and improve greening to canal. Applicant has calculated an 800% biodiversity net gain which is welcomed.
 - There are inconsistencies in relation to Urban Drainage and flooding, however proposals generally meet requirements.
 - Further information is required to demonstrate Air Quality Positive and London Plan policies.

HISTORIC ENGLAND:

No Comments, recommend the views of a specialist conservation adviser as relevant.

HISTORIC ENGLAND ARCHAEOLOGY:

While not in an archaeological priority area, the site lies in an area of industrial archaeological interest, adjacent to Paddington Station and its Goods Yard and canal.

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 by way of suitable planning conditions for a written scheme of investigation and watching brief to be submitted prior to commencement of development.

LONDON GARDENS TRUST:

Raise Objection on the following grounds:

- Unwanted addition to the sky space around Primrose Hill.
- Development would cast unacceptable shadows over the canal and towpath.

METROPOLITAN POLICE:

Raise objection. The area is a hotspot for anti-social behaviour, due to concentration of bars and restaurants, which may worsen with additional students. Concerns raised in relation to Safety, Noise, Drugs, Theft and Vice. They also note that the area is between two sets of gangs, placing students in between may aggravate violence between gang-affiliated individuals. Note that other student accommodation results in such concerns.

In relation to the development itself raise concerns for the following reasons:

- Due to lack of street scene and natural surveillance, the vulnerability of the site is increased.
- The shared access to the site leaves Travis Perkins vulnerable when closed.
- Canopy should not exceed 600m deep to reduce loitering and anti-social behaviour.
- Query if the fire brigade has been consulted.
- Note the proposals are contrary to WCC and national policy.

NATURAL ENGLAND:

No comment.

THE ROYAL PARKS:

Raise objection on the grounds of massing, with impacts from Primrose Hill

TRANSPORT FOR LONDON:

Comment as follows:

- The development will support all Healthy Street London Plan T2 objectives. The proposal will improve cycle connectivity with the provision of canal footway and works to Harrow Road are acceptable. The alterations to the bus stop will require approval and should be conditioned. Details of flows along the footways should be provided to make sure that the widths are acceptable. The council has implemented 20mph speed restrictions, which should reduce severity of highway incidents.
- Cycle Parking is on balance considered acceptable. A contribution for a new Cycle Hire docking station should be secured.
- No objection to reduction of car parking.
- Request a sensitivity test is undertaken to reflect future mode share targets and development opening date. Data from other sites awaited.
- Further discussions required in relation to minimising the adverse affects of the proposed loading bay and maximise the use of on-site yard. The Final Delivery Service Plan should be conditioned.
- An Operational Management Plan should be produced to ensure that the student move in / out is managed. A Travel plan should also be secured.

CROSSRAIL SAFEGUARDING:

The site lays outside of the limits of land subject to consultation, therefore no comment.

LONDON UNDERGROUND SAFEGUARDING:

No objection subject to condition for excavation and foundations details to be provided.

THAMES WATER:

Provide information to applicant in relation to Waste and Water.

ROYAL BOROUGH OF KENSINGTON & CHELSEA

Any response to be reported verbally.

LONDON FIRE SERVICES

Any response to be reported verbally.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

Any response to be reported verbally.

LONDON FIRE SERVICES

Any response to be reported verbally.

NATIONAL GRID

Any response to be reported verbally.

WESTMINSTER EMPLOYMENT SERVICE:

Note that an Employment & Skills Plan financial contribution of £113,216 is required.

ENVIRONMENTAL HEALTH:

No objection but comment as follows:

- The development would need to comply with councils Code of Construction Practice guidance, requiring a pre-commencement condition. A Site Environmental Management Plan and a Control of Pollution Act Section 61 prior approval will also be required.
- Plant specification is not known, therefore a supplementary acoustic report will be required to demonstrate plant noise and attenuation measures.
- An emergency generator condition is required.
- It is not considered the roof terraces would result in noise nuisance. While unlikely to have an impact, a condition to limit amplified music could be considered.
- Noise breakout from the Builders yard will be reduced due to being enclosed.
- Conditions to ensure that noise transfer between the floors and from external sources is acceptable and mitigated.
- Vibration conditions are recommended to protect occupiers from London Underground vibrations.
- Mitigation for dust and construction will be secured as part of the CoCP.
- A condition for details of mechanical ventilation be approved prior to occupation due to concerns in relation to existing and future air pollutants.
- The development meets the benchmarks and current guidance for air quality neutral and air quality positive developments.
- A condition is recommended in relation to overheating for details of ventilation to be submitted.

- A condition is recommended for a contaminated land report to be submitted due to potential contamination.

PLACE SHAPPING:

- Query requirement for a community room
- Not clear on lighting strategy
- Limited public realm gained although it is noted the canal footpath will add amenity. Recommend land at end of footbridge could be improved.
- Unclear how students would access from Bishops Bridge Road.
- Not keen on cyclists entering from canal side as cyclists should use Harrow Road side.
- Unclear on student move in / out days and times
- Dependency on on-street loading bay is concerning.
- 1 disabled bay for students does not seem sufficient.
- Would have preferred canal frontage to reference industrial history and its passive nature.

WASTE PROJECT OFFICER:

Raise objection, further details required.

ARBORICULTURAL SECTION

- Drawings need updating to show trees correctly plotted.
- None of the trees are protected, however their loss would be regrettable. The report states that they are to be retained, however the Impact Assessment is inadequate to determine this is possible. It is highly unlikely that it would be practical to retain all the trees. A more detailed assessment is required.
- Canal side trees are welcomed, but the size of their soil volume would limit their longevity. The space above ground is also constrained, and alternative species are recommended.
- Green/blue roofs are welcomed in principle, but some concerns in relation to green screen to Harrow Road, grilled walkways to roof terraces and trees to roof terraces with limited soil volumes.

BUILDING CONTROL:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Any response to be reported verbally.

SPECIAL EVENTS:

Any response to be reported verbally.

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

LOCAL FLOOD AUTHORITY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2570

Total No. of replies: 90

No. of objections: 82

No. in support: 8

Objections raised on some or all of the following grounds:

Land use:

- Anti-social behaviour from students.
- Addition of short term residents in form of students degrades the community.
- Pollutants from Westway will affect students' health.
- Most offices are empty due to pandemic. Rather than build additional tall buildings, should these not be repurposed? Ideally in the City where antisocial behaviour is away from sensitive residential uses.
- Development will not benefit local residents.
- Site should be developed for something which the local community needs. Examples include for housing or as a museum about canals history if regeneration required
- No demonstrated need for student accommodation.
- Smaller building with less students should be considered
- Students more likely to want to live in more affordable areas.
- Will impact on the availability of land for residential purposes in opportunity area.
- Active ground floor uses required to maintain a vibrant community.
- Commercial moorings need to be maintained for operational craft to maintain canal.
- 5sqm per unit of outside space is not provided. Not stated how much is provided.
- No or limited and insufficient public benefits.
- Why should Sheldon Square residents have to bear the brunt of the damaging impacts when they get no 'benefits'? These impacts go beyond the loss of residential amenity and will affect existing Canal side Sheldon Square businesses, as well as Canal walkway visitors.
- Questions about whether international students will want to travel to UK, whether the government will reduce funding for higher education, and whether online learning will encourage more students to save money and stay at home.
- Westminster homes are higher requirement and surprised this opportunity is not being taken.

Amenity:

- Unacceptable, significant loss of sunlight, daylight and increased overshadowing. A daylight and sunlight reports have been commissioned by objectors to demonstrate the negative impact.
- Incorrect/misleading assumptions applied to the applicant's technical assessment.
- Given other adjacent approvals for large building, the shorter residential building will be surrounded by taller buildings which is bad planning.
- Loss of privacy from overlooking.
- Increased sense of enclosure to the canal.
- Increased disturbance from students coming and going and use of terraces.
- Overshadowing of canal footpath should be undertaken.
- Morning sunlight would be blocked to residents within Sheldon Square, particularly block 11.
- Contour maps should be provided.
- Mirror massing study should have been undertaken as likely that this would still demonstrate considerable harm from the proposed development due to its larger

- scale than Sheldon Square blocks.
- The applicants have admitted that the lower residential floors of the Sheldon Square buildings would be detrimentally impacted. They claim these should be accepted due to wider 'regeneration benefits'.
 - Current noise and ASB from existing bars and restaurants and their impact on Sheldon Square. Onsite management team are powerless to deal with the regular problems faced by residents.
 - Existing council and police teams cannot cope with the existing demands, which will be worsened.

Design & heritage:

- The building is too tall and will dwarf adjacent residential and commercial buildings and contrary to policy.
- Stepped design is contrived and sheer end 22 storey wall is particularly out of scale.
- Far too tall and massive – wrong building, wrong place.
- Negative impact on adjacent conservation areas.
- Overdevelopment of the site and create a canyon effect to canal.
- Loss of historic industrial buildings will negatively affect character of the area and historic nature of the canal.
- Architecturally sub-standard.
- The building should be further set back from the canal to improve its relationship and create better public realm.
- 22 storeys would ruin the current pleasant Little Venice section of the canal environment, characterised by modern low and mid-rise developments.
- Low rise section of canal is clearly apparent from Bishops Bridge Road bridge, which creates a strong divide between the low-rise part of the canal at Little Venice and the taller office buildings (such as Brunel building) associated with Paddington Station. In this respect, the Brunel Building should be at least 20+ building at the west end of the canal.

Highways:

- Very narrow pathway to the canalside unlike at Sheldon Square
- Design of building will impact on drivers during the day
- Increased congestion from cars
- Existing Travis Perkins, causes tailbacks onto Harrow Road, which will be worsened and is currently unacceptable and will have safety issues with addition of students.
- Single area for all deliveries will cause havoc to local traffic and increase pollution
- Moving of bus stop unacceptable.
- Bus lane and adjacent road network will be negatively affected by vehicles and servicing

Other:

- Did not receive consultation letter
- Poor pre-application discussions with community, with comments not taken onboard or scheme amended.
- Issues in relation to the poor management of Paddington Central estate and associated anti-social behaviour (opposite the site)
- Noise, vibration, dust and disturbance from construction in addition to existing development disturbance.
- Development will affect the health of residents.

- Negative impact on local environment such as increased wind and urban heat.
- Paddington Central already a red pollution zone.
- Shops will have large queues and reduced stock due to increased demand.
- Lack of services such as GP's which will become overcrowded.
- Loss of phone and TV reception.
- Increased bills due to higher energy use due to loss of light.
- Loss of views
- Reduces property prices
- Student operator failing to manage students at other sites so why would they be successful here?
- Insufficient capacity at local train stations already
- Anti-social behaviour in Rembrant gardens will be worsened and also overshadowed.
- Developer has not worked with residents during consultation
- Structural concerns.
- Query if climate change has been considered
- Council ignores residents objections
- Consider that Conservative Hyde Park Ward Councillors have 'rubber stamped' the building for approval.
- Canal should be used for construction materials.

Support letters

- Welcome additional student accommodation, in this suitable location
- Proposals will improve tired area
- Note students will not come and go on mass (800 at once) and will not significantly affect area.
- The development will aid local businesses.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

Responses to second round of consultation to revised scheme (all consultees and neighbours re-consulted):

CLLR BURBRIDGE (Lancaster Gate Ward):

Requests to speak at committee.

Raises the following concerns in addition to those raised by SEBRA:

- A huge wood depot underneath a huge hostel does this higher the fire risk?
- How emergency services access this property where would fire station for evacuations be situated?
- Students do own cars where would these go – our surrounding streets are already overcrowded?
- Protecting our environment and going greener and yet this area is as residents would say already full up. You can only build up. But where is space being created outside space: for students to play basketball Football, tennis etc. Paddington Recreation ground it is already full. (i.e. One of the buildings in Sheldon square has a basketball on the roof)
- Environmentally each human brings approx. 5 tons of carbon dioxide a year – how can this be offset without payment in lieu or how green is the building?
- The Marylebone Road is already the most polluted road and congested road in the

UK and Europe

- When the new Jubilee line opens up at Paddington what are the extra numbers envisaged being brought into the area already adding to the daily population of the area.
- The canal is already having issues with refuse abuse – plastic bags and other litter now almost creating the new flooring of the canal – How can we better protect the canal with larger and larger populations.
- No doubt this accommodation will be rented out when the students don't use their rooms.
- Lack of green space already a concern in the whole area.
- Paddington Basin has dog security overnight due to ASB issues how do we stop more people adding to this present issues

SOUTH EAST BASWATER RESIDENTS ASSOCIATION:

Maintain previous objection.

- The reduced height is far insufficient to obviate the damage of such a tall building to the conservation area and the overshadowing of Paddington Central.
- Concerns about canyon effect of the canal
- Possible overuse of canalside walkway as access to student accommodation.
- Support updated comments of PRACT on dangers of cyclists and pedestrians on gyratory, due to increased numbers of users.
- Conflict between deliveries to student hostel and buses outside the site and other traffic.
- Concerns about poor air quality at the site due to location on major traffic junction, making it unsuitable for residential use.

PRACT

Previous ground of objection maintained:

- Increased danger for student and other walkers and cyclists with little possibility for effective mitigation.
- Issues with short bus lay-by, with large numbers of deliveries and rubbish collection .

PADDINGTON BID:

Support the application.

- Reduced bulk is welcomed and façade detail is much better fit with the surrounding environment.
- Relationship with canalside is more sensitive with the provision of commercial and residential moorings coupled with inclusion of narrative relating to canals industrial heritage and strategic importance.
- Opens up the canalside and brings lighting and improved surfaces and green infrastructure.
- Use is welcome and fits within Paddington's mixed-use.
- King's (university) is a prestigious and well respected academic partner, with a stated need for student accommodation, and will retain this accommodation.

ROYAL BOROUGH OF KENSINGTON AND CHELSEA:

No objection, with informative recommended in relation to construction works.

GREATER LONDON AUTHORITY:

Additional comment in relation to daylight and sunlight and note significant change,

which needs to be carefully considered. Regard must be had to local contextual conditions. Westminster will undertake a detailed local assessment.

Following the receipt of further information comment as follows:

- Green infrastructure information complete
- Circular economy information received and condition recommended
- Further information regarding energy matters
- Further information in relation to air quality required

LONDON UNDERGROUND SAFEGUARDING:

No objection subject to condition in relation to excavation works

CROSSRAIL SAFEGUARDING:

Land is outside of limits of land subject to consultation.

ENVIRONMENT AGENCY:

No comment.

ROYAL PARKS:

Maintain their objection on the grounds of massing and impact on views from Primrose Hill. The reduced height while welcome, will not remove this objection

CANAL AND RIVERS TRUST:

- The trusts previous concerns in relation to canyoning remain, however it is noted the removal of two stories does reduce the overall scale slightly.
- Redesign does breakdown the overall mass, albeit it does then emphasise the height. Canal frontage redesign is less oppressive than previously
- Materials are of high quality will help to serve to enhance the public realm.
- Large blank wall to north and south are least successful and visible in oblique views, wonder if these could be animated in some way.
- Pleased with recognition of loss of 20th century warehouse gable worthy of consideration.
- Concerns about surfacing materials to canal walkway may be trip hazard.
- Benches may cause anti-social behaviour and may obstruct moorings.
- Concerns in relation to moorings, namely the proposed barrier access to mooring rings, security, ducting/servicing below landscaping.
- Request same conditions and informatives as stated in original response.

METROPOLITAN POLICE:

Note that concerns raised in first response remain.

THAMES WATER:

Comments and informatives provided to developer in relation to waste and water.

NATIONAL PLANNING CASEWORK UNIT

Comment that as the application was submitted prior to 1 August, they do not need to comment.

ARBORICULTURAL OFFICER:

- Comment that the submitted drawings show trees mis-plotted and additional

- information is required to demonstrate how trees will be retained both as a result of construction and in relation to the future building. Proposals will likely lead to the loss of trees T3 and T4.
- The proposed canal side trees are welcomed by have constrained soil volume and also constrained above ground due to the proximity of the proposed building to their future growth. Alternative species recommended.
 - Concerns about planting to Harrow Road
 - Concerns about the practicality and maintenance of steel grill walkways to terraces
 - Soil volumes to terrace tree planting is limited.

Following additional information being submitted make the following additional comments: Concerns as above remain unresolved.

ENVIRONMENTAL HEALTH OFFICER:

Further information requested in relation to acoustic and air quality reports. Following the receipt of additional information, confirmed that no change in air quality findings in memo to original scheme.

WASTE PROJECT OFFICER:

No objection, condition to secure waste details recommended

HIGHWAYS PLANNING MANAGER:

Raise the following comments in support:

- No objections to cycle parking
- Waste stored off the highway which is acceptable
- Car parking acceptable, electric charging should be secured.
- Doors and gates must not open over the highway
- Walkway/canal footpath should be secured by walkways agreement
- Stopping up of the highway required pursuant to s247 of Planning Act.
- Vehicle access and crossovers acceptable.
- Highway and public realm works will be subject to Highway Authority approval and Traffic Management Orders, but likely acceptable.

Unacceptable Highways matters:

- Policy 29 requires off street servicing. The proposals are for a mix of on-site and on-street servicing: The builders merchant will be off street, waste collection will be off street, student accommodation will be a mix of on and off street.
 - o Consolidated non-food deliveries are proposed
 - o Student Food type deliveries and taxi/private hire drop-offs would occur on the highway when the builders merchant is open.
 - o This would adversely affect highway users contrary to Policies 25, 29 and 43

WESTMINSTER ECONOMY TEAM:

An employment & Skills Plan financial contribution of £848,157.80 is required.

ADJOINING OWNERS AND OCCUPIERS:

No consulted: Same as originally and all people who commented to first round of consultation.

No responses: 35

No Objections: 170 (inclusive of 125 objections from different people and addresses using proforma objection)

No Support: 1

Largely the comments note that the changes do not significantly mitigate original objections. Additional comments not raised within first round of consultation:

Land Use:

- Poor quality student accommodation
- No homes or jobs as required by Paddington Opportunity Area.
- Should be no more than 500 students.
- Developer describes the reduction in student number as “meaningful”, but it is only a 9% reduction.

Design:

- Development fails to increase permeability and very little public realm, contrary to the City Plan requirements for this site.
- Note that Paddington Waterways opposes the loss of the historic fabric of the original warehouse building

Amenity:

- The daylight study of St Marys Terrace to justify poor VSC levels does not account for character, scale and generosity of its floor plans and sections as well as the general quality of the accommodation.
- Revision will still take away light and increase enclosure.
- Incorrect/misleading assumptions applied to the technical assessment not amended.
- Reference made to Public Enquiry in which director of GIA made statements, which are contrary to those put forward with this application.
- Refute applicants' definition of what are 'acceptable' and 'unacceptable' light losses.
- Light Reports and decisions from various sites provided.

Highways:

- The revised servicing and deliveries is worse than original scheme and wholly unacceptable, dangerous and likely to breach highways safety requirements.

Other:

- Given the developers have now seen all objections, neighbours have not been listened to or taken on the journey with the revised plans.
- Changes are minimal and insulting to residents
- Developers game the planning system with an original grossly oversized development and then revise by less than 10% in ostensible show of compromise, which it is not.
- Loss of views.

Letting in support of the proposals from Travis Perkins summarised as follows:

- UK's largest distributor of building materials, established 200+ years ago. Has been at the site for over 60 years.
- Pimlico branch forced to close, therefore Paddington Branch serves whole of the City of Westminster (one of two builders merchants in Westminster).
- Without Paddington TP all goods would need to be transported into central London from sites outside of the City, creating negative environmental impact.
- Note that while the site services customers and employment it is dated, inefficient

- and increasingly not fit for purpose.
- Redevelopment of the site solely as a builder merchant would likely be resisted by WCC as it would not optimise the sites development potential given location in Paddington Opportunity Area.
 - TP and Unite have previously successfully promoted similar mixed-use redevelopment proposals at St Pancras Way in Camden.
 - Proposals are carbon neutral, will meet WCCs long-established aspirations to provide high quality development at the site including 850% biodiversity on the site
 - Such uses were once specifically protected by WCC policies, and it is understood that while no policies such uses are supported to provide vital services.
 - They are a leading Kickstarter, traineeship and Apprenticeship employer.

SITE NOTICE / PRESS ADVERT:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is currently operated by Travis Perkins as a builder's merchant and retail shop, which is considered to be a Sui Generis Use. Located outside of a designated conservation area, the site has the following constraints within the City Plan 2019-2040:

- Within Central Activities Zone;
- Within the Paddington Special Policy Area (POA);
- Within North Westminster Economic Development Area (NWEDA);
- Westbourne Grove surface water hotspot;
- Area of Nature deficiency;
- Area of Public Open Space deficiency;
- Marylebone Road Air quality focus area;
- On Blue Ribbon Network;
- Above Bakerloo London Underground Line;
- Just outside of Crossrail (1) Safeguarding.

There is an area of open space, at the north western end of the site (but outside of the red line), which includes level access to a bridge spanning the canal to Paddington Central. The Porteus pedestrian Underpass is adjacent to this which connects under the Westway to the north.

Opposite the site on the other side of the canal is Paddington Central, a mixed use estate, largely comprising of office buildings as it heads west from the site. However, the two nearest and most affected buildings opposite the site have residential flats on the upper floors, with commercial units on the ground floor facing both the canal and Sheldon Square, an open amphitheatre on the southern side. To the east of the site on the other side of Bishops Bridge Road is the Brunel Building, which is an office building. There are other residential buildings in the vicinity, namely Dudley House, to the east behind the Brunel Building and residents on the other side of the Westway on Porteus Road. Stone Wharf Park is located to the north west on the other side of the Westway along the canal.

With the exception of the small three-storey office building, the site is currently occupied by a number of mostly single-storey shed-like buildings, all in use as a builders' merchants. As such it is now noticeably disparate in character to the surrounding area, which has been largely redeveloped in recent years to a much larger scale.

To the eastern part of the site is an open yard which currently forms the site's main frontage onto Harrow Road. The buildings are of mixed dates but are mostly modern (postwar), with the exception of the brick-gabled building which is understood to be early 20th century. Some of these originally provided canalside warehousing associated with the site's original use as a timber wharf at the northerly end of Paddington Basin. Historically the site was and often still is referred to as Baltic Wharf in reference to the origin of much of the timber which arrived there from seaports, to then be distributed around London's construction sites.

This canalside character does remain evident, mostly through the chaotic mix of functional shed elevations fronting the canal, but also due to the historic character of the older gabled building towards the centre of the site.

None of the buildings on the site are listed or otherwise designated for their architectural or historic significance. The oldest brick-gabled building is considered to have some local significance as a 'non-designated heritage asset'. The site is not within a Conservation Area, although the Maida Vale Conservation Area extends slightly beneath the Westway's bridge over the canal, approximately 45 metres to the north-west of the site. A number of other conservation areas are nearby which are discussed further below.

The buildings currently back directly onto the canal with no built footpath or connection to either the north or south. A floating walkway provides access to some working boat moorings stretching along much of the canal frontage.

Area description

The site lies in a heavily developed area, which is dominated by the Westway and Harrow Road to the north, and by Bishops Road Bridge, Paddington Station and the large-scale developments of the Opportunity Area to the south and west. In general terms it is considered to be an area of low townscape value, but which has been improved by recent developments in the Opportunity Area, and which requires regeneration through redevelopment and public realm improvements.

The quality of the area is also partly mitigated by its proximity to nearby areas and individual sites of higher townscape or architectural / historic value, such as Little Venice, Maida Vale, Paddington Green, and Paddington Station. Several of these areas are and/or contain designated and undesignated heritage assets in significant concentrations, which are identified and discussed further below.

The Canal Basin / Merchant Square and Sheldon Square / Paddington Central areas which form the two main nodes of the Opportunity Area redevelopments, and which formed part of the 2004 adopted Paddington Planning Brief, are now very popular mixed leisure, retail, residential and employment areas. The area's townscape quality is particularly aided by the waterside character of the canal, and includes several tall

buildings, some of which exceed 20 storeys. Most notably for the application site is the Brunel Building and Dudley House to the other side of Bishops Road Bridge, but also the as yet unbuilt Paddington Gateway Hotel (19 upper storeys) and Triangle Site office over sail development (21 storeys). The residential buildings forming the closest part of Paddington Central to the west are lower at 12 storeys, and are blocks of flats built parallel with the application site on the other side of the canal.

The impact and proximity of the Westway and, to a lesser but still significant degree, Bishops Road Bridge on the site should not be underestimated, with both forming substantial and 'absolute' physical and spatial barriers hemming the site in from north and south.

To the east, beyond the Paddington Green Conservation Area, lies the West End Gate (WEG) development area at the junction of Edgware Road and the Westway / Harrow Road. This includes buildings of considerable height which are currently under construction, including the 29 storey residential Westmark Tower. The Paddington Green Police Station site is also earmarked for a major redevelopment, although has not yet received a positive planning decision.

The POA and WEG developments have had a significant effect on the area, particularly when viewed in combination with the Westway from the north. Whilst the older townscape that forms the basis of the surrounding area to the north, and further to the south (beyond the POA) remain intact from within, from many angles from inside these conservation areas, views outwards are already dominated by the taller buildings that have been and are being built. Whilst this in some respects has had a negative impact on historic character and setting, it must be acknowledged that it has enabled long-term vacant or degraded sites such as WEG, the former railway sidings and Paddington Basin to be regenerated with considerable benefits to the quality and longevity of the local townscape.

The wider townscape of the city becomes ever more varied as it radiates out from the application site, and incorporates developed streets, public and private open spaces and the more significant public parkland of Regent's Park and Primrose Hill, and potentially also of Hyde Park and Kensington Gardens to the south beyond Bayswater. The character of these places in relation to the site are discussed further later in this report under 'Views'.

6.2 Recent Relevant History

On 22 February 2021 a request for a scoping opinion under Regulation 15 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for demolition of the three-storey sui generis block and surrounding double height warehouse builder's merchants and erection of one stepped building, up to 23 storeys in height which comprises a new enclosed builder's merchant facility at ground floor and mezzanine levels, shared student facilities and services, including study areas and leisure facilities, areas of student internal and external amenity space, an improved pedestrian connection along the northern canal side path of the Grand Union Canal, to allow unrestricted access from Warwick Avenue (to the north of the Site) to Paddington Basin (to the southeast of the Site) and landscaped public realm, and a car free development, with one car parking space for those with limited mobility. The council

confirmed which topics should be included within an EIA with any future application.

Various applications for minor works to the existing builder's merchant, which do not impact on the consideration of this case.

7. THE PROPOSAL

The application seeks permission to redevelop the site, demolishing all existing buildings, and replacing them with a new single building, containing a builders merchant at ground and mezzanine levels, and student accommodation to all upper floors with an access lobby at ground floor. The builders merchant will include replacement builders yard, retail and offices. The student accommodation will include ancillary amenity and entrance areas at ground and first floor levels, with the accommodation located from level 2 and above with 768 bedrooms. 35% of the student accommodation is proposed as affordable. A community room is to be provided at first floor level. Also proposed in association with the main building, is the creation of a new canalside path to the northern bank of the canal. This would complete the footpaths which currently run from Paddington Basin up to the southern side of the Bishops Road Bridge, and would provide a continuous connection from the basin through to Rembrandt Gardens open space to the north of the Westway.

The new building would effectively fill the site, developing all available space. Its height varies across the site, from 6/9 storeys to the northern end adjacent to the Westway, to 20 storeys at its southern end against Bishops Road Bridge. This upper height has been reduced since submission by two-storeys. At its highest point the building would top-out at 90.7m AOD (Above Ordnance Datum) or 60.7m above ground (when measured from the proposed canalside footpath).

Table 1: Existing and proposed floorspace figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Travis Perkins - builders yard	1,141.7	723	-418.7
Travis Perkins – branch (office and retail)	1,482.9	1,068.2	-414.7
Travis Perkins – plant room	0	343	+343
Student accommodation	0	23,969	+23,969
Community Space	0	138	+138
Total	2,526.6	26,176.1	+23,649.5

During the course of the application the development proposals have been amended, namely, to reduce the height of the building by two storeys, revise the design of the canal frontage and to amend the servicing arrangements. The revised proposals are to be considered in this report.

The basic form of the building would be stepped from 6 stories at its lowest up to 20

storey tower set on a low two-storey base, which projects out over a covered yard servicing the ground floor retail unit. The tower element would have an overtly stepped form – lower at 6/9 storeys to the northern end facing the lower scale development of Maida Vale, but higher at 20 storeys where it faces into the Opportunity Area and the immediately adjacent Brunel Building to the south. This also allows the incorporation of significant areas of roof terraces, most of which are proposed to be heavily planted.

The building is proposed to be built predominantly of brick, including significant enrichment and variation of bonds, brick types and patterns. As stated in the application, at this stage it is proposed that this would be genuine laid-on-site brickwork, rather than craned in prefabricated panels; this is welcomed as it is a generally more reliable way of achieving an architecturally solid and robust-looking building. The predominant brick would be a London stock, used for both plain-bonded sections and areas of decorative detail, consistent with the wider area. This would be articulated by sections of glazed green brick used for insets and for the base of the façade including the projecting podium.

The two main long façades would be punctured by hundreds of small square windows set deeply into the brick façade, each one providing the sole means of light to each student room, alongside a fixed ventilation panel.

The building would feature four primary entrances, two for each use. The builder yard retail element would have a pedestrian access onto the canal, and a vehicular access onto Harrow Road, covered by the podium roof and enclosed behind large, essentially open but mesh-covered openings to allow for a fully ventilated but covered outdoor space for the business's vehicular customers. The student accommodation would have pedestrian entrances onto the canal path, providing access to the double-height reception lobby, and to the south-east corner of the building onto Harrow Road, just at the junction with the bridge. A tertiary fire-escape door would also be provided to the northern end of the building, which will also function as the main access point to the first floor community room.

As part of the scheme, it is proposed to build a new canalside path to this side of the canal, connecting two currently disconnected footpaths across the site. This is shown continuing beneath the Bishops Road Bridge. This path and area of public realm would be essentially hard-landscaped due to its narrowness and main uses, but would feature elements of tree planting and grasscrete to provide some greening. A greenwall would be built up against the Bishops Road Bridge wall, with new lighting provided beneath the bridge.

The building itself would also be heavily landscaped, with the larger terraces set out as landscaped gardens for use by the student residents. These are designed to provide outwardly visible tall elements of landscaping. The lower level podium roof would also be set over entirely to a mixed low-level green roof. The open grills to the covered yard fronting Harrow Road would be planted with climbers set on trellis wires.

8. DETAILED CONSIDERATIONS

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 2021) and Westminster's City Plan 2019-2040 (adopted April 2021). There is no adopted Neighbourhood Plan for this part of the City.

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

8.1 Land Use

Policy 1 "Westminster's spatial strategy" is of key relevance in the consideration of this application, supporting intensification and optimising densities in high quality developments which integrate with their surroundings and make most efficient use of land. It seeks to balance development through intensification of the CAZ, with major mixed use redevelopment within Opportunity Areas to meet the councils' objectives in terms of new homes and jobs. Developments should seek to protect and enhance heritage assets and townscape value and also adapt to and mitigate the effects of climate change. These subjects will be discussed and considered throughout this report.

Policy 3 is of particular importance given it relates to the Paddington Opportunity Area, to which this site is located within. It has similar goals to Policy 1, with the additional priorities of ensuring inclusive and high quality public realm and reducing severance to the surrounding areas.

While the existing use of the site is considered to be Sui-Generis rather than 'industrial', due to its mixed use (warehouse, retail and office), London Plan policy E7 is considered of relevance to this case "Industrial intensification, co-location and substitution" development on non-designated industrial sites. Part C of this policy states that mixed-use or residential development proposals should only be supported where industrial floorspace is provided as part of mixed-use intensification. Where this is proposed developments must also ensure that the industrial use must: not be compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation; completed prior to any residential component; appropriately design mitigation so the uses do not compromise each other with particular consideration to:

- a) safety and security;
- b) the layout, orientation, access, servicing and delivery arrangements of the uses in order to minimise conflict;
- c) design quality, public realm, visual impact and amenity for residents;
- d) agent of change principles;
- e) vibration and noise;
- f) air quality, including dust, odour and emissions and potential contamination.

Each other these points will be discussed in turn.

a) **Safety and security**

The Metropolitan Police have objected to the proposals as a result of both the proposed uses as well as the design of the building. A number of objectors have raised concerns in relation to anti-social behaviour (ASB) and risks regarding and associated with the student accommodation. The applicant has also provided a statement to respond to these concerns from a crime and security specialist.

The Police note that the area does experience crime with anti-social behaviour and violent sexual offences dominating the figures. They note that the canal path, Paddington Basin and Sheldon Square are hotspots due to the large concentration of bars and restaurants. The Police consider that the proposed additional students could worsen this situation. It may also increase noise, promote a new market for drug sale and use, result in additional thefts and generally promote ASB.

The applicant notes that the Police's figures do not accurately depict the issues at the development site, and that when the data is looked into to, the main issues raised are actually located further away in the areas of Paddington Station, St Mary's Hospital and within a nearby housing estate. The applicant does not challenge the fact that Sheldon Square and Paddington Basin would experience increased ASB due to the number of existing bars and restaurants but does challenge the assumed bias that students would exhibit anti-social behaviours. They note that the issues outlined are found right across Central London, and therefore, by implication, the whole area would be unsuitable for housing students. The applicant notes that while the development is unable to address or mitigate many of the societal issues the Policy identify, the two operators (Unite and Travis Perkins) are able to manage their own spaces and areas under their control, and to ensure that the spaces within and around the building are designed so as to help to reduce their impact on the locale.

Both a student and Travis Perkins management plan have been submitted with the application. The student management plan includes the following

- 24/7 staffing including security staff
- Secure access
- Anti-social behaviour not tolerated and may lead to eviction
- Restricted access to terraces (capacity and hours)
- CCTV
- Relationship with local community support officer

The Travis Perkins operational management plan also includes a number of safety and security measures namely:

- CCTV & Security alarms
- Lighting will be maintained 24/7
- Fire safety audits and associated training.

The Metropolitan Police also have raised objections in relation to the design of the building. They raise concerns in relation to a lack of natural surveillance; the enclosed nature of the yard, restricting surveillance; shared access leaving Travis Perkins vulnerable when closed; size of canopy to entrance will attract ASB, street drinking and possible drug use; location of student entrance should be on Harrow Road not the canal.

The applicant has noted that natural surveillance has been increased through providing an entrance to the TP branch on the canal and provision of the student access point on the canal. They note that the street scene and delivery yard has been subject to various methods of design processes including the Police's own SBD guidance. The council has sought to increase the activity along the canal, however opportunities are limited given the location of the warehouse at this level, however this is not a solid frontage, with visual openings into the warehouse along the canal frontage, providing some activation. The applicant notes that there will also be surveillance from both upper levels of the site

as well as from both commercial and residential occupiers on the other side of the canal.

In relation to the yard, this will be closed with shutters when not in use, lit, include CCTV, alarms and cameras. It will also be managed through set hours when TP is closed for servicing of Unite (See highways section for further discussions on this point). The recessed 'canopy' entrance will be managed by the 24 hour staff and cameras. Through the design process the entrance has been made more open and wider than the initial design seen by the Police, however it is appreciated that this area is larger than the 600mm set back recommended by the Police.

While the concerns raised by the Police are shared, it is considered that these have been taken on board by the applicant and mitigation measures proposed, which could be secured by condition. The concerns raised in relation to students causing ASB are noted however, these issues are a matter of opinion and not limited to this particular site and could be attributed to anywhere in the City or wider. It is considered that the best way to manage these issues is through suitable Management plans. In order to provide a more direct link between the development and neighbours a condition to include a direct telephone number & email would be recommended so that any issues can be reported straight away and investigated.

In relation to the public realm, lighting is proposed including under Bishops Bridge Road, details of which would be secured by condition and legal agreement to ensure that this was maintained to ensure that it is appropriate. This would need to be agreed with the Canal and Rivers Trust to ensure that it is both appropriate in terms of ASB and nature, to ensure it does not light up the canal.

Subject to suitable management plans, and conditions, it is not considered that the principle of student accommodation in this location is unacceptable.

b) the layout, orientation, access, servicing and delivery arrangements of the uses in order to minimise conflict

This will be discussed within the Highways section of the report (see section 8.4).

c) design quality, public realm, visual impact and amenity for residents

This will be discussed within the design section of the report (see section 8.2).

d) agent of change principles

London Plan Policy D13 seeks to ensure that "Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them." It seeks to ensure that mitigation measures are implemented to manage any noise impacts for neighbouring residents and businesses.

The proposals seek to retain the existing builders yard at ground floor level. This will be enclosed through the provision of an oversailing canopy and being located beneath the student accommodation. As a result it is likely that the noise outbreak from the site will be better contained, and therefore existing adjacent occupiers would likely see an improvement on the existing situation, which is a largely open goods yard.

In terms of internal noise, the student accommodation would be more negatively

affected. Suitable mitigation will be required to ensure that noise and vibration does not travel through the building. As noted, the builders yard has been enclosed so noise outbreak vertically through open air will be limited. It is considered that these considerations can be suitably controlled through planning conditions both in terms of operation and insulation within the structure of the building.

e) vibration and noise

The applicant has discussed the impact of the proposals in terms of both construction and operation within their submitted Environmental Statement (ES) report and through an acoustic report. These have been assessed by Environmental Science Officers (ESO) and discussed here.

Construction Noise:

The applicant has predicted that there will be Major-Moderate Adverse impacts to highly sensitive receptors living in close proximity to the proposed construction site. Sites of this size will be required to comply with the council's Code of Construction Practice, therefore prior to commencement of any demolition/construction works a Site Environmental Management Plan and a Control of Pollution Act Section 61 prior approval will be required to be agreed with the council. Both documents will formalise noise/vibration mitigation measures and set noise/vibration limit values for the site. It should be acknowledged that noise will still impact nearby sensitive receptors but will be minimised as far as it is practicably to do so in line with current best practice.

Operational Noise:

Noise from Plant and Equipment

The site is in an area where ambient noise levels exceed WHO Guideline Levels. The ESO confirms that plant can be used continuously in this location based on the submitted noise data subject to it meeting a design criteria of 37dB(LPA) at the nearest noise sensitive receptors, which are on the development itself (the student accommodation). In order to ensure that any plant meets this requirement standard noise conditions are recommended along with a supplementary acoustic report to demonstrate that the design criteria for plant and any acoustic/vibration attenuation measures are submitted and approved.

Noise from roof terraces:

The acoustic report has outlined some potential impacts from users of the proposed roof terraces. Modelling of 10 people talking demonstrate no noise increase to the worst affected existing residential areas and therefore the ESO noted the impact to local residents would be considered non-existent. The predicted noise from use of the roof terraces is at least 18dBA below the otherwise prevailing traffic noise levels from the Westway. There is no allowance for the playing of amplified music within the chosen scenario but given the head room, 18dBA below the prevailing traffic, the ESO considers that impacts would not be significant. However a condition restricting the playing of amplified music to the terraces is considered reasonable along with restrictions to limit the number of people on the terraces. The Student Management Plan also includes details of how the terraces are to be managed by Unite Staff, which could also be secured by condition.

Noise from Internal Activity (noise breakout)

The applicant has confirmed that the impacts from the existing Travis Perkins facility will

be reduced compared to the current scenario. The operations including vehicle movements will remain broadly the same, but they will be further contained within a concrete framed building with blockwork walls and this construction will offer more attenuation of noise break out than the existing building. The yard will also include a canopy that will provide screening, thereby mitigating noise from operations transmitting to neighbouring sensitive receptors, when compared to the existing scenario.

Noise from Internal Activity (between uses)

The proposal includes a builder's yard at ground floor and therefore has the potential to result in high internal activity noise from their operations. The proposed development will need to ensure that noise cannot be transmitted into the structure to noise sensitive uses within the development itself. Section 14.4 of the RBA acoustic report has assessed potential impacts from the Travis Perkins Facility to the new accommodation. Noise measurements taken from the existing operation have been used to assess potential impacts. It has been confirmed that the proposed structural design will meet the required noise levels as set out in Westminster's standard internal noise condition (C49BB) and the ESO has therefore raised no objection in this regard, however they also recommend a supplementary acoustic report demonstrating compliance with the standard condition is secured.

Noise from external sources

Given the location of the site with the student rooms within close proximity to busy roads, mitigation will be required to ensure that these rooms meet internal noise standards. The submitted acoustic report does provide minimum specifications set out in Chapter 8 and the ESO has confirmed that these appear to be achievable. However, the development does rely on a mechanical ventilation to prevent overheating of the units, to allow residents to keep windows closed during summer months to reduce noise levels.

As the development is at the design phase these specifications have the potential to change. The ESO therefore recommends a supplementary acoustic report to demonstrate that the insulation measures to the façade meet the standards as set out in Westminster's standard condition which protects occupiers from external noise sources (C49AA).

Noise from underground train movements

The site is located above the Bakerloo Line of the London Underground. Chapter 9 of the submitted ES sets out potential impacts from underground trains to the development. It has been noted that the predicted vibration levels to the proposed receptors are below the relevant standards, but impacts are predicted from reradiated noise. To control vibration and reradiated noise associated with underground trains mitigation measures have been discussed in section 13.4 of the RBA acoustic report. To ensure that these noise levels are achieved the ESO has recommended conditions, subject to which no objection is raised.

Vibration & Noise conclusion

The ESO has assessed the submitted information in relation to noise and vibration within the ES and acoustic report, and raises no objection subject to the aforementioned conditions to secure levels and for supplementary acoustic reports to demonstrate compliance.

f) air quality, including dust, odour and emissions and potential contamination.Construction Impacts:

Objections have been raised in relation to the impact of the construction of the development on adjacent occupiers in these terms.

An air quality dust risk assessment has been completed where it has been confirmed that the site presents a high risk of adverse dust impacts in the absence of appropriate mitigation. Mitigation measures have been described in Appendix 11.13 of the Environmental Statement. Measures to control dust will need to be incorporated within a Site Environmental Management Plan. As previously noted the site will have to comply with the Councils Code of Construction Practice where a Site Environmental Management Plan (SEMP) will have to be agreed by the council before any works commence. The ESO notes that when mitigation has been applied to the construction/demolition activities there will be a negligible impact to the local receptors, from the dust-generating activities on site.

On road construction vehicles has been predicted at 13 HGV daily movements. The ESO notes this level is below the threshold to warrant a detailed air quality assessment, therefore any impacts are considered to be insignificant.

All non-road construction plant would need to adhere to the emissions standards for NO₂ and PM₁₀ as required by the Council Code of Construction Practice. As such, in line with current guidance on assessing construction effects, the ESO considers that an assessment is not required of these emissions, therefore any impacts are not considered significant and no objection has been raised.

Operational Impacts:*Onsite Combustion Plant*

No onsite combustion plant for space or water heating is proposed, therefore there is no associated impacts to local air quality. The applicant is proposing one backup generator which would operate for less than 18 hours per year for testing and maintenance cycles. As the proposed hours of use are below the short term NO₂ limit there is no need to undertake a detailed assessment of this plant. The ESO notes that impacts from combustion plant emissions are considered not to be significant.

Operational Vehicle Traffic

The operational traffic associated with the Proposed Development will include taxi trips, van and food deliveries. The number of vehicle trips associated with these activities is anticipated to be 55 a day. This level of traffic is below the criteria to require a detailed assessment therefore the ESO notes that any impacts are considered not to be significant.

Site suitability

A worst-case scenario of potential future air quality concentrations has been modelled at 393 receptors points within the new development. 188 of the receptor's points have predicted an annual mean concentration above the annual mean national air quality objective for NO₂. Predicted concentrations for PM₁₀/2.5 meet the required standard when compared against the National objectives although fail to meet the WHO Guideline values.

The applicant has confirmed that Mechanical ventilation will be installed from the ground to sixth floor with non-openable windows (windows would be able to be opened in future years once air quality is determined to be below the objectives and this could be confirmed by future air quality monitoring and subject to agreement with the local authority). The air will be drawn in from a location where air quality is predicted to be below the objectives (in this case areas which will be from levels 13 and up), and additional filtration for NO₂ is therefore not required.

The ESO comments that it is widely regarded that there is no safe limit for PM_{2.5} therefore the mechanical ventilation should be extended to reflect WHO guideline values and incorporate PM_{10/2.5} filtration for the added health benefit it brings. The ESO has therefore recommended that a condition is included in any permission requiring a detail of the scheme of mechanical ventilation to be approved prior to occupation of the development.

Air Quality Neutral

The development meets the required Air quality Neutral Benchmark for both transport and Building emissions.

Air Quality Positive

Section 11.12 of the ES volume 4 Appendix 11.12 provides an Air Quality Positive Statement that sets out the measures implemented onsite. The ESO has noted that at the time of writing his comments, the guidance relating to air quality positive is currently only a pre consultation draft and could be subject to change. Presently the submitted statement meets the requirement of WCC and London Plan Policy.

Contaminated Land

The development occupies land that has had an industrial past. It is understood that there is a commercial element to the ground floor but there are still potential impacts to future uses/occupiers of the site from potential contamination. The ESO has therefore recommended that a pre commencement contaminated land condition (all four parts) is included in any permission.

Overheating

Policies 12, 33 and 36 seek to ensure that development proposals are suitably designed to ensure against overheating. As such the ESO has reviewed the submitted Waterman Energy and Overheating Statement where modelling has demonstrated that the building will have sufficient cooling to prevent overheating during summer months in accordance with CIBSE TM49 2014 guidance.

The ESO notes that the calculations used for the modelling assume that windows on floors ground through to 6th are non-openable due to noise and air quality constraints (as noted above). The ESO recommends that the applicant review the extent of the filtrations scheme/mechanical ventilation and can be secured by condition.

8.1.1 Builders Merchant

Under City Plan Policy 3, Paragraph 3.9 specifically refers to the Travis Perkins site and notes its industrial use “supports the strategic function of the CAZ. The site presents a significant opportunity for change to deliver the priorities of the area. We will support proposals of high-quality design that can enhance the public realm and create

permeability, including public access to the canal.” The builders merchant is currently made up of the main warehouse area, a retail shop and offices. This functionality is to be retained however the proposals result in the loss of 833.4sqm (reduced from 2,526.6sqm to 1,791.2sqm) of building merchant floorspace (both warehouse and branch).

Policy E7 of the London Plan discussed above similarly requires continued efficient function, access, service arrangements and days/hours of operation. It also requires the industrial part of the development to be completed prior to any residential component and for appropriate design mitigation so the uses do not compromise each other.

This application has been submitted in partnership between both Travis Perkins, the existing builders yard operator, and Unite Student Housing, as these parties have previously worked together in other areas of London, such as a large development in Kings Cross. There are certainly challenges between the two uses, as discussed elsewhere within the report, particularly in relation to servicing, with Travis Perkins not allowing any off street servicing of the student accommodation from within their yard during operational periods due to safety principles of the operator. In addition, officers would have welcomed more activation of the canal, however this has been demonstrated as not feasible as it would make the builders merchant unviable as such changes would result in the loss of warehouse space.

Given that the builders merchant is being re-provided by the existing operator, it is assumed to be viable in terms of size and operation, it is considered that the reduction in floorspace is acceptable. It’s reprovision is welcomed and will continue to meet the needs of builders and economy in this part of London.

8.1.2 Student Accommodation

Objections have been received on the grounds that the site should not be used for student accommodation and should be used as regular housing to meet the Council’s housing needs.

City Plan Policy 10 relates to housing for specific groups, including purpose built student accommodation. It states that residential developments will provide housing for different groups to meet Westminster’s need. Part G states that the council will support the development of new, well managed purpose-built accommodation for students studying at higher education institutions. It does however also note within the policy context that while there is a high-demand for purpose-built accommodation, our Housing Needs Analysis indicates no overwhelming demand for student accommodation across Westminster. It continues to note that the council will support student accommodation for higher education institutions, secured via nominations agreements, in order to balance the demand for student accommodation against other types of housing in the city.

Policy H15 within the London Plan also relates to student accommodation and has similar requirements to ensure that developments contribute to a mixed and inclusive neighbourhood and to ensure that developments are secured for students through a nomination agreement by one or more higher education provider.

The proposed 768 bedrooms are split into the following:

- 729 Unite standard
- 2 accessible rooms

- 31 adaptive studios
- 6 accessible studios

In addition to the bedrooms the proposals include the following:

- Communal lobby meeting area
- Student welfare space (mezzanine level).
- Lounge space overlooking the canal, supporting a variety of uses and programme of events (level 1).
- Laundry facilities, including drying (level 1).
- Two study rooms each connected to a terrace
- Staggered external roof terraces
- Four multi use-rooms capable of being used as a gym, games room, cinema room or quiet room, to suit demand
- Cycle stores on each of the student accommodation floors

The applicant has provided a student housing need analysis. It notes that Westminster is the largest study destination in London with 76,270 students, with a total of 329,830 across London in 2019/2020. There is an increasing trend of international students choosing to study in Westminster (up 29% over last 5 years). It identifies that less people live in Westminster in purpose built accommodation than other areas, however it is not clear if this is due to a demand or due to other considerations such as price. It does however indicate that there is a demand for student accommodation. It confirms that the site is in a good location for access to transport and local shops and amenities.

A letter from Kings College London has also been submitted to support the application which states the following key considerations have been taken into account regarding this proposed site.

- The Paddington location for its amenity and connectivity benefits;
- King's immediate room requirement for 2024 and confidence that Unite will achieve this;
- Unite's experience and support with managing their existing student population as well maintained and built properties;
- The quality provision of the student amenity and public realm benefits this development will deliver for our students and the local neighbours.

They also note that they have a shortfall of bed spaces for 2024 and this building will help to fulfil that target.

Kings have agreed to a nomination agreement within any S106, to ensure that the majority (minimum 51%) of the rooms are linked to this institution in order to comply with this policy.

Given the above, and while the comments of objectors that the site could/should have come forward as housing, this is not considered to be a reason for refusal, with no objection received in this regard from the GLA or the City Council, subject to the student accommodation being provided as specialised housing and linked to Kings as a higher education institution as is required by policy. Applications must be considered as submitted and refusal on the grounds of a preference for alternative uses are not considered to be sustainable.

8.1.3 Affordable student accommodation

Policy 9 of the City Plan and H5 of the London Plan relate to affordable housing and

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states that at least 35% of all new residential developments will be affordable in order to qualify for the Fast Track Route.

The applicant is proposing to provide 35% of the student bedspaces as affordable. The applicant has confirmed that these spaces would be provided at a rental cost for the academic year equal to or below 55 per cent of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs for that academic year. The applicant has also confirmed that the affordable provision would be equivalent in terms of room sizes and occupancy level to the non-affordable rooms. The affordable bedrooms will be subject to the nomination agreement and allocated by the higher education provider. The affordable provision would be secured in the s106 and is considered acceptable by council and GLA officers.

8.1.4 Social / Community space

Policy 17 of the City Plan "Community infrastructure and facilities" states under part B that new facilities should be designed to accommodate a range of community uses wherever possible. Co-location of facilities and access for appropriate organisations and the local community will be encouraged.

The development includes the provision of a community room at first floor level adjacent to the main student amenity area. It has a dedicated entrance from the western side of the building, which leads down onto the street. No occupier has currently been set, with flexibility sought in terms of its use. In order to ensure that this space is appropriately used, an Operational Management Statement would be recommended to be secured by condition. This would deal with considerations such as, but not exclusively to, use/who would occupy the unit, management, security, operation, opening hours and booking system. Through the S106 legal agreement, this facility would be secured to be fitted out to a category B fitout and provided prior to first occupation of the student accommodation, so that it can be used by a variety of potential occupiers. It would also be secured at peppercorn rent to ensure that it provides a genuine community local benefit.

This feature is welcomed, and should permission be granted, it is recommended that the applicant lease with Council community support workers in order to identify suitable occupants for this space and to organise its ongoing management and maintenance.

8.1.5 Canal Moorings

There are two existing commercial moorings on the site, which have limited access down the side of the site. The proposals will open up the canal footway and allow for formal moorings down the stretch of the site. It is proposed for the two existing commercial moorings to be re-provided, but with the provision of a barrier/screen along the footway to limit access to the maintenance boats which use them for security reasons. The Canal and Rivers Trust has commented in relation to their effectiveness and note its visual impact. Had this scheme been considered acceptable, details of how the screen and moorings security would have functioned, and details of its final appearance could of been secured by condition and agreed with Canal and Rivers Trust (CRT).

CRT also note that the footway should have integrated services within it and mooring rings to stop boats tying up to fixed street furniture. Details of this could also be secured by condition in agreement with CRT.

Should permission be granted it is recommended that a condition be attached for further information to be submitted in relation to the use of the remaining footway (to the south outside of the designated barriered section), this is to ensure that suitable details are provided in relation to any future permanent occupier of the moorings, be that residential or commercial.

There is an existing bubble machine which sits under Bishops Bridge Road, which aerates the canal. It is proposed to be worked into the landscaping but re-provided. This would be secured by condition. CRT have also recommended a condition for details of repair work to the waterway wall, which is considered reasonable.

8.1.6 Land Use Conclusion

The following sections of the report will discuss the development proposals in more detail, particularly in relation to the design, townscape, public realm, highways/servicing and amenity implications, however as outlined above the principle of the proposed use as a mixed use development providing a replacement builders merchant (sui generis) and purpose built student accommodation (sui generis), 35% of which shall be secured as affordable, is considered acceptable in land use terms.

8.2 Townscape, Design and Heritage

Affected heritage assets

There are a large number of heritage assets in the surrounding and wider area which require careful consideration as part of this application, mainly in relation to the way in which their settings may be affected by the application proposals. The majority of these are part of the varied townscape that surrounds the site, and can be safely considered as part of the overall assessment of those impacts – for example groups of ‘normal’ listed terraced housing can be considered as part of assessing the impact of the conservation areas within which they more often than not are situated. There are also a number of individual, specifically notable or more affected assets which deserve to be better highlighted below.

Being a tall building, it is necessary to consider a potentially large number of affected heritage assets over a wide area of the city. The submitted Townscape, Built Heritage and Visual Assessment (TBHVA), includes an analysis of those assets which the applicant’s consultants have identified; this is considered to be a generally sound scoping exercise, which picks up most if not all potentially affected assets. This officer report does not seek to repeat that exercise but in accordance with the NPPF it is necessary to identify and assess the significance of affected assets when considering the potential impact of development proposals upon them (paragraph 195).

The effects of the development are covered later in this report (‘Views’), but below is a list of those assets which officers consider deserve specific or collective consideration in relation to their settings.

As briefly mentioned above, the site does not contain within it any designated heritage assets. It does however contain one building which is considered to be a non-designated heritage asset (NDHA). The site also overlaps with the Grand Union Canal, which is also normally considered by the Council to be an NDHA in its own right.

The NPPG defines NDHAs as:

"... buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets."

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets."

Some local authorities produce a published 'local list' of such assets, but Westminster does not. It is however commonly accepted that 'identification' of such assets can be during the planning process, with the important point being that they are 'positively identified' by some means such as communication with the developer, local groups and/or through published application reports.

Below is listed all heritage assets which are considered to have some potential for effect resulting from the application proposals. Designation grades or types, and distances from the application site are given in brackets.

Within the site:

- The brick gabled building (NDHA).
- The Grand Union Canal (NDHA).

Nearby heritage assets:

- Maida Vale Conservation Area (45m to NW) (and constituent listed buildings)
 - Nos. 2 to 16 Warwick Avenue – Grade II listed
 - Nos. 18 to 42 Warwick Avenue (east side) – Grade II listed
 - Nos. 9 to 31 Warwick Avenue (west side) – Grade II listed
 - Cabmen's Shelter near the junction with Clifton Gardens – Grade II listed
 - 2 Warwick Crescent – Grade II listed
 - Warwick Avenue Bridge – Grade II listed
 - Nos. 1-6, 7-12, 14-20 and 21-26 Westbourne Terrace Road
 - British Waterway Board Canal Office (Grade II listed, 362m to NW)
 - Westbourne Terrace Road Bridge – Undesignated Heritage Asset
 - Nos. 33 to 56 Blomfield Road (Grade II listed, between 321m and 460m to NW)
 - Grand Union Canal – Undesignated Heritage Asset
 - Junction House and Warwick Avenue Bridge – Grade II listed
- Paddington British Rail Maintenance Depot, East Block (Grade II* LB, 99m to NW)
- Paddington British Rail Maintenance Depot, West Block "The Battleship Building" (Grade II* LB, 145m to NW)
- Paddington Green Conservation Area (and constituent listed buildings)
 - St Mary's Church – Grade II* listed
 - 17-18 Paddington Green – Grade II listed
 - Former Paddington Children's Hospital – Grade II listed

- Various small monuments or items of street furniture – Grade II listed
- Bayswater Conservation Area
 - Paddington Station (Grade I listed);
 - Mint Wing of St Mary’s Hospital (Grade II listed);
 - Westbourne Bridge – Grade II listed;
 - ‘The Bays’ (NDHA);
 - Nos. 79-119, and 121 to 141 Westbourne Terrace (Grade II);
 - Nos. 1 to 5 Cleveland Terrace (Grade II listed);
 - 140 Westbourne Terrace and 1 Orsett Terrace (Grade II listed);
 - Nos. 18-42 Orsett Terrace and 163 Porchester Terrace North (Grade II listed);
 - Nos. 3-33 Orsett Terrace (Grade II listed).
- Hallfield Estate Conservation Area.
- Regent’s Park (Grade I Registered Park and Conservation Area).
- Primrose Hill (Grade II* Registered Park and Conservation Area).
 - LVMF Protected London Panorama 4A.2 ‘The Summit’.
- Hyde Park and Kensington Gardens (Grade I Registered Parks and Conservation Area).

Legislation, Policy and Guidance

It is considered that the application proposals would affect the setting of a number of listed buildings, conservation areas and registered parks and gardens. Therefore there are a number of key legislative requirements in respect to designated heritage assets that must be considered, as follows.

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.”*

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 39 of the Westminster City Plan 2019-2040 requires development to conserve features that contribute positively to the settings of conservation areas and to take opportunities to enhance their settings, wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight to be placed on design quality and the preservation of designated heritage assets including their setting. This applies equally to Registered Parks and Gardens, as it does to listed buildings and conservation areas. 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, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

In this considering the effect on the setting of heritage assets it is useful to note the definition of 'setting' given in the Glossary to the NPPF:

"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."

The Development Plan for the consideration of this application consists of the Westminster City Plan 2019-2040, and The London Plan 2021. Each include policies which relate to the application site.

City Plan policies 3 (Paddington OA) and 5 (NWEDA) both influence the weight to be given to housing and other regenerative developments in relation to design and heritage impacts. Of particular note in relation to design and heritage considerations however are Policies 38 to 43:

- Policy 38 – Design principles
- Policy 39 – Westminster's heritage
- Policy 40 – Townscape and architecture
- Policy 41 – Building height
 - o This policy does not specifically identify the application site as being suitable for a tall building. Being within the Paddington OA, this policy does however give a generally positive angle on accepting further tall buildings of 2 to 3 times the prevailing context height of 6 storeys. This produces an upper tower height under this policy of 12 to 18 storeys.
- Policy 43 – Public realm

Strategic policies D1, D4, D8 and D9 set out in the Design chapter of the London Plan set out a series of overarching design principles for major development in London, including in relation to tall buildings, design quality and urban design. This includes specific design requirements relating to maximising the potential of sites, the quality of new housing provision, and tall and large-scale buildings. New development is also required to have regard to its context and make a positive contribution to local character within its neighbourhood.

In 2019 the Council commissioned a Building Heights Study as part of the evidence base for the new City Plan. This in particular influenced Policies 41 and 42.

The London Views Management Framework (LVMF) published by the GLA and effectively ancillary to the London Plan, is relevant to the consideration of tall buildings across most of central London, but particularly those which might affect directly or indirectly the set of protected views which are set out within it. Each view or vista sets out guidance for the assessment of development proposals which might affect those views.

The council has published Conservation Area Audits of most of its conservation areas, and each typically includes guidance on metropolitan or local views which should be considered carefully as part of this application. Where these identify affected local views, these are discussed in the 'Views' section of this report.

Regent's Park and the Royal Parks Conservation Areas do not currently have audits, but

each have Management Plans published by the Royal Parks which the council considers to carry some weight in the planning process.

There is a 2004 adopted development brief for the site, however this is now considered to be of limited weight given that the area has largely been built out at various stages and has been surpassed by several iterations of the council's development plan.

Effects and Impacts

Direct townscape effects and architectural design

The proposal is an evidently very large building, which has raised significant objections from the local community, neighbours, Ward Members, the Canal and River Trust (who operate the canal), and various local groups, in particular in relation to the close range impacts around the canal basin, and from the north from the Maida Vale Conservation Area. The Royal Parks has also objected regarding the impact of the building on views from Primrose Hill.

In response to these representations and based on advice from officers, the applicant has submitted revisions during the course of the application, as outlined in the proposals section. It is considered that these revisions are worthwhile, and provide some incremental visual impact reductions which also importantly produce a more sensitive and less 'severe' design than the initially submitted horizontally emphasised façade facing the canal.

The building's wedge-like form aids the transition between tall buildings in the POA to the lower scale of the residential conservation area to the north. The building's interlocking vertical forms, offset from one side to the other enables the potential mass to be further broken up and creates a highly articulated and individual overall shape.

However, the building remains a very large building at a transition point between the larger scale developments around the canal basin and the lower scale (mostly 2-4 storey) residential developments to the north in Maida Vale. It's combination of both height and breadth produces a bulky building which, despite its stepped and now better articulated and broken down form, presents an abrupt and overbearing wall of construction to both of its long sides. This continues to cause some negative effects on the immediate and wider townscape setting of the site, but less so on the heritage assets that are dispersed around the area. Conversely however, the building's narrow form when viewed from the north does reduce its potential impact, although this is lost as soon as views gain any angle on this 'dead-on' approach, and so is only really of benefit from Warwick Avenue (see 'Views' below).

To the immediate section of canal and in relation to the building's opposite in Sheldon Square, and the building's proximity to the Westway, the impact is particularly significant. When compared with the existing quite open situation, this creates an intense spatial compression with the Sheldon Square flats directly across the canal, which has been described by many objectors as a 'canyon'. This analogy is not unreasonable, but must be seen in the context of already-built and as unbuilt but approved taller buildings in the same vicinity. Nevertheless, the degree of change which will be seen to the spatial character of this area north of the bridge will be no less great, in part due to the undeveloped nature of the existing site, anomalous to the surrounding area. The building's impacts on townscape views and heritage assets are discussed further below.

Notwithstanding the building's scale and bulk impacts, the building's design features a lot of visual interest and is, in itself, well resolved architecturally. The detailed design of the brickwork facades, particularly at low levels to the base of the building are particularly characterful and of a high quality. This very solid aesthetic avoids the visually hard 'metal and glass' of many other recent tall building developments in the area, which would have had a more negative impact in this transitory location.

Public art is proposed to be incorporated into the building facades at both high and low level, and to the public realm of the canal path and beneath the bridge. There is no detail on this at this stage and can be agreed by condition, but should be expected to be a set of significant pieces of art relevant to the area and building.

It is overall considered to be a high quality and very individual design, but one which is nevertheless evidently large and bulky. The high quality of the facades does compensate to some degree for the issues of bulk and scale.

Impacts on Heritage Assets

The Brick-Gabled Shed Building

The proposal includes for the demolition of the existing buildings on the site. This would include the brick-gabled older shed building, which does provide some local architectural and historic significance as one of the few remnants of the Canal Basin's former wharveside buildings. Objections have been received in relation to the loss of this building, including the Canal & Rivers Trust. The applicant has accepted that this building has some value in itself, but is correct in noting that this is wholly contained within the canal-facing brick gable – the building within is of no significance. Nevertheless, its demolition is regrettable and would cause some loss of local architectural and historic significance. In accordance with the NPPF and the City Plan (Policy 39), this should be given weight in considering the application proposals. It is however essential to consider relative significance – the building is not listed, nor is it considered by any parties to be listable. It is also only part of a building, and so it is not considered to be a significant loss when compared with other heritage assets such as listed buildings or more complete undesignated buildings (such as the nearby 'The Bays' to the south fronting the canal).

The Canal and Rivers Trust in their objection have suggested the reconstruction of the building's gable as part of the development, to become a covered section of the new footpath. This has subsequently been studied by the applicant. It is considered that the benefit of doing this would be limited in conservation terms. Even if bricks were reused, the construction would effectively be new and to achieve an accurate replication of historic patina etc. would require a painstaking logging and recording of every brick so that they all go back in the same order and arrangement. The result would in any case be effectively a 'stage-set', presenting a rather tenuous representation of an historic canalside building of limited heritage benefit.

Other options considered by the applicant, as set out in their Landscape Strategy, is the reuse of bricks from the building in the hard-surfacing of the canal path. This would be a reasonable component of the landscape design, but is a relatively negligible level of compensation or mitigation for the loss of the building.

Overall, the demolition of this building causes some harm to local architectural and

historic significance, which should be considered in relation to its relative significance, and then weighed against the scheme's public benefits to reach a decision about the acceptability of its loss.

Views and Wider Townscape and Heritage Impacts

The applicant has submitted with their application a Townscape, Built Heritage and Visual Assessment (TBHVA) which identifies a number of viewpoints in the surrounding and wider area, providing an accurate visual representation of the impact the proposed new building would have on the local townscape, including heritage assets. It is considered by officers and the council's EIA Consultants to be a generally sound assessment in terms of methodology and accuracy, although some of the conclusions on impacts differ from officer opinions; this is not unexpected of course. Officer advice on each of these views is set out below.

Protected Views

The development proposed would not intrude upon strategic views as defined by the London View Management Framework (LVMF), or upon the setting of the Palace of Westminster or Westminster Abbey World Heritage Site. It is located within the LVMF's London panorama incorporating protected vistas from the Summit of Primrose Hill. This is discussed below in relation to View A8 and is the subject of the Royal Park's objection.

View 1 – Edgware Road Station

This view looks west along the Westway corridor past the currently vacant Paddington Green Police Station, the tower of which dominates the view. Beyond the Police Station site are trees which mark the edge of the Paddington Green Conservation Area, but the significance of that area from this location is not appreciated beyond the trees' softening effect on an otherwise hard and heavily developed view. To the left is the generally tall-scale developments to the south of the Westway which form part of the Paddington Basin developments in the Opportunity Area.

The proposed new building would add a small element of additional bulk in the middle distance, slightly projecting forwards of the current visual line of the Basin developments. This would slightly enclose the visual space at the end of this view, but this is only a minor impact on a low value townscape view.

View 2 – Westway (south pavement, opposite Paddington Green)

This view is of a low townscape location. The proposed new building would have a very limited impact upon it.

View 3 – Westway (north pavement)

This view is divided between the low townscape value of the Westway and Harrow Road corridor to the left, and the soft, verdant character and historic railings of the Paddington Green Conservation Area which can be seen to the right.

The development would be prominent in the centre of this view, rising above the Westway flyover. Here it would provide some further enclosure of the view, with the building sitting in front of (and concealing) the lower-rise Sheldon Square flats. The building would add some cumulative effect when seen with the as-yet unbuilt Paddington Gateway Hotel, and 5 Kingdom Street buildings. It provides a minor degree of extra

visual effect on the setting of the PGCA, but given the existing townscape setting of the OA building to the left of the view, this is not considered to be harmful.

View 4 – St Mary’s Church

This view incorporates the Grade II* listed Church of St Mary, and is taken from within the Paddington Green Conservation Area (PGCA). Both winter and summer versions of the view are provided by the TBHVA. It is a location of high townscape and heritage value, and is subject to the special consideration required to be given by the Act to the setting of the listed building (see ‘Legislation, Policy and Guidance’ above).

The new building would be visible just to the left of the Church, infilling a gap between it and the POA buildings further to the left, which already dominate views out of the park. The view is heavily screened by the trees which are the PGCA’s dominant characteristic. In summer this screening would effectively conceal the building from view, wholly preserving the view. In winter, all leaf cover in the view is shown to be lost, so allowing the building to be visible to some degree.

In winter the view of the proposed development would have some impact on the setting of the listed church building and to the townscape setting of the conservation area in this view, but in summer this would be none. The impact must be seen in context of the existing and approved Paddington OA developments which the development would be seen against.

View 5 – St Mary’s Terrace / St Mary’s Square

This view is also taken from within the PGCA, but to its south-western corner close to the Westway / Harrow Road. Whilst it is a verdant open space, the view is again dominated by the Westway as it begins its rise up to the flyover, and by the existing POA buildings and Sheldon Square flats beyond. It is therefore of much reduced townscape value and sensitivity.

The new building would be significant in this view, rising above the flyover and obscuring the flats from view. The building’s stepped form is beneficial, but the breadth and height of the building does nevertheless have an effect from this angle.

View 6 – Warrington Crescent

This view is from within the Maida Vale Conservation Area, looking south down Warwick Avenue, both sides of which are formed of listed buildings framing this very linear view. In the middle of the street is the tall brick ventilation tower for the Underground Station and a Grade II listed Cabmen’s Shelter. In the centre of the view, terminating the linear line of the street is the Brunel Building which has already degraded the purity of this view to some degree. It is nevertheless a view of high townscape value.

The new building would be built in front of the Brunel Building in this view and would become the new terminating feature at the end of the street. Whilst lower than the Brunel Building in this view, it would nevertheless largely conceal it from view, other than some minor pop-up of its upper projections. Sitting further forwards in this view than the Brunel Building, the new development would feel a little closer and may therefore increase the impact in some respects from this and similar local positions. In summer, due to the growth of leaf cover on the trees which are an important part of this view, the visibility of the building would be softened slightly. The distance between the viewing

point and the development (approximately 0.5km), and the building's stepped and narrow form, would further mitigate the view to some degree. The view would nevertheless have some limited impact on the setting of the conservation area and listed buildings that form the street.

View 7 – Warwick Avenue Station

This view, again within the Maida Vale Conservation Area, is close to View 6, but further west on the other side of the ventilation shaft to the station. The listed terraced housing of Warwick Avenue and pollarded Plane trees which characterise the street can be seen. Again it is a high townscape and heritage value location.

The proposed new building would sit beyond the terraces and trees and would not be particularly visible due to the angle and backdrop of the OA buildings in this view. In summer, the leaf-growth of the trees would wholly conceal it from view, preserving the contribution of this view to the character of the area and setting of the listed buildings. The impact in winter would be greater, but still very limited and difficult to describe as more than negligible.

View 8 – Warwick Avenue (A Key View)

This is a key view, and is again within the Maida Vale Conservation Area, looking south along Warwick Avenue directly towards the site. It is notably closer to the application site than Views 6 and 7, at approximately 280m. To the left of the view are the Grade II listed villas that enclose this side of the street, and to the right are the trees and beyond them the open space of Rembrandt Gardens and the canal junction that dominates the character of this part of Little Venice. Just behind the viewer are the listed Warwick Road Bridge over the canal and the Junction House.

Substantially visible in the view in winter, beyond the trees, are the existing building of the POA and Sheldon Square, in particular the flats, the Brunel Building and Dudley House. The visibility of these in summer would be somewhat reduced by leaf cover.

The proposed new building would be more visible in this view than the existing buildings of the POA, sitting further forwards and further outwards from the line of trees. Despite its appreciable stepped form reducing its potential impacts, its greater proximity would cause some increase in the apparent closeness of the commercial developments to the south, which has understandably led to many of the objections received about the impact on the conservation area in this view. The architectural quality of the new building would, at this distance, be appreciable, and would provide some compensation for the impacts of its bulk and height, as would the visible planting of its stepped terraces. More visible in this view would be the as yet unbuilt Paddington Gateway Hotel and Triangle Site buildings, despite their further distance than the application proposal.

The development in this view would have a small degree of additional impact on the setting of the Maida Vale Conservation Area and of the Warwick Avenue listed villas, but this would be seen entirely in the context of existing or yet to be built (but approved) of the same size or larger, and as such it would be hard to describe this impact as harmful to the setting of those heritage assets.

View 9 – Rembrandt Gardens

This view is close to View 8, just to the west and from within the public open space of

Rembrandt Gardens. To the left behind the planted borders is the raised roadway of Warwick Avenue, from where View 8 is located. To the right behind the tree line is the Canal junction, beyond which is the hard urban landscape of the Westway, Sheldon Square, Brunel Building and Dudley House, all of which are prominent in winter views through the trees. In summer, these views would be very much reduced, although not wholly screened. The view is located on the footpath to the eastern side of the gardens, whereas the whole park area can be commonly used by the public enjoying this high townscape and landscape value location at the heart of the Little Venice area.

The proposed new building would be visible in this view during the winter, sitting in front of and obscuring from view the Brunel Building. Being nearer than the Brunel Building, it would feel slightly closer, despite its height in this view not exceeding that visible of the Brunel Building. The narrow stepped-down nose of the building would again reduce potential impacts from this specific view, but from other locations in the gardens the broad-side of the building is likely to become more visible.

The impact here on the character and appearance of the Maida Vale Conservation Area is slight but worthy of consideration as part of the wider experience of Little Venice.

View 10 – Little Venice (Blomfield Road)

This view looks across the Canal junction, and is part of the core area of Little Venice; behind the camera are the Grade II listed semi-detached and terraced villas of 34 to 45 Blomfield Road, close to the bend in the road which follows that of the canal. This view is repeated kinetically along the road, and is variable depending on the tree cover. Central to the view, and framed by the trees around the canal, is the Grade II listed 2 Warwick Crescent, close behind and to side of which can be seen the existing Brunel Building, although it does not rise higher in the view than the listed building's roof. The Sheldon Square flats are largely screened in summer by the trees on Warwick Crescent.

The proposed new building would sit largely concealed behind 2 Warwick Crescent, adding a very small additional 'sliver' component in between it and the Brunel Building, and from this angle at no greater height.

The impact from this angle on the character and appearance of the conservation area, and on the setting of the listed 2 Warwick Crescent, is negligible.

View 11 – Westbourne Terrace Road Bridge

The view is taken from the Westbourne Terrace Road Bridge, which is an undesignated heritage asset in its own right, and an important component of the experience of Little Venice, as it spans over this key part of the canal within the Maida Vale Conservation Area. The canal is lined by trees which largely screen the building that line Warwick Crescent on the right, but the Westmark Tower at the centre of the West End Gate development is prominent at the centre of the image, rising to the left of 2 Warwick Crescent (Grade II listed) over the treeline. The as yet unbuilt 1 Merchant Square would sit taller again in this view once built.

The application proposal would sit behind and below the tree line, and would cause no impact on the character of this part of the conservation area.

View 12 – Warwick Crescent / Harrow Road

This view is from the junction of Warwick Crescent and Harrow Road, from just within but looking out of the Maida Vale Conservation Area. The roof of the Grade II* listed Rail Depot building can be seen projecting above the raised roadway, with the Westway elevated section apparently passing above it. To the right (out of shot) is the also Grade II* listed 'Battleship Building'. The view, despite containing two highly-graded listed buildings, is considered to be of generally low townscape value, dominated as it is by the hard roadscape of the Westway and Harrow Road, and by the large-scale development of the Basin area beyond. The appreciation of the significance of the two listed former rail buildings is not considered to be sensitive to their now-modern urban setting as they are already wholly divorced from their historic railway context.

The new building would be central to this view, adding a new large building within what is currently a recess in the development line of the Opportunity Area from this angle. It would however not break the current prevailing skyline of those buildings, but would nevertheless be visible at relatively close range. From this distance, the architectural quality of the building would be evident, and the stepped form of the building would provide some mitigation towards its apparent bulk, which would otherwise project beyond the skyline of the developed area.

It is considered that this view would not affect the setting of the listed buildings, nor of the MVCA.

View 13 – Orsett Terrace

This view is positioned at the junction of Porchester Terrace North and Orsett Terrace, which is formed both sides of Grade II listed terraces which similarly characterise this part of the Bayswater Conservation Area. The linear view along Orsett Terrace is terminated by the unlisted Enterprise House, an undesignated heritage asset (historically related to the railways) within the conservation area. It is a high townscape value location.

The application proposal would be visible but barely perceptible as a slight addition at distance above the roofline of Enterprise House. This view is considered to cause no impact on the character or appearance of the conservation area or setting of the listed buildings from this position.

View 14 – Bishops Bridge Road

This view is located at the junction of Bishops Bridge Road with Westbourne Terrace, and features the first of the listed former terraces to the right of the image. The view looks directly across the Bishops Road Bridge towards the application site, and the existing developments of the Brunel Building, Sheldon Square flats and offices. The railway cutting can be seen to the right of the bridge. This view would be dominated by the as-yet unbuilt but permitted Hotel building and over-station development, which would each largely obscure the Sheldon Square flats and the Brunel Building respectively. It is considered to be a location of relatively low townscape value, despite the inclusion of some listed buildings to the right.

The proposed new building would sit at the end of this view beyond and slightly taller (from this angle) than the flats. It would project forward of the flats, adding a notably visible new element. It is not considered that it would be dominant in the view, nor would it harmfully alter this already highly developed and changing view. From this distance,

the architectural quality of the building would be apparent.

View 15 – South Wharf Road

The view is taken from just in front of the Grade II listed Mint Wing of St Mary's Hospital and looks up the pedestrian footpath that connects the hospital campus with the northern part of the Canal Basin. Visible to the left is the modern taxi drop-off part of Paddington Station, within which is the interface with the Grade I listed part. To the middle are The Bays, which are a group of former canalside buildings which are considered to be an undesignated heritage asset. To the right are the first of the hospital buildings and in the distance is the taller Brunel Building. The Sheldon Square flats can be seen also in the distance.

The new building would add a small element of additional built presence beyond and notably lower (in this view) than the Brunel Building. This would have no impact on the setting of the Bayswater Conservation Area, nor on the station as a listed building.

View A1 – Regent's Park (near the Parsee Monument)

This view is from well within the Grade I Registered Park, and shows the Paddington 'cluster' in the distance.

The application proposal would have a barely perceptible impact on this view, and would not add any new skyline component to it.

The development would have no effect on the setting of the park from this view.

View A2 – Hyde Park (near the Founders Tree)

This view is from well within the Grade I Registered Park.

The application proposal would not be visible from this position.

View A3 – Hyde Park / Kensington Gardens – Serpentine Bridge

This view is from a key location at the boundary between the two Grade I Registered parks, where the Serpentine Bridge (Grade II listed) crosses the Serpentine. Parts of the Paddington cluster are visible between the trees, and the view was a key consideration for some of those developments.

The new building would add a very small theoretical additional built component to this view, but is in fact very likely to be largely screened by the real-life tree cover which dominates view up the Serpentine in this view.

The development would have no effect on the setting of the park from this view.

View A8 – Primrose Hill: The Summit (LVMF 4A.2)

This view is designated by the London View Management Framework as a 'London Panorama', and is taken from within the Primrose Hill Grade II* Registered Park (within LB Camden). The view includes the Paddington 'cluster' in the far distance and is the subject of the Royal Parks' objection to the development.

The application proposal would have no real impact on this view, and would sit well below the established and permitted skyline of Paddington which can already (or has

been permitted) be seen.

The development would have no effect on the setting of the park or the protected panorama from this view. The Royal Parks' objection is therefore considered unsustainable.

Design, townscape and heritage conclusion

When considering the impacts of a development proposal of this scale, it is necessary to consider both individual and cumulative effects, both negative and positive (and of course neutral). This then gives an overall picture of the impact on the local townscape and built heritage assets. Individual impacts can be slight but when numerous or extensive, might add up to a much greater overall impact on the area. Equally, overall the effects may be considered to be only slight if harmful impacts are not so numerous, but this may include within it very significant individual impacts, for example on one particular heritage asset's setting or a particularly cherished view which may be wholly altered by the development.

It is also necessary to consider the advice given about the difference between substantial or less than substantial harm. The test for substantial harm in the NPPF is very much greater, and should normally be considered to be wholly exceptional. However, less than substantial harm should not be conflated with 'acceptable harm', it remains reasonable in many cases to refuse permission based on less than substantial harm, if it is not adequately outweighed by the scheme's public benefits.

Architectural or townscape benefits:

- Demolition of mostly negative existing buildings on-site;
- Creation of new public realm and the completion of the footpath between the Basin and Rembrandt Gardens;
- Provision of a high quality and highly individual new building, including public art;
- Completion of the last undeveloped component of the Basin area, as part of the council's and GLA's original aspirations for the area's regeneration.

Potentially harmful views:

- Views 4 and 5 – St Mary's Church – winter only
Less than substantial harm to the setting of:
 - St Mary's Church – Grade II* listed
 - Paddington Green Conservation Area
- View 6 – Warrington Crescent
Less than substantial harm to the setting of:
 - Warwick Avenue listed terraces;
 - Maida Vale Conservation Area.
- Views 8 and 9 – Warwick Avenue and Rembrandt Gardens
Less than substantial harm to the setting of:
 - Nos. Warwick Avenue (Grade II listed);
 - Maida Vale Conservation Area.

Individually it is considered none of these views can be considered to cause harm to the setting of these heritage assets due to the existing and approved cumulative impacts already seen due to those asset's close proximity to a largely completed Opportunity Area containing many buildings of varying large scales. Collectively, there is of course a

range of impacts on the local townscape, but also on the kinetic experience of walking around these areas. The linear view south as one walks down Warwick Avenue (Views 6 and 8), in conjunction with the views from Rembrandt Gardens (View 9) would in particular feature the new building regularly, if not continuously, getting gradually larger as one approaches the site. The existing impact of the other Opportunity Area buildings, as well as those yet built (but approved) must however be taken into account, as at no point would the new building cause a discernible increase in the harm which has been accepted by multiple past developments, as well as with the original conception of the Opportunity Area many years ago. The proposals are considered to be acceptable in design, townscape and heritage terms.

8.3 Residential Amenity

Policy 7 within the City Plan seeks to protect and where appropriate enhance amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. The policy notes in paragraph 7.1 that the borough is already densely populated and detrimental impacts on existing occupiers must be avoided, with developments expected to make a positive contribution to the quality and function of the local area. It does however also note that a balanced approach that considers the specific location and context as well as the merits of each proposal including the wider benefits a scheme can deliver, against impacts on the surrounding area.

Policy 33 seeks to make sure that the quality of life, health, wellbeing and natural environments of existing and future occupants is not adversely affected by harmful pollutants and other negative impacts on the environment. It also seeks to minimise the impact of light, noise and vibration on local environments.

Policy 38 C similarly seeks to provide a good standard of amenity for new and existing occupiers.

Considerable objection has been received to the development proposals in terms of its impact on adjacent occupiers, particularly in terms of loss of light, including the submission of counter arguments by lighting specialists, to the development proposals as justified by the applicants consultant.

The impact of the development will be broken down into light, sense of enclosure and privacy in this section. The impacts of the operation and occupiers of the proposed uses has been discussed within the land use section of this report.

8.3.1 Daylight

The applicant has submitted a daylight, sunlight and overshadowing report by GIA as part of the EIA, which sets out considerations for the impact of the development in terms of both the EIA standards (negligible to major adverse impacts) but also in general terms. They have also sought to demonstrate through other examples, similar or worse cases which have been considered to be acceptable. They have also adopted an 'alternative target' within their assessment of 15% VSC due to the location within an Urban context, to demonstrate how many of the windows would pass, should this alternative, lower level be accepted.

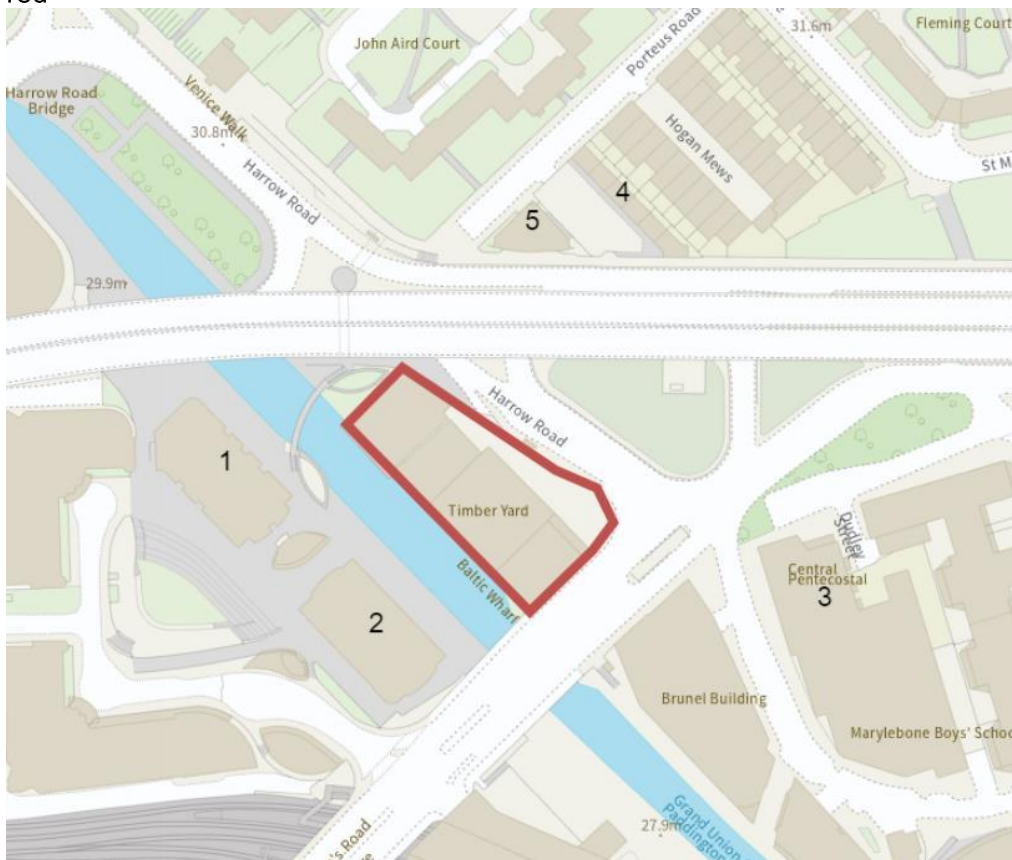
The report has undertaken a 'no balconies' assessment for two residential blocks on Sheldon Square, as these buildings feature winter gardens and balconies which result in high light losses to rooms inside due to an obstructed view of the sky.

The report has identified that the following properties are relevant for daylight and sunlight assessment:

1. 7-13 Sheldon Square
2. 19-27 Sheldon Square
3. Dudley House
4. 1-6 Gilpin Close
5. Amilcar Cabral Court

Tables of the figures for windows and rooms of these properties which breach the BRE are shown in Appendix 1 of this report.

Figure 1 showing location of properties assessed (Numbered 1-5) with site outlined in red



Vertical Sky Component (VSC):

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research

Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values. For instance, it is often accepted that a VSC of around 15% in an urban context is not uncommon and provides an acceptable level of light.

GIA's view on retained VSC levels is supported by the Greater London Authority's hearing report for the Monmouth House and Featherstone Street development (application reference: P2015/3136/FUL) where it was considered in Para 120, Page 31: *'For general guidance, whilst the BRE guidelines recommend a target value of 27% VSC when measured on an absolute scale, that value is derived from a low density suburban housing model. In an inner city urban environment, VSC values in excess of 20% should be considered as reasonably good, and VSC in the mid-teens should be acceptable.'*

No Sky Line (NSL):

The NSL method measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. BRE guidance states that if the no-sky line is reduced by 20% this will be noticeable to its occupants. Accurate assessment of the NSL method is dependent upon knowing the actual room layouts or a reasonable understanding of the likely layouts. The applicant's daylight assessment has had regard to the layouts of the buildings, and provided a result where possible.

8.3.2 Sunlight

In line with BRE guidance, the applicant has provided a sunlight assessment, which measures the impact of overshadowing to all windows which face the application site within 90 degrees of due south. The BRE advises that a room will appear reasonably sunlit if it received at least a quarter (25%) of annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours (APSH).

8.3.3 Summary of Daylight and Sunlight Assessment Criteria Method BRE Criteria

- | | |
|------|--|
| VSC | A window may be adversely affected if its VSC measured at the centre of the window is less than 27% and less than 0.8 times its former value. |
| NSL | A room may be adversely affected if the daylight distribution (NSL) is reduced beyond 0.8 times its existing area. |
| APSH | A window may be adversely affected if a point at the centre of the window received for the whole year: <ul style="list-style-type: none"> - less than 25% of the APSH including at least 5% of the APSH during the winter months (21 September to 21 March); and - less than 0.8 times its former sunlight hours during either period; and - for existing neighbouring buildings, if there is a reduction in total APSH which is greater than 4%. |

In the ES, the development has been assessed in terms of the baseline situation, demolition and construction phases and following completion and in operation. It also looks into the cumulative impact with the approved schemes in the vicinity. It has categorised the impacts in percentage ranges as follows:

0 - 19.9% alteration = Negligible
 20 - 29.9% alteration = Minor
 30 - 39.9% alteration = Moderate
 40% + alteration = Major

8.3.3 Consideration:

1 – 7-13 Sheldon Square

This 12 storey block forms part of a pair of residential buildings located opposite the development site, on the western side of the canal. It features balconies on the canal and south facing frontages, which have views of the site.

Table 2 showing no. of windows/rooms for 7-13 Sheldon Square and compliance

	VSC			NSL		APSH	
	Total	BRE compliant	Alternative target compliant	Total	BRE compliant	Total	BRE compliant
With balconies	247	215	221	152	141	67	67
No balconies	247	224	242	152	139	67	67

Daylight

The worst affected rooms are those at lower levels within the block, particularly at first floor level. A living kitchen dinner at first floor level will see its VSC figures reduce down from around 21 to just above 15 and will also see its NSL figures reduce by 21% from 74.3 to 58.7. While there are a considerable number of windows within the table in Appendix 1 which show breaches, in general terms the figures for this block largely show either retained levels of light in excess of 20 VSC, which is considered a good level of light within an urban context, or where the VSC is significantly reduced, the daylight distribution for the room is largely maintained with acceptable losses. The ES notes the impact to be adverse of minor significance.

Sunlight:

All windows comply with the BRE guidance for this building. An objector has queried why windows on the southern side of the south east facing side of the building have not been tested. The frontage is convex with the windows which have been tested facing the site and the ones which have not facing away from the site. While the windows in question may have an oblique impact, the windows tested would be worse affected due to their direct aspect and pass the BRE guidelines. It is therefore not considered that the windows in question would likely fail.

2 – 19-27 Sheldon Square

This 12 storey block forms the second part of the pair of residential buildings, with this block located directly opposite the main bulk of the development site, on the western side of the canal. It features 'winter gardens' on the canal facing frontages up the central

part of the building, which have direct views of the site. These winter gardens are sealed balconies which effectively form additional space for the flats, however with large openable windows.

Table 3 showing no. of windows/rooms for 19-27 Sheldon Square and compliance

	VSC			NSL		APSH	
	Total	BRE compliant	Alternative target compliant	Total	BRE complaint	Total	BRE compliant
With balconies	248	111	177	201	73	28	25
No balconies	248	100	192	201	71	28	25

Daylight:

Due to its location, this is the most significantly affected building by the development proposals, with a large percentage of the windows showing major adverse impacts. The table above and within Appendix 1 demonstrate this, showing the number of rooms and windows affected and the considerable losses.

Currently the windows generally have excellent light levels for an urban context, with all windows with a VSC of over 23 and many over 30. This is due to the existing relatively open aspect, due to the low level of the existing Travis Perkins buildings with limited development directly behind, which is dominated by the low lying Westway. They are however not completely open aspects, with the larger buildings including those around the Basin and the Brunel Building in close proximity, but views of these sites is oblique being on the other side of Bishops Bridge Road.

The worst affected windows and rooms are those located behind the winter gardens, with light levels reduced in excess of 80% their former figures with VSC results showing losses from around 23 to as low as 3. These rooms will therefore go from a very good amount of light to a very poor level of light, even for an urban context. These rooms include living areas, which according to the BRE guidance have the highest expectations of good lighting. It is noted that the GIA report states that the use of many of the rooms is unknown. This is likely due to discrepancies between historic plans for this building and what is found on site. The case officer has visited a number of objectors with the building and note that there are living areas which lead out onto the winter gardens and therefore confirming that the main habitable space for flats will be significantly affected.

Due to the high losses, the applicant has also undertaken a 'no balcony' test, which improves the scores up to the low teens (10.8-13.7 VSC) for the worst affected first floor windows. Objection has been raised to this methodology being used as these spaces are sealed and used as extended areas of the living space for the flats. This is noted by officers, as it was observed that the winter gardens were used differently by different residents, included some who have carpeted this area, indicating its character as more of an extension of the interior rather than a traditional external balcony to which the BRE guidance directs towards when considering using this additional assessment method. It is also however appreciated that the winter gardens, do reduce light levels to the main internal living spaces due to their projection out from the main windows to these habitable spaces. Even with the no balcony test it is not until the sixth floor before all

windows exceed a VSC of 15 or the 'alternative target' VSC.

The applicants report has largely referred to average figures for retained levels of VSC, however as demonstrated above and within the table in Appendix 1, it is apparent that a large number of windows will see much more significant losses than what may be the average for the whole building. Indeed, even at 10th floor level the windows set back behind the winter gardens still have VSC figures below the 'alternative target' of 15 VSC, which is regularly regarded as acceptable in a central London urban context.

The ES notes that for VSC, 111 of the 248 (44.7%) windows assessed would meet BRE's criteria and are therefore considered to experience a Negligible effect. Of the 137 affected windows, 12 would experience an alteration in VSC between 20-29.9% which is considered a Minor Adverse effect and 19 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 106 windows would experience an alteration in excess of 40% which is considered a Major Adverse effect.

Of the 128 affected rooms, two would experience an alteration in NSL between 20-29.9% which is considered a Minor Adverse effect and 13 would experience an alteration between 30-39.9% which is considered a Moderate Adverse Effect. The remaining 112 rooms would experience an alteration in excess of 40% which is considered a Major Adverse effect. It concludes the impact to be adverse of moderate to major significance, but does caveat that the balconies should also be considered.

The impact on the daylight to these residents is considered to be severe, and as noted by the ES a considerable number of the windows would see a major adverse effect, with numerous windows experience losses even in excess of the highest percentage change bracket of 40% as outlined within the ES (up to 88.7% VSC and 87.4% NSL). It is noted that any development on this site would have a negative impact on these occupiers, however given the height and breadth of the proposed building, a considerable number of occupiers will see significant losses well in excess of what the BRE recommends, even when taken flexibly. The impact is significant if you look in terms of percentage change, and if you look at the retained levels of light to the windows and rooms. These are losses and retained levels of light are well in excess of what would be recommended by the BRE guidance, even if applying the BRE guidance flexibly due to the urban location.

The proposals are therefore considered to have a significant negative impact on the amenity of these residents and is considered unacceptable and contrary to policy.

Sunlight:

There are not a large number of windows which face within 90 degrees of south which need to be tested, with a total of 28 tested. The daylight and sunlight report has identified three windows within this block which will fail the BRE guidelines for sunlight. These three windows are located at 11th and 12th floors and located on the side returns of projecting bay style windows. These windows are already restricted due to the design of the building, location and are secondary to the main aspect of these windows. The ES notes that the impact is adverse and negligible. Due to their design and aspect, it is not considered that the impact on these windows would substantiate a reason for refusal.

3 – Dudley House

This is a twenty one storey block located to the east of the site on the other side of Bishops Bridge Road / Harrow Road junction directly to the rear of the Brunel Building, which faces onto the canal.

Table 4 Showing number of windows/rooms for Dudley House and compliance

VSC		NSL		APSH	
Total	BRE compliant	Total	BRE complaint	Total	BRE compliant
385	329	239	194	315	285

Daylight

In relation to the alternative target compliancy, of all the windows tested, only 160 have an existing VSC of 15% or more, indicating the quantum of the windows which have low levels of light as existing, which is very high. As a result of the development the number of windows which would receive 15% or more would drop by a further 10 windows (to 150 windows).

The table in Appendix 1 demonstrates the existing very poor levels of light to many of the windows within this block, with many with a VSC of less than 1. Due to these existing low levels of light, any further losses are going to result in very high percentage changes, hence the high number of windows which fail. Room R3 at each floor level on the table is arguably the worst affected room as these windows serve the living/ dining room for these flats and will see losses from an existing relatively low level of light of around 13/14 down to levels around 9/10 VSC. Floorplans for Dudley House, show that this window is the main window serving these single aspect flats, although they are also served by a glazed side door, which leads onto the terrace, but this door has an existing VSC of 0 and therefore provides very limited light to the room. The daylight distribution for these rooms will also see losses well in excess of the BRE guidance. These main habitable rooms will therefore have a negative impact due to their existing light levels being worsened from their existing vulnerable light levels. The light levels will reduce from what is considered an existing low but reasonable level of light, in the mid-teens, down towards single figures.

The table shows that there are numerous other windows which fail, but these serve living areas, which are served by other windows which are not so affected due to looking in a less affected aspect, serve bedrooms, which do not have such a high requirement for light, or have existing very low levels of light, due to their location under projecting balconies or with poor outlooks.

The ES notes the impact to be adverse, of minor to moderate significance.

It is considered that the proposals will have an unacceptable impact on these living spaces which will be negatively affected by the development proposals.

Sunlight:

30 windows within this building fail in terms of sunlight. These windows face in a south western direction towards the rear of the Brunel building and over Bishops Bridge Road, with the development site located obliquely to the west. Due to its location and bulk it will have an impact in terms of the evening sun to these windows. The report notes that

failures are largely due to low levels of existing light and therefore the percentage changes are disproportionate. The figures indicate this with a large number of windows experiencing 100% of their sunlight lost. Alike with the daylighting, R3, which serves a living/dining room will experience losses of 83.3% APSH at first floor level, 71.4% at second floor level, all the way up to 21.1% losses at twelfth floor level. However, these rooms do have very low levels of existing sunlight with just 6 annual hours and 0 winter hours of sunlight as existing, reducing to 1 annual hour at first floor level. At twelfth floor level the figures are slightly better with 19 annual hours and 0 winter hours, reduced to 15 annual hours.

While the applicants comments that the existing levels are low which will result in high percentage change, the often total or near total loss of sunlight for these occupiers will be adverse to their living conditions. The ES also notes the high percentage changes due to the low existing levels and notes an adverse impact of moderate significance. While this high percentage change in terms of sunlight is regrettable, due to the low number of hours of sunlight as existing, it is not considered that a reason for refusal on these grounds could be sustained.

4 – 1-6 Gilpin Close

This is a two storey terrace of properties located north of the site on the other side of the Westway, accessed from Porteus Road.

Table 5 Showing number of windows/rooms for 1-6 Gilpin Close and compliance

VSC			NSL		APSH	
Total	BRE compliant	Alternative target compliant	Total	BRE compliant	Total	BRE compliant
31	31	31	28	18	29	29

Daylight:

As indicated by the table above all of the windows tested for this address pass in terms of VSC. Ten of the windows fail in terms of NSL with losses in excess of 20% their formal value, with the worst affected windows being those at ground floor level serving living rooms and Living/Kitchen/diners with losses of between 21.3% and 35.9% their former value. Whilst significant reductions to NSL can be observed, these windows would retain between approximately 30-70% NSL. Furthermore, the retained VSC values at the windows serving these rooms are good (15% or above) and the rooms would therefore be considered to remain well daylit overall. The ES notes the impact to be adverse of minor significance. The impact on these properties is on balance considered acceptable.

Sunlight:

All windows comply with the BRE guidance for these properties.

5 – Amilcar Cabral Court

This nine storey residential block is located on the north side of the Westway at the southern end of Porteus Road near the junction with Harrow Road.

Table 6 showing no. of windows/rooms for Amilcar Cabral Court and compliance

Item No.
1

VSC			NSL		APSH	
Total	BRE compliant	Alternative target compliant	Total	BRE compliant	Total	BRE compliant
45	38	45	18	18	36	36

Daylight

While there are a number of windows which do fail in terms of VSC for this building, the transgressions are minor and only just in excess of 20% reductions. Each of the windows will still maintain relatively good levels of light, with a VSC in excess of 20. In addition, each of these rooms comply in terms of daylight distribution. The ES notes the impact to be adverse of minor significance. The impact on this building is on balance considered acceptable.

Sunlight:

All windows comply with the BRE guidance for this building.

8.3.4 Contextual Research

Within their daylight and sunlight report the applicant has put forward a number of alternative sites for consideration of where lower levels of VSC exist or have been allowed by the City Council.

1: St Mary's Mansions

This has been provided as a historic example of where high value homes historically can have lower levels of VSC, with the lower levels having between 8-18% VSC and where only the upper floors have a VSC of in excess of 27%. It is unknown from the information how these flats are set out, whether they are split level or multi aspect, however it is noted that the blocks have a lower ground level set lower than street level, so would be expected to have lower light levels. As they have noted, this is also a historic arrangement, with both the form of the dwellings and levels of affected properties not being comparable to the proposed site.

2: Montgomery House

This block has low levels of light, however it relates to a new build in an existing built up area. Any future occupants would be aware of the built up nature of the area and light levels to rooms. This property is not a good neighbour in terms of its layout and when planning permission was granted for the redevelopment of Dudley House allowances were made for this. However, it is also noted that each case has to be assessed its planning merits in the round.

3: Dudley House

Similarly to Montgomery House, this is a new block within an existing built up surrounding, namely being located directly behind the Brunel building. The figures provided with the daylight sunlight report indicate average VSC figures for each floor, this does not take into consideration features such as projecting balconies, use of rooms or secondary aspects. It is understood that rooms will have a higher requirement for light, such as living areas, are achieved, with bedrooms having lower scores. This shows how providing average VSC results is often not of much use in terms of making a rounded judgement.

4: 90 Long Acre

This scheme dating back to 2015 includes some significant light losses to surrounding properties with 23 windows outlined as having losses in excess of BRE recommendations, however many of these windows had low existing levels of light below 15 VSC and therefore any additional losses would be considerable in terms of percentage change. In addition, these losses were considered on balance of other considerations within the development proposals to be acceptable.

5: 268-282 Vauxhall Bridge Road

This redevelopment site impacted on residents located behind who are in close proximity. It is apparent from the officers report of the approved scheme (Ref 19/05099/FULL) that the affected windows had existing low levels of light, regularly below 10 VSC, and therefore any losses would result in high percentage changes. The proposed building was comparable to those adjacent, which similarly impact on the properties behind. While it noted that the levels of light for the affected residents is low, it is a different situation to this location, where windows have good levels of light as existing, which are to be significantly negatively affected by the development proposals.

6: Edith Summerskill House

This is a proposal for a new tower within Hammersmith and Fulham on an existing empty development site. It has been put forward that this is comparable as adjacent occupiers currently look onto this existing site akin to the low level of the existing Travis Perkins buildings. The report identifies that there will be a considerable number of windows which breach BRE guidelines, however neither the applicant or the committee report confirm what the existing vs proposed VSC figures are and concentrate on the percentage change or retained levels of light. It is considered that little weight be attached to this example.

7: Bishopsgate Goods Yard

This is a significant redevelopment site in Tower Hamlets & Hackney. It has been noted that retained levels of light for adjacent occupiers is comparable to this application. The scale of development is much larger than this proposed application, including many different buildings, uses, levels, infrastructure and considerations. To compare the two sites would be incredibly complex, due to the very different constraints, policy considerations with that development located in two different local authorities with the decision taken over by the GLA who now act as local authority. It is therefore not considered that just considering the retained levels of light between the two sites is feasible given the level of other inputs in the consideration of both schemes.

8.3.5 Cumulative Impacts

The following cumulative schemes have been considered in relation to daylight and sunlight:

- Land at 1A Sheldon Square (Gateway Building) 17/05609/FULL; and
- Triangle Development: Land adjacent to 9 Paddington Station and Praed Street 12/07668/FULL.

These schemes have been confirmed as implemented through lawful development certificates, however construction works to build out the developments has not

commenced.

The applicants report indicates that the only impacts will be on the Sheldon Square Blocks:

7-13 Sheldon Square:

- 5 additional windows seeing minor to moderate adverse reductions for VSC and three additional rooms seeing minor to moderate adverse impacts for NSL.
- No change for APSH. Two windows seeing a major adverse WPSH impact.

19-27 Sheldon Square

- 16 additional minor adverse to moderate adverse for VSC and no change for NSL.
- 3 additional rooms seeing minor adverse reduction in APSH and 5 additional windows seeing a major adverse reduction for WPSH.

8.3.5 Daylight and Sunlight conclusion

Overall, of the 956 windows assessed for VSC, 724 (75.7%) would meet BRE criteria. Of the 638 rooms assessed for NSL, 444 (69.6%) would meet BRE criteria.

It is apparent from the figures that the proposed development will have a significant and major adverse affect on adjacent residential occupiers, particularly those within 19-27 Sheldon Square. It is also apparent that those occupiers currently enjoy good levels of light as a result of the low level of the existing buildings on the site, with open aspects over Travis Perkins to beyond.

Occupiers within the relatively recently constructed Dudley House will also see significant losses, however existing levels of light are lower for this building, largely due to the considerable mass of the Brunel Building to the south, which affects both its access to daylight and sunlight.

Given the location of the site within the POA and given the low level of existing buildings/structures on the site, losses of daylight and sunlight would be expected with any redevelopment. The applicant has reduced the scale of the development, which has had some minor improvements in terms of daylight, however given its considerable height at 20 storeys and breadth across the whole width of the site, its impact on adjacent occupiers is still significant.

The daylight report has indicated a massing model to show what a building which retained VSC figures of around 15 for Sheldon Square would look like, however this has not been progressed and noted as unviable. The losses of light are considered to be unacceptable for a large proportion of the flats within 19-27 Sheldon Square and also those windows/rooms discussed above within Dudley House. This significant impact must be considered in the round against the other aspects of the development as discussed within this report.

8.3.6 Overshadowing

It is suggested in the BRE Guidelines that for an area to appear adequately sunlit throughout the year, at least half (50%) of any assessment area should see direct

sunlight for at least two hours on the 21st March. If, as a result of new development, an existing assessment area will not meet BRE Guidelines and the area which can receive two hours of direct sunlight on 21st March is reduced to less than 0.8 times its former area, then the loss of sunlight is likely to be noticeable.

The guidance states that the availability of sunlight should be checked for all open spaces where it will be required this would normally include:

- Gardens, usually the main back garden of a house
- Parks and playing fields
- Children's playgrounds
- Outdoor swimming pools
- Sitting out areas such as those between non-domestic buildings and public squares
- Focal points for views, such as group of monuments or fountains.

Transient overshadowing modelling has been provided, indicating the existing, proposed and cumulative (showing other approved but not yet constructed schemes) overshadowing for the area on 21 March, 21 June and 21 December.

The modelling shows that due to its position right on the canal, the existing building shades the canal as existing in the morning. The main additional impacts of the development will cause overshadowing to the Westway and the area of greenspace in the gyratory to the east bounded by the Harrow Road and the Westway. While this area of greenspace provides a welcome break from the harsh Westway, it would not be considered a park or place to dwell given its stranded location on the gyratory. The areas around the base of Dudley House are already shaded by the Brunel Building and the Sheldon Square blocks early and late in the year, but will experience additional shading from the development during the summer months, however these areas are not considered to be spaces where one would necessarily dwell.

The main negative impact would be to the Sheldon Square amphitheatre, which currently benefits from a slot of light in the morning between the two Sheldon Square residential blocks first thing in the morning in summer months, which would be lost as a result of the proposed development. It would still retain sunshine for the majority of the day. The ES states that the development will have a minor adverse impact on the amphitheatre and that the impact on the three remaining amenity spaces, namely the Canal, Stone Wharf Park and around John Aird Court would be negligible.

The ES notes "overall, on the key date of 21st March, Sheldon Square Amphitheatre, Stone Wharf Park and John Aird Court amenity areas would be unaffected and would therefore experience a Negligible (not significant) effect. It should also be noted that these areas continue to see very good levels of sunlight in summer, when the areas are most likely to be enjoyed.

The Canal would experience a small amount of overshadowing on a localised portion in proximity to the Site. However, the Canal is a large area, which extends far beyond the Site as it continues north and south of the Proposed Development. Therefore, further detailed analysis of its entire length is not appropriate, as the percentage alteration occurring as a result of the Proposed Development would not be representative of the localised portion of the area impacted. As such, professional judgement has been used to assign a significance of effect. Overall, given that periods of localised additional

overshadowing can be seen to occur as a result of the Proposed Development, the effect is considered a Minor Adverse (not significant).

Accordingly, based on professional judgement, the effects overshadowing would be permanent, long-term ranging from Negligible (not significant) to Minor Adverse (not significant)." These findings also confirm that there would be minor additional overshadowing as a result of cumulative schemes (the gateway and triangle buildings) but in terms of overall significance impact, it would not change.

In conclusion, it is noted that there will be an impact as a result of the scheme, however due to the location and orientation north of the canal, its impact is not considered to be so significant as to justify refusal in itself.

8.3.7 Sense of Enclosure

The most affected properties by the development will be those 5 sites identified on Figure 1 in the daylighting section of the report above. Each of these sites will be discussed in turn in terms of sense of enclosure.

1. 7-13 Sheldon Square

The main aspect from these flats is from the northeast facing windows, which look out over the canal and towards the Westway, which runs close to the northern most corner of this building. The proposed development is stepped, with the nearest part being part 6 part 9 storeys in height and then rises up to the other end of the site. The windows which face out of this frontage include both living spaces and bedrooms, including rooms which run out onto balconies on the central part of the building. The views, particularly from the easternmost windows in this elevation will have both direct and oblique views of the development and will therefore experience an increased sense of enclosure.

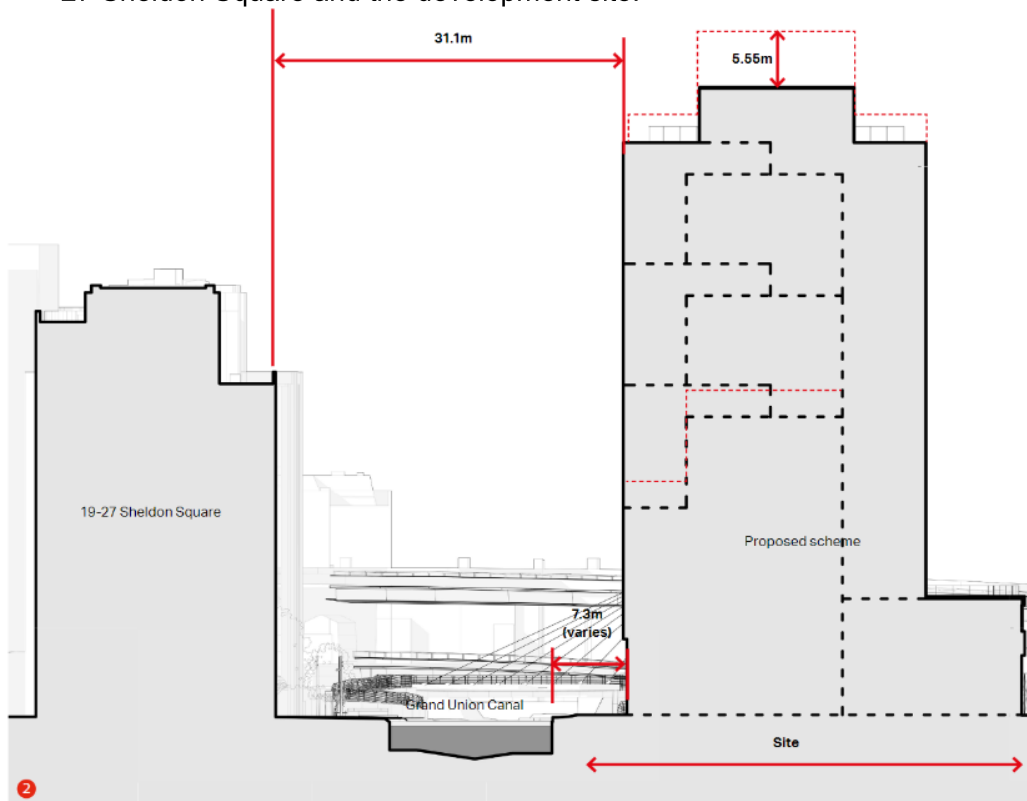
There are also windows in the south east facing end elevation of the block, which has doors and windows leading out onto open balconies. These rooms and balconies, currently have a fairly open aspect as they look onto the narrow end of the adjacent residential block (19-27), over the canal and Travis Perkins site up to the Brunel Building and Dudley House to the east, and over Sheldon Square towards Paddington Station to the South. Permission has been granted for a 20 storey hotel tower which will infill the gap view over towards the station to the south if constructed (the permission has been implemented, but construction works to build out this development in full have not begun). Objectors note that the development would then increase sense of enclosure to their east aspect as the building would dominate the space, rising up to 20 storeys and given its breadth. It is agreed that these occupiers would experience an increased sense of enclosure, however it is noted that the hotel scheme is some distance away and the development site would only be visible in oblique views from these end windows.

2. 19-27 Sheldon Square

This block is considered to be most affected by the development proposals. Figure 2 below indicates that the buildings are some 31.1m apart and shows how the 20 storeys will rise significantly above the 12 storey residential block. The north east facing windows currently have an unfettered view over the Travis Perkins site and beyond, with oblique views blocked by the Brunel Building to the east. The Brunel Building sits 26.7m away from the development site on the other side of Bishops Bridge Road and is 11.5m higher

than the proposed building (or 9.2m higher of the main frontages given the recessed top stories)

Figure 2: image taken from Design & Access statement showing distances between 19-27 Sheldon Square and the development site.



As discussed in the daylight section, the property does not have 'balconies' like the adjacent block, but has 'winter gardens' running up the centre of the building, which are in effect additional habitable spaces to the rooms behind. There are both living areas and bedrooms which face towards the site.

Due to the height and breadth of the proposed building and the existing open aspect, residents will feel a significant increase in terms of sense of enclosure. However, it is also appreciated that the site is located a good distance from these residents, due to the separation over the canal and walkways. Any development on the site, would lead to an increased sense of enclosure due to the current very low buildings on the site. Should a development of a similar size to the Sheldon Square properties be located on the site, this would also result in an increased sense of enclosure given the size of the site which is wider and would block existing residents' current open aspect. However, the existing Sheldon Square blocks are considerably lower than the proposed block, with the largest elements of the stepped development located in front of 19-27. Even windows at the top of the residential block will have some 8 additional storeys above them and the development will therefore have an oppressive presence.

The likely impact can be appreciated by looking at the impact of the existing Brunel Building. While that building is taller, given that the residential block is considerably

smaller, the impact in terms of the mass will be similar. This mass will however reduce as the building steps down to the north west. Due to its mass and height, it is considered that the proposed development will have an unacceptable impact in terms of an increased sense of enclosure on the residents within Sheldon Square.

3. Dudley House

The main view from these properties is the rear of the Brunel Building, which does however have a slight chamfer, which allows oblique views out over the development site and towards Sheldon Square. Dudley House and the Brunel Buildings are of a similar height, and given their close proximity, do result in a high sense of enclosure between the two buildings.

The proposed building is at its largest where it is closest to Dudley House, however it is set back slightly in terms of the whole floorplate of the site, as the Travis Perkins builders yard will be enclosed by a projecting section at ground floor level, with the main mass of the building set back from the Harrow Road. While it is appreciated that the development will result in an increased sense of enclosure due to the additional bulk on the site, given that Dudley House is already largely enclosed by the Brunel Building in much closer proximity, it is not considered that this impact would be so significant as to warrant refusal.

4. 1-6 Gilpin Close

These properties are located some 80m away from the development site with the western most properties looking onto the flank of Amilcar Cabral Court. They have existing views towards the Westway and Sheldon Square beyond. While they will experience an increased sense of enclosure, given their separation and outlook onto the Westway, it is not considered that the additional bulk would have such a negative impact as to warrant refusal.

5. Amilcar Cabral Court

Located slightly further south, Amilcar is around 47m from the site, but is still separated by the Harrow Road and Westway. It will have a greater sense of enclosure than the properties on Gilpin Close as it has windows at higher levels, looking directly towards the development site, in closer proximity. The daylight and sunlight report notes that there are habitable rooms in this frontage, with living kitchen dinners affected. The development will step up as it goes away from these residents with the greatest mass furthest away adjacent to the Brunel Building.

The residents currently have a relatively open aspect over the development site and Bishops Bridge Road to Paddington Station beyond. There is an implemented permission for 'The Triangle Building' which sits just before the station over the Hammersmith and City Line tube exit and is c20 storeys and would close the gap of the view to the station, but is set quite a bit further away than the development site and will therefore have less of an impact. That permission whilst implemented has not been built out as yet.

While it is appreciated that these residents will certainly be negatively impacted by the proposed development, set in the context of looking onto the Brunel Building and Dudley House to the south east and the buildings within Paddington Central to the south and west, it is not considered that an objection in terms of sense of enclosure to this building

could be sustained.

8.3.8 Privacy / Noise

The proposed block has windows to the front and rear and roof terraces which will impact on adjacent occupiers.

In terms of the windows, these serve the student flats, so include a mix of bedroom and kitchen accommodation. At first floor level there is also the large amenity/lounge space which serves the student accommodation and the community space and faces onto the canal. While it is appreciated that the development will result in overlooking between the development site and existing surrounding occupiers, this would likely be the case for any development on the site and this overlooking would be mutual.

Had this application be recommended favourably a condition would be recommended to ensure that no music was played within the ground floor student amenity/ lounge space or the adjacent community space. A condition would also be recommended to ensure that the amenity/lounge space was only used by students within the development, to ensure that it was ancillary to the main use of the building and not used by members of the public, which could give rise to increased comings and goings to the site and anti-social behaviour.

In terms of the terraces, they have been landscaped so as to minimise large gatherings and overlooking towards neighbouring properties. They would be subject to controls such as limiting access times to between 08:30-21:30 and capacity through the Student Management Plan, which would be secured by condition. The landscaping would also be secured through condition. The Environmental Sciences Officer has noted that the use of the terrace is unlikely to give rise to any significant negative impact in terms of noise to adjacent occupiers, however note that a condition to ensure no amplified music may be appropriate. It is considered that the use of the terraces could be suitably controlled and enforced through the Student Management Plan, which would be secured by condition.

8.4 Transportation/ Accessibility & Servicing

Trip Generation and Travel Plan

Objection has been received from neighbours SEBRA and PRACT in relation to existing issues with vehicles arriving at the builders merchant and having to queue on Harrow Road before being able to enter. The Highways Planning Manager (HPM) accepts that the level of vehicle activity associated with the Builders Merchant Yard would not be significantly different from the current operation. It is noted that the site can be very busy, with queues of vehicles forming to access the site at various times as pointed out by objectors. The HPM notes that it is unlikely this proposal will address this existing issue, however the applicant has noted that the proposals will result in a fully modernised offer, which may provide some relief in terms of efficiencies (see vehicle access below). Given the long standing existing commercial use, it is not considered that refusal on these grounds could be sustained.

For the student accommodation and community use space elements it is accepted that the majority of trips associated with the proposed development (excluding delivery and

servicing activity) will be via public transport or other sustainable modes (eg walking, cycling). See comments below on servicing activity.

The GLA has requested a Travel Plan should be secured in accordance with TfL guidance. However given the sites proposed uses and location, not on a road managed by TfL, the HPM advises that a travel plan is not required. Should the development be permitted, the GLA/TfL would need to confirm that they would assess any Travel Plan if required by condition / legal agreement.

Accessibility

Walkway/Canal Path

The creation of a new pedestrian link and private public realm is welcomed. If considered a planning benefit, it should be secured via a Walkway Agreement to ensure access is retained and consistent with Policy 25 and 43.

Given its width, the use of the canal path is unlikely to be able to support further use, such as table and chairs.

Stopping Up and Dedication of Highway

Policy 25A states "Development must promote sustainable transport by prioritising walking and cycling in the city." Policy 28A states "Given the increasing demands on existing highway space, the council will resist the loss of highway land, particularly footways." Policy 43 is aimed at creating an improved public realm and environment for pedestrians and other users of an area, including to minimise obstruction to pedestrian movement. The Westminster Way strives to promote walking through design that aids rather than disadvantage pedestrians. This includes maintaining pedestrian desire lines.

The applicant is proposing to rationalise the boundary alignment along the Harrow Road frontage. This involves both stopping up and dedication of small areas of highway. This rationalisation of the highway boundary is considered appropriate for the proposed scheme and consistent with Policies 25 and 28. Both dedication and stopping up will need to be secured via S106 legal agreement.

The applicant should note the dedication and stopping up process is a separate legal process with its own public consultation process. Any objection would need to be considered separately to the planning application. It is unlikely the stopping up order can be progressed without a valid planning permission and would not be progressed in relation to the eastern site required to implement the proposed scheme, as currently proposed.

Pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place for the works to Harrow Road. The Highway Authority maintains an objection to the stopping up of Highway where there is not a demonstrated need or benefit.

Vehicle Access

The existing vehicle accesses (entry and exit) are to be altered slightly. This will require amendments to the existing vehicle crossovers. It is noted the alterations to the vehicle crossovers will improve slightly the visibility splay for vehicles exiting the site as well as pedestrians passing this exit and again the detailed design could be secured by

condition.

Vehicle tracking within the builders yard are considered acceptable by the HPM.

Highway Works/Public Realm Improvements

The proposal involves changes to and development directly abutting the existing highway boundary wall and bridge support structures. Subject to detail design, these elements are considered acceptable in principle but detailed design and Highway Authority approval will be required (including to standard CG300 – Technical Approval of Highway Structures, part of Design Manual for Roads and Bridges (DMRB)). This includes any changes to existing Traffic Management Orders and bus stop and shelter location.

No level change to the existing highway will be able to be made. Any level changes will need to be accommodated within the site itself.

Servicing

Policy 29 requires off-street servicing and freight consolidation. Deliveries, goods left, and waste collection on the highway create an obstruction to pedestrians and have an adverse impact on the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

The proposal is for a mix of on-site and on-street servicing provision. The Builders Merchant Yard servicing will be all off-street, within the yard, as it is now. Refuse collection for all uses will be off-street and within the yard. The student accommodation has a hybrid combination of relying on on-street and off-street servicing as detailed below:

Table 7: Serving summary

Days/Hours	Off-Street/ Travis Perkins Yard	On-Street/Harrow Road
0500 to 1700 Monday to Friday 0745 to 1215 Saturday	Travis Perkins plus Student Accommodation Consolidated Deliveries	Student Accommodation (non-consolidated deliveries)
1700 to 2300 Monday to Friday 1215 to 2300 Saturday 0745 to 2300 Sunday	Student Accommodation	No Servicing
2300 to 0500 daily	none	All Servicing

The applicant proposes using an off-site freight consolidation service for non-food/fresh deliveries. This would leave food type deliveries and taxi/private hire drop-offs, associated with the Student Accommodation, occurring on the highway during daytime hours (ie when Travis Perkins/Builders Merchant is operational/open for business).

The applicant’s position is that this servicing activity cannot mix with the activity of

Builders Merchant Yard on safety and operational grounds. While the Builders Merchant Yard would be open during their operating hours, signage would be used to direct non-builders' yard deliveries/vehicles/customers to use the highway, as well as some operators on-site.

It is noted the current yard does not have any signs restricting access. It is currently possible for any vehicle to enter the yard, unchallenged, when the yard/business is open. There is no evidence provided that other sites/yards have a restriction on vehicle access or a managed access approach. Very limited evidence has been provided that the combination of the Builders Merchant Yard and Student Accommodation vehicle activity on-site would create a safety issue and that the factors that create the safety issues disappear when transferred to the highway.

With no space allocated within the site for this servicing to occur, the approach to servicing means that any delivery activity associated with the Student Accommodation that does not go through their freight consolidation, will occur on the highway and be transferred across the highway. This will adversely affect all highway users including motorists, pedestrians and cyclists. Due to the design and layout of the development, this servicing activity would also need to be transferred across the vehicle crossover to the site, conflicting with vehicles entering the Builders Merchant Yard. Further vehicles stopped on the carriageway will have an adverse impact on vehicle movement (including cyclists and buses) on Harrow Road.

The applicant indicates they expect up to 46 food type deliveries per day, to occur on the highway, over which they will have no control. The majority of these will be pedal cycles or mopeds. Taxis/Private Hire would be further additional vehicle activity on the highway at Harrow Road.

Given the interventions within the site, the lack of full off-street servicing for all the proposed uses within the development will have a significant detrimental impact on highway users (including pedestrians) and is contrary to Policies 25, 29 and 43.

The proposed off-street loading area will have a maximum vertical clearance of 5.2 metres. Vehicle tracking and cross-sections for these areas demonstrate that a refuse vehicle will be able to collect waste from within the servicing bay. The design and layout of the off-street vehicle area is considered acceptable.

The applicant has supported the application with a Servicing Management Plan (SMP). It is noted that servicing processes are also referenced in the Student Management Plan and Travis Perkins OMP. This is welcomed by the HPM and should be secured. However, the document is technical in nature and contains many overarching principles on how servicing will be managed and repeats large amounts of information found in the Transport Statement. It is not considered to be a practical document for ongoing day to day use. The submitted SMP lacks detail on how any of these commitments will be delivered or the processes that will be followed to ensure servicing associated with the permitted use has no significant impact on other highway users.

The vehicle entrances are indicated to be barriered. The entrance barrier would need to be in an open position while the Builders Merchant Yard is in operation and the hours the applicant has indicated the yard is also available for servicing activity associated with

the student accommodation. This will assist in servicing occurring off the highway and minimising the impact on highway users. There will also need to be clear signage internally to ensure all vehicle users of the yard exit via the northern vehicle exit.

Doors/Gates Over the Highway

Any gate or door must not open over highway, consistent with City Plan 2040 Policy 25 and s153 of the Highways Act and again can be controlled via a condition.

Car Parking

Builders Merchant Yard

There is car parking (11 bays) provided within the Builders Merchant Yard plus one disabled bay. The applicant states this proposed parking is required for the operational of the yard. It is noted a similar level is provided for the existing operation. On balance, the car parking is considered consistent with Policy 27 subject to comments below in relation to electric vehicle charging.

Student Accommodation

One disabled car parking space is proposed for the student accommodation and no car parking is provided for the proposed student accommodation or community use. The site is within a Controlled Parking Zone. The site has a good level of public transport accessibility. The impact of the proposed development on parking levels will be minimal and consistent with Policy 27.

Electric Vehicle Charging Points

Policy 27A requires all new spaces to provide active provision of Electric Vehicle Charging Points. For the Builders Merchant Yard bays, rapid chargers should be provided for each bay to support top up charging.

The details of the charge points and provision could be secured by condition. It is expected that a rapid charger (minimum 50kW) would be provided to support electric freight delivery vehicle, allowing for top up charging as well as each individual car parking bay/space having a suitable EV charge point (again top up charging). The provision is consistent with London Plan, City Plan 2040 policies and supports City for All and Climate Emergency Action Plan objectives.

Cycling & Cycle Storage

Long stay cycle parking will support sustainable travel options by staff and residents. Long term staff cycle parking must be secure, accessible and weatherproof. Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy T5 requires 1 space per 500m² of B8 warehouse use, 0.75 spaces per bedroom for student accommodation and 1 space per 75m² of B1 office.

The proposed Builders Merchant (2367m²) would require a minimum of 5 long term cycle parking spaces. 6 cycle parking spaces are proposed within a lockable cage within the Builders Merchant Yard. While questionable provision in terms of quality, given the location of the staff facilities for Travis Perkins, it is accepted the minimum quantum required is provided.

The proposed 768 student bedrooms would require a minimum of 576 long term cycle parking spaces. 577 cycle parking spaces are proposed. The cycle parking for the

student accommodation is provided on each floor. It is accepted there is lift access to each floor suitable for standard bicycles. It is accepted the minimum quantum is required.

The proposed community space (143m²) would require a minimum of 2 spaces. Three of the external short stay spaces being provided are intended to meet the requirement the community use. The location of the cycle parking is disjointed from the community use access and is not considered ideal but not a ground to refuse planning permission.

The London Plan Policy T5 requires 1 short stay space per 1000m² of B8 warehouse use, 1 space per 40 bedrooms for student accommodation and 1 space per 500m² of B1 office. Visitor short stay cycle parking is provided for each use. This is welcomed.

The rise in development trips in this location would increase demand upon local cycle hire stations. The GLA has therefore requested a financial contribution of £200,000 to be secured by S106 to increase provision of cycle hire in the area and mitigate the site-specific impacts of the development in line with London Plan Policy T4.C. The applicant has agreed to this requirement.

Waste & Recycling Storage

Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway users contrary to City Plan 2040 Policy 25. It would also have an adverse impact on the public realm. Off-street waste storage is indicated for both the builders merchant yard and student accommodation. This is welcomed and accords with policy 25 and could be secured by condition.

Transport and Highways Conclusion:

The starting point for any redevelopment is the policy requirement for off street servicing to be provided for all uses on the development site. In this instance it has been stated that for safety/operational reasons no servicing for the student accommodation can be undertaken from within the builder's yard when it is open (besides waste). This has required the use of consolidated deliveries and for the use of on street servicing, which is located on the other side of the entrance to the builder's yard. While this may have taken away the dangers of a clash between servicing vehicles and the builder's yard, it does result in a clash of servicing vehicles with users of the highway including vehicles, bikes and pedestrians. The double yellow line servicing area is also on the other side of the entrance to the builder's yard, which means any servicing will need to cross this entrance in order to access the student accommodation.

The proposed solution of the use of the builders yard outside of opening hours will only partly go towards meeting off-street servicing requirements for part of the day.

It should be noted that the particular servicing arrangements for this scheme has come about as a result of the applicant stating that it is not possible for policy compliant off-street servicing at this site, with various alternative options considered. The acceptability of the two main uses in highways terms is questioned, given the put forward servicing limitations.

Given the proposal is for the total redevelopment of the site, the lack of full off-street servicing for all the proposed uses within the development it is considered to have a

significantly detrimental impact on highway users (including pedestrians) and is contrary to Policies 25, 29 and 43 and the HPM recommends refusal.

8.5 Economic Considerations

The NPPF notes that “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

The applicant notes the benefits include the following:

- During construction the development is predicted to generate 210 full time jobs over 2.5 years.
- Post completion, 45 full time end-use jobs within the builders merchants, student accommodation and community space.
- Support London’s Higher Education sector through provision of student homes including 35% affordable student units.
- Public realm benefits of linking existing areas together through opening of canal footway.
- Uplift of c.£5.88million annual spending in the local area by students and workers.
- Community benefits from new community space and student community contributions
- Income to the City Council through new home bonus and business rates

While the council agrees with and welcomes the majority of these economic benefits, it is not considered the last point can be considered an economic benefit as the Planning Inspector in their decision at Land South of Heath Lane, Codicote, says that it would not be appropriate to make a decision based on the potential for a development to raise money for a local authority should be considered as a possible benefit of a scheme (paragraph 95).

8.6 Access

Student Accommodation:

The main student access point is at canal level, at the Bishops Bridge Road end of the site. The proposals include the opening up of a canalside footpath, which will allow students to access either from the northwest towards Maida Vale under the Westway and Paddington Central over a footbridge, or from under Bishops Bridge Road, which will link into the existing canal footpath in front of the Brunel Building, which then links to Paddington. The land under Bishops Bridge Road is owned by the Canal and Rivers Trust (CRT). This link is a key benefit of the scheme and is required in order to unlock the canal footway and improve linkages with the surrounding areas. The securing of this link will be a subject to agreement with CRT and secured by a legal agreement. This will need to be agreed prior to commencement and made open and passable prior to occupation.

There is also a secondary entrance adjacent to the junction of Bishops Bridge Road and Harrow Road. Students have access onto Bishops Bridge Road or the Harrow Road, or can use the existing Zebra crossing directly outside the site, which links onto North

Wharf Road, behind the Brunel Building and into Paddington Basin and Paddington.

Builders Yard:

The entrance and exit to the Builders Yard is largely as existing, with some minor alterations to the highway as noted in the servicing section of this report.

Community space:

Access to the first floor community space if from an access on the north western corner of the site and this is acceptable.

8.7 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. 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

There is no neighbourhood plan in this part of Westminster.

8.9 London Plan

This application has been referred to the Mayor for London which means that once Westminster City Council has resolved to determine the application, that decision must be referred to the Mayor for his decision as to whether to direct approval, take it over for his own determination or allow the Council to determine the application itself.

The Mayor has confirmed in his stage 1 letter that the application is generally acceptable in strategic planning terms, but there are elements that require addressing in order to ensure full compliance with the London Plan. A summary of the Mayor's (GLA) comments are set out in section 5 of this report.

8.10 National Policy/Guidance Considerations

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

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

application is being recommended for refusal, there is no requirement to seek the applicant's agreement.

8.11 Planning Obligations

The application includes the following draft heads of terms:

- Provision of the canal footway in front of the development site and under Bishops Bridge Road, to be open and passable prior to occupation of the development. It should be noted that as the area under the Bishops Bridge Road is owned by CRT, the legal agreement would be subject to being secured and agreed with them. While CRT have not raised objection to the principle of the provision of the walkway, their agreement with the works to the footway would need to be agreed prior to any permission being granted as this is a key planning benefit of the scheme.
- Walkways agreement.
- 35% affordable student accommodation (295 rooms) with affordable rent cap.
- Nomination agreement linking the development to one or more higher education institutions for use of at least 51% of student accommodation to students. The development is proposed to be linked to Kings College London.
- An employment and skills plan and a financial contribution of £848,157.80
- Carbon Offset payment of £638,249 (index linked and payable on commencement of development)
- Community room fitted out to Category B finish, provided at peppercorn rent, with community investment programme detailing how the space will be charged, rented and managed.
- Highways works and public realm improvements and management, including relocation of the bus stop.
- £200,000 towards a TfL cycle docking station
- A contribution to the Canal and Rivers Trust towards canal habitat/ ecosystem creation. The figure for this has not been confirmed however CRT estimate this to be between £30-40k.

The development is liable to pay the Mayoral CIL estimated at £1,886,270.46. As the development is Sui Generis, no Westminster CIL is triggered.

8.12 Local Employment & Skills

The Council's Economy team has confirmed that the development would trigger the requirement for a payment of £848,157.80 to Westminster employment scheme which would be secured through legal agreement.

8.13 Other City Plan 2019-2040 Policy Considerations

Construction Impacts

The Environmental Sciences Officer has commented that this development will be required to sign up to the requirements of the WCC CoCP and therefore a Site Environmental Management Plan (SEMP) will be required prior to the commencement of works at the site and this document will detail the required mitigation measures. The noise assessment does not include an assessment of construction noise, however this will be picked up during the review of the SEMP and the developer will also be required

to submit a Section 61 application which will control noise from the construction works.

The applicant has confirmed that they would sign up to the Council's Code of Construction Practice.

Fire Safety

The applicant has submitted a fire strategy prepared by a suitably qualified third-party assessor in line with London Plan Policy D12. This strategy identifies means of warning and escape for all building users, features to reduce risks to life, and access and facilities for fire personnel. This strategy also outlines safe and dignified emergency evacuation for people who require level access from the buildings in line with London Plan Policy D5.

As the application was first submitted prior to 1 August 2021, it is not required for the Health and Safety Executive to be consulted regarding the proposals. They were consulted in relation to the revised proposals, but they have commented that they cannot comment on applications submitted prior to the 1 August. They have therefore not commented.

Inclusive Access:

The applicant has confirmed that the ground is generally level across the site and that the footways would be level, even, and at least 1.5 metres wide. Crossings would be in a tactile paving with vehicular crossovers clearly demarcated. There would be level access to the building entrances. The builder's yard office space would be designed to include accessible WCs and there would be step-free access to the mezzanine via platform lifts. The communal and amenity spaces within the student accommodation would be designed to accommodate ease of movement for all users. The development would also be equipped with firefighting and evacuation lifts, providing safe and dignified means of escape.

8.14 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 the ES referred to throughout this report.

The Council sought independent EIA advice from LUC to review the ES submitted and advise upon the adequacy of the ES. LUC's Initial Report dated July 2021 and their subsequent report relating to the revised scheme dated December 2022, which sought clarification and further information on a number of the ES sections. Additional information was submitted as part of the revised scheme, and again following the further comments on the revision to which LUC has confirmed their opinion that the ES is sufficiently sound and accurately presents the environmental impacts of the development.

The ES includes addresses the following topics, which are either discussed within this section or elsewhere within the report as directed.

- Socio-Economics
- Daylight, Sunlight and Overshadowing
- Air quality
- Archaeology
- Climate Change and Greenhouse Gases
- Noise and Vibration
- Townscape, Built Heritage and Visual Assessment
- Wind Microclimates

It was also noted that Telecommunications would need to be addressed as it was not addressed as part of the scoping. The applicant has stated that the Development is unlikely to give rise to significant effects on digital television and telephone reception. It is noted that as the Development is of a similar height to the surrounding buildings it is unlikely to have any effect upon signals in the neighbourhood. LUC has not objected to this view.

8.14.1 Socio Economics including human health

This section considers the effect of the development upon the site and area (local, district and regional) in terms of:

- a) Demolition and construction related employment;
- b) Existing employment on the Site;
- c) Employment related to the end uses of the completed proposed development
- d) Provision of new student housing and the housing that could be freed up with the general housing market as a result; and
- e) Demand for community facilities arising from the new student population and employees on site, including:
 - o Healthcare facilities and
 - o Open space

Each of these will be taken in turn

a) The applicant's assessment notes that the development would create temporary construction related employment, with an average of 210 workers over the 2.5 years of construction. This is considered to have a minor beneficial impact with no significant impact.

b) The existing Travis Perkins has 28 full time employees, which will be directly but temporarily affected during the course of construction. The proposals will have a short to medium term moderate adverse significant effect at site level but insignificant at larger wider area scales.

c) It is estimated the replacement Travis Perkins would generate 35 full time employees and Unite would generate 10 full time jobs. Taking into account existing 28 employees, there would be an uplift of 17 jobs. This would have a minor beneficial effect at site level and insignificant effect at wider area scales.

d) Based on London Plan 2021 guidance setting out that the contribution of student accommodation to housing targets should be calculated on the basis of a 2.5:1 ratio with two and a half bedrooms/units being counted as a single home (Paragraph 4.1.9 of the London Plan), these 768 student rooms will therefore contribute the equivalent of 307 homes towards WCC's targets to deliver 1,000 new homes within the Paddington

Opportunity Area and 9,850 homes across the district 2019/20-2028/29 (985 per annum).

In addition the provision of purpose-built accommodation would be expected to free up supply in general housing stock that may otherwise be occupied by students. The effect of the Proposed Development in contributing to meeting housing targets would be a long-term, moderate beneficial effect at the local and district level, and minor beneficial at the regional scale. This would be a significant beneficial effect at the local and district level.

e) In relation to healthcare, the baseline capacity of local GPs set out above is assessed using the Healthy Urban Development Unit (HUDU) benchmark of 1,800 registered patients per NHS FTE GP. The baseline shows limited capacity in existing surgeries locally, although all surgeries within 1km of the Site are currently accepting new NHS patients. It is noted that students may register at their point of study or elsewhere. It is also noted that most students will likely be between 18-23 years old, and less likely to require primary healthcare services. In a worst case scenario, 768 students would generate demand for 0.4 FTE GP's. This would have a long term minor adverse effect at the local level and insignificant impact at all other scales.

In terms of open space, the baseline situation indicates good provision within walking distance. The development proposes a new canal side walkway, linking up spaces on this site of the canal. The development would have a long-term substantial beneficial affect at site and local level, a minor beneficial effect at district level and insignificant effect at other wider scales.

LUC assessment:

They note that secondary, cumulative and combined impacts have also been assessed, using information from planning application documents which is appropriate. Appropriate mitigation measures and likely residential effects have been included. No objections raised to this section.

8.14.2 Daylight, Sunlight and Overshadowing

The impact of the development has been discussed in depth in section 8.3 of this report. In summary the impacts as stated within the applicant's report and not challenged by LUC are as follows:

Daylight

1-6 Gilpin Close: long-term, local, adverse of minor significance.

Amilcar Cabral Court: long-term, local, adverse of minor significance.

Dudley House: long-term, local, adverse of minor to moderate significance.

7-13 Sheldon Square: long-term, local, adverse of minor significance.

19-27 Sheldon Square: long-term, local, adverse of moderate to major significance.

The report notes that the effects on surrounding properties and amenity areas would vary throughout the demolition and construction works up to the point completion. While tall cranes would likely be present, due to their size and temporary presence they would generally have imperceptible effects.

Sunlight

Dudley House: long-term, local, adverse of moderate significance

9-27 Sheldon Square: long-term, local, adverse and negligible

Overshadowing:

Overall, on the key date of 21st March, Sheldon Square Amphitheatre, Stone Wharf Park and John Aird Court amenity areas would be unaffected and would therefore experience a Negligible (not significant) effect. It should also be noted that these areas continue to see very good levels of sunlight in summer, when the areas are most likely to be enjoyed.

The Canal would experience a small amount of overshadowing on a localised portion in proximity to the Site. However, the Canal is a large area, which extends far beyond the Site as it continues north and south of the Proposed Development. Therefore, further detailed analysis of its entire length is not appropriate, as the percentage alteration occurring as a result of the Proposed Development would not be representative of the localised portion of the area impacted. As such, professional judgement has been used to assign a significance of effect. Overall, given that periods of localised additional overshadowing can be seen to occur as a result of the Proposed Development, the effect is considered a Minor Adverse (not significant)

Accordingly, based on professional judgement, the effects in terms of overshadowing would be permanent, long-term ranging from Negligible (not significant) to Minor Adverse (not significant).

8.14.3 Wind Microclimate

An assessment using the City of London variant of the Lawson Comfort Criteria of the likely potential effects of the Proposed Development during the Site preparation and construction works and once it is completed and operational has been undertaken. Mitigation measures are identified where appropriate to avoid, reduce or offset any adverse effects identified and / or enhance likely beneficial effects. Taking account of the mitigation measures, the nature and significance of the likely residual effects are described. The cumulative effects of the Proposed Development and other relevant developments have also been considered.

The following sensitive receptors have been identified

Receptor	Description	Sensitivity
General thoroughfares	General thoroughfares around the Site and local area	Low
Footpaths	Canal towpath and footbridge	Medium
Waterways	The surface of the canal	Medium
Bus stops	Bus stops	High
Amenity Spaces	Sheldon Square seating and terraces on the Proposed Development	High
Building entrances	Entrances to the Proposed Development and surrounding buildings.	High

During demolition and construction the impact on these receptors has been found to be negligible. Post completion the impact has been assessed as negligible for all receptors with the exceptions of to the canal towpath to the east of Bishops Bridge Road which will

see a minor beneficial effect and to the terrace at level 13 which will have a minor adverse effect.

In order to mitigate against the minor adverse wind effect on the level 13 terrace, it is proposed to modify the terrace design so that this region is only a transitory region, used to reach the seating and amenity, and not a dwell space in of itself. This will mean that the amenity within the terrace is suitable for a mixture of occasional sitting and standing in summer, which is suitable for the intended use and residual effects are negligible.

A cumulative assessment was undertaken. The following planning consented schemes were included in the cumulative surrounds:

- 1A Sheldon Square (Paddington Gateway).
- Triangle Development Site.
- 5 Kingdom Street.

As a result of the cumulative schemes there is a minor adverse wind effect to the level 9 terrace and a major adverse wind effect at site-level as a result of strong winds which will require mitigation to the level 13 terrace. This will require the design of terrace 9 to be amended so that it is transitory and for an area of the terrace at level 13 to be not accessible. Following this mitigation, the wind effects will be negligible. This mitigation could be secured by condition.

8.14.4 Air quality

The assessment presents an assessment of the likely air quality effects of the proposed development associated with its construction and operation. The site is within an air quality focus area. The applicants report notes that with mitigation measures (such as a CEMP) in place there is likely to be negligible effect from the dust-generating activities on site during construction. While it is expected for air quality to improve over time, this will be subject to evidence provided by the GLA of the effectiveness of the Ultra Low Emission Zone, in built mitigation is proposed within the development such as mechanical ventilation to deal with poor air quality for future occupiers of the building.

LUC have requested further information however do not raise any Regulation 25 requests from the applicant and consider that ventilation and dust management can be secured by suitable conditions.

8.14.5 Archaeology

The likely archaeological effects of the development have been prepared by the Museum of London Archaeology (MOLA). LUC note that the assessment is clear and effective. They confirm that, as no significant effects are recorded, no additional mitigation is proposed.

Historic England Archaeology have commented on the development proposals and note that the site is not within a designated Archaeological Priority Area, but is in an area of archaeological interest. The interest is the industrial setting adjacent to Paddington Station and its Goods Yard and adjacent to the Grand Union Canal. They advise that the development could cause harm to archaeological remains, however the significance of the asset and scale of the harm to it is such that the effect can be managed using a planning condition for the submission of a written scheme of investigation to be submitted prior to commencement of development.

8.14.6 Noise and Vibration

An assessment of the site and surrounding areas of the likely potential effects of the Proposed Development during the Site preparation and construction works and once the Proposed Development is completed and operational. The report considers the impact on existing noise sensitive receptors which in this case are residential properties, house boats, a school, a place of worship and businesses. Mitigation measures are identified to avoid, reduce or offset any adverse effects identified and / or enhance likely beneficial effects.

LUC note that the calculated noise levels comply with the derived threshold values based on the baseline survey at the majority of receptors with the exception of R7 Grand Union Canal (Houseboat Moorings) where noise levels are predicted to marginally exceed the threshold values during demolition and substructure works. The exceedance is considered to a Major-Moderate Adverse effect at this position. It has however subsequently been confirmed that the moorings on the other side of the canal are all commercial, rather than residential moorings and are therefore less sensitive.

Noise during construction can be mitigated through a Construction Environmental Management Plan and CoCP. This can also help to mitigate against cumulative noise impacts from concurrent nearby construction works. Conditions are also recommended in relation to noise from plant equipment and as a result of noise transfer within the building. This is discussed further within the Land Use section of this report.

8.14.7 Climate Change and Greenhouse Gas

This chapter assesses climate change and greenhouse gas at both the construction and operational stages, including:

- the likely significant impacts of climate change on the resilience of the Proposed Development; and
- the likely significant impacts of the Proposed Development on the environment with regards to climate change through the direct and indirect release of greenhouse gas (GHG) emissions.

It notes using the calculated risk scored that the impacts associated with climate change on the building environment at the Proposed Development will result in significant effects on the following areas: Overheating, water shortages and soft landscape failure. Mitigation in each of these areas is proposed.

An energy strategy has been proposed to improve energy efficiency and subsequently reduce emissions. This is discussed further within section 8.17 of this report.

8.14.8 Townscape, Built Heritage and Visual Assessment

This is discussed in detail within the design and heritage section of this report.

8.15 **Environment & Sustainability**

Sustainable Design

Policy 38 D states that development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design.

The development is targeting a BREEAM Excellent standard. In order to achieve this all aspects of the developments demolition, construction and operation must be considered. A sustainability report has been submitted, which looks into the development in this regard. The following headings will discuss the aims of this development further.

Energy Performance

Policy SI 2 of the 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.

Policy 36 of the City Plan states that all development proposals should follow the principles of the Mayor of London's energy hierarchy. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved. Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement.

The applicant has submitted an Energy and Overheating Assessment. The report states that the proposals will be a net-zero carbon development. Reduction in embodied carbon will be achieved through design optimisation and material selection including specification of up to 75% cement replacement and recycled aggregate. Residual embodied carbon will be fully offset using carbon offset. The building will also be net zero carbon in operation with exemplar building fabric energy efficient building services as part of a fully electric system.

Within the first 'Be Lean' part of the energy hierarchy the applicant notes that the latest GLA guidance required a 15% improvement on non-domestic developments, which the development falls short of. This is due to the high hot water loads associated with the proposed student accommodation, accounting for around 59% of the building's energy usage. In addition, extra mechanical ventilation is required due to poor local air quality, limiting natural ventilation, which will be detrimental to carbon emissions. As these cannot be reduced, and despite exemplary construction U values, air permeability and HVAC system efficiencies, this target is not met. However, through other on-site carbon reduction systems being used, the minimum 35% carbon reductions are achieved. The following energy efficient measures are proposed:

- Site layout and orientation that maximises the passive solar gains and daylight whilst minimising overheating risk.
- An efficient building form factor that reduces thermal losses.
- A highly insulated building fabric maximising air tightness that minimises thermal losses and reduces heat demands.
- The installation of high-performance glazing to minimise heat loss whilst maximising natural light.
- Low energy LED lighting with adequate controls specified throughout; and
- Mechanical ventilation with heat recovery for all spaces to provide ample fresh air with minimal heat loss / energy use.

The GLA originally commented on the original proposals that the applicant should model additional energy efficiency measures to meet the 15% target. The applicant has improved this from 3%-10% on the revised scheme.

'Be Clean' GLA Assessment Guidance recommends the decarbonisation of the national grid. The applicant notes that there is no feasible connection to a local district heating system, so alternative options to achieve the 35% carbon reduction have been investigated. As such there is no difference between the 'be lean' and 'be clean' results.

The GLA originally commented that further evidence should be provided in relation to district heating availability and confirmation that all non-domestic uses would be connected to the proposed communal heat network from a centralised energy centre. The applicant has confirmed that future connectivity to a district heating network has now been integrated into the scheme, should this become available in the future.

To meet 'Be Green' requirements, an air source heat pump system and photovoltaics panels are proposed. The GLA originally commented that PV panels should be maximised the revised scheme includes additional PV now up to 44.15sqm.

The GLA has also commented that the applicant should review the 'Be Seen' energy monitoring guidance, so the development is designed to enable post construction monitoring. The revised sustainability statement confirms that "independent sub-metering facilities for the main plant shall be provided and installed in accordance with Building Regulations and CIBSE TM39 to monitor and measure energy consumption at the site." This should be secured through suitable condition or S106 legal agreement as confirmed by the GLA.

Table 8 Summary of Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
Be Lean: Savings from energy demand reduction	63.9	10%
Be Clean: Savings from heat network	0.0	0%
Be Green: Savings from renewable energy	325.9	53%
Cumulative on-site savings	390.8	64%
Carbon shortfall	223.9	-
	Tonnes CO2	
Cumulative savings for offset payment	6,718	
Cash-in-lieu contribution	£638,249	

The GLA has commented in relation to the revised proposals that some more information is required in relation to cooling demand, heating strategy and PV. Should the proposals have been recommended for approval, it is considered that this could be secured by condition in consultation with the GLA.

Whole Life Cycle Carbon

A whole life carbon assessment is required by Policy SI2 of the London Plan. The GLA requested in relation to the first scheme further information and clarification with regards to Assessment 1, Assessment 2, material quantities, assumptions, and end of life scenarios to ensure compliance with London Plan Policies. The material quantity and end of life scenario tables should be completed in full, and material types and quantities for all applicable building element categories should be provided. Following the receipt of additional information, the GLA has welcomed the revisions but has made further comments. Should the proposals have been considered acceptable in other regards, final details would have been secured by condition.

Circular Economy

A Circular Economy Statement (CES) has been produced which follows the Circular Economy Statement Guidance document produced by the GLA. The strategic approach taken to ensure that Circular Economy principles are fundamental to this proposal, include:

- The application of Circular Economy principles to the new build elements of the scheme;
- The application of Circular Economy principles in approaching and handling the materials within the existing structure (to be demolished);
- The completion of a pre-demolition audit; and
- Improving operational waste management.

Policies SI7 of the London Plan and 37 of the City Plan seek to reduce waste and support the circular economy. Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste.

In the GLA's stage 1 response, further information was requested on key commitments, excavation waste and municipal waste in relation to the submitted CES.

The applicant has provided an updated CES with the amended scheme that provides the information requested by the GLA, to which no objection has been raised by the GLA subject to a condition to secure a Waste Management Plan and a Post Completion statement. Subject to this condition, the proposed development would be consistent with policy 37 of the City Plan and policy SI7 of the London Plan.

Flood Risk & Sustainable Drainage (SuDS)

The site is located in the Westbourne Grove Surface Water Hot Spot.

Flood risk and SuDS have been addressed within the Sustainability Statement, Flood Risk Assessment (FRA) and Below Ground Drainage Strategy.

The FRA confirms that the site has a low risk of flooding from fluvial, tidal, surface water, sewers, groundwater and artificial sources.

The site-specific SuDS include a below ground cellular attenuation tank located within the Travis Perkins yard, combined with a blue roof on the canopy, which will attenuate surface water falling onto the canopy to a rate of 0.51l/s before discharging to the below ground attenuation tank. Green roofs are proposed at terrace level which will assist in intercepting and retaining precipitation falling on them and contributing to the visual aesthetics of the development and increase biodiversity at the Site. The surface water drainage strategy has been designed to limit surface water from the site by a Hydro-brake system or similar to 2 l/s in accordance with the LLFA's requirements for all storm events up to a 1 in 100 year + 40% climate change allowance, before discharging to the Thames Water combined water sewer located beneath A404 Harrow Road. The report confirms that maintenance of all SuDS will be undertaken by an experienced contractor via a maintenance contract and a full maintenance programme will be prepared to be included within the Building User Guide, and this can be secured by condition.

Within the GLA's Stage 1 comments to the original application, they stated that there were inconsistencies between drainage strategy and FRA and note that there is potential for additional above ground green SuDS such as rain gardens and should commit to the inclusion of water harvesting and reuse to reduce water consumptions across the site. Despite this they note that the development largely complies with London Plan Policies SI 13 and SI 15.

These concerns were addressed in the revised scheme and no further comments from the GLA received in this regard and the revised proposal is considered acceptable and complies with policy 35 in the City Plan and would be secured by condition.

8.16 Biodiversity & Greening

Biodiversity:

An ecological survey was undertaken by BDP, which confirmed that the potential for protected species to be on-site was considered negligible or low and there are therefore no ecological constraints over the proposals. The site is not currently supporting bats. The report notes that with landscaping designed to integrate the canal and surrounding buildings whilst enhancing connectivity with the surrounding area will result according to the applicant a Biodiversity Net Gain of 968%.

The C&RT has requested that due to the proximity and impact on the canal that a contribution towards promoting habitats and eco-systems is secured by legal agreement. No figure has been set but they have stated that this would likely be within the range of £30-50k. This would need to be agreed by the applicant should permission be recommended. They also note that any lighting should be designed to not light up the canal, further details of this have been provided and final details of lighting would be secured and agreed with CRT in terms of design, biodiversity and security.

Greening:

Policy 34 of the City Plan states that developments will seek to contribute to the greening of Westminster. London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively.

The proposed scheme includes greening through the provision of a green screen along the Harrow Road frontage of the builders yard, a green roof above part of the ground floor warehouse on the proposed projecting flat roof, through gardens/terraces on the stepped roof levels, and through planting along the new canal footpath. These features will also help promote biodiversity through encouraging diverse planting and wildlife.

The proposals will affect six existing trees adjacent to the site consisting of 4 Alders (T1-T4) located adjacent to the site on land it is understood to be owned by TfL and 2 Council London Plane street trees on Harrow Road. All of these trees were originally to be retained, however following comments from the Council's Arboricultural Officer, that this was unlikely to be feasible, additional information has been provided and it has been confirmed that Alders T3 and T4 would be removed.

Despite revisions and additional information, the Arboricultural Officer remains of the view that inadequate information has been submitted to demonstrate that any of the trees can be retained due to both the impact of the construction works and due to the severity of pruning required to allow the trees to grow adjacent to the building once developed.

Whilst an objection is raised by the Arboricultural Officer, it is also noted that none of the trees are protected and could be removed without prior consent of the council, however such works would be regrettable, particularly given the location adjacent to the Westway and the Council's targets to promote greening and biodiversity. Given the likely impact on these trees it is recommended that a contribution is made to the council for the planting of additional trees within the vicinity secured via the S106. This could be of particular use towards any future Place Shaping the Council progresses in relation to the gyratory and would be suitable mitigation. Subject to such a contribution, and given the trees are not protected, and the considerable net gain in biodiversity (968%) across the site, it is not considered that refusal on these grounds could be sustained.

The Arboricultural Officer has also raised concerns in relation to the proposed species of trees and growing medium and space along the canal and establishment and maintenance concerns in relation to the green screen along Harrow Road. The Canal and Rivers Trust has also commented in relation to the canal footway in terms of both the hard and soft landscaping. It is considered that further details of new tree planting/landscaping could be secured by suitable conditions.

In relation to the urban greening factor the GLA has commented as follows: "The applicant has calculated the UGF of the proposed development as 0.34. This is below the 0.4 target set for predominantly residential development; however, in their submission the applicant set out the constraints posed by the highway land within the site boundary. On this basis and in consideration of the robust and comprehensive greening proposed on site, the 0.34 UGF score is considered acceptable in this instance. Given the lower score achieved, it is important that there is no further reduction through any future design changes." They also note that the site is located adjacent to the London Canals Metropolitan Site of Importance for Nature Conservation (SINC). In accordance with London Plan Policy G6, the applicant should set out how they will avoid direct or indirect impacts on the SINC. Following additional information submitted with the revised scheme to confirm the UGF, the GLA has not objected in this regard.

9. Conclusion and Planning Balance

As indicated within this report, the development would result in significant losses of light to surrounding properties, but predominantly to 19-27 Sheldon Square and Dudley House. Despite its separation, on the other side of the canal, due to its considerable height and breadth, it would also give rise to an increased sense of enclosure to residents within Sheldon Square. The proposals are therefore contrary to policies H6 of the London Plan and 7 and 38(C) of the City Plan.

In addition, due to the lack of full off-street servicing, with the student accommodation requiring on-street servicing for all its non-consolidated servicing during daytime hours when the Builders Yard is open, it would have adverse effects on other highway and public realm users (including pedestrians), contrary to Policies 25, 29 and 43 of the City Plan.

However, it is also appreciated that the development delivers public benefits, namely:

- Public realm improvements including the opening up to the public of the canal footway both along the frontage of the development site and under Bishops Bridge Road. This will improve connectivity and deliver public realm to the benefit of the area. This is considered a public benefit of substantial weight.
- The provision of a modern Builders Merchant to support trade, economy and employment.
- The provision of a community room fitted out to category B at peppercorn rent.
- Economic benefits from both construction and operation to the local and wider economy.
- The provision of student accommodation, including a policy compliant level at affordable rates (35%). In accordance with policy 51% of this, including all of the affordable rooms, would be tied to a higher education provider, namely Kings College London
- The provision of a BREEAM Excellent rated building.
- A net zero carbon development (with the shortfall made up through a carbon offset contribution)
- Public art (details secured by condition).
- Contribution towards promoting canal habitats (figure to be agreed with CRT, but around £30-50k).
- Increased greening with a 968% net gain in biodiversity on site

The package of public benefits must be weighed against the identified impacts and aims of the NPPF to achieve sustainable development. However, the identified harm of the development is significant:

- The loss of daylight to both 19-27 Sheldon Square and Dudley house is well in excess of what would be considered reasonable for such a location.
- Due to its height and mass, the development would also have a significant impact in terms of sense of enclosure again to residents within 19-27 Sheldon Square.
- The on street servicing associated with the student accommodation would give rise to adverse effects on other highway and public realm users (including pedestrians).

While it is noted that none of these public benefits would be delivered should the application be refused, it is considered that they do not outweigh the harm identified within this report and highlighted above in terms of amenity and highways implications. It is therefore recommended that the application is refused.

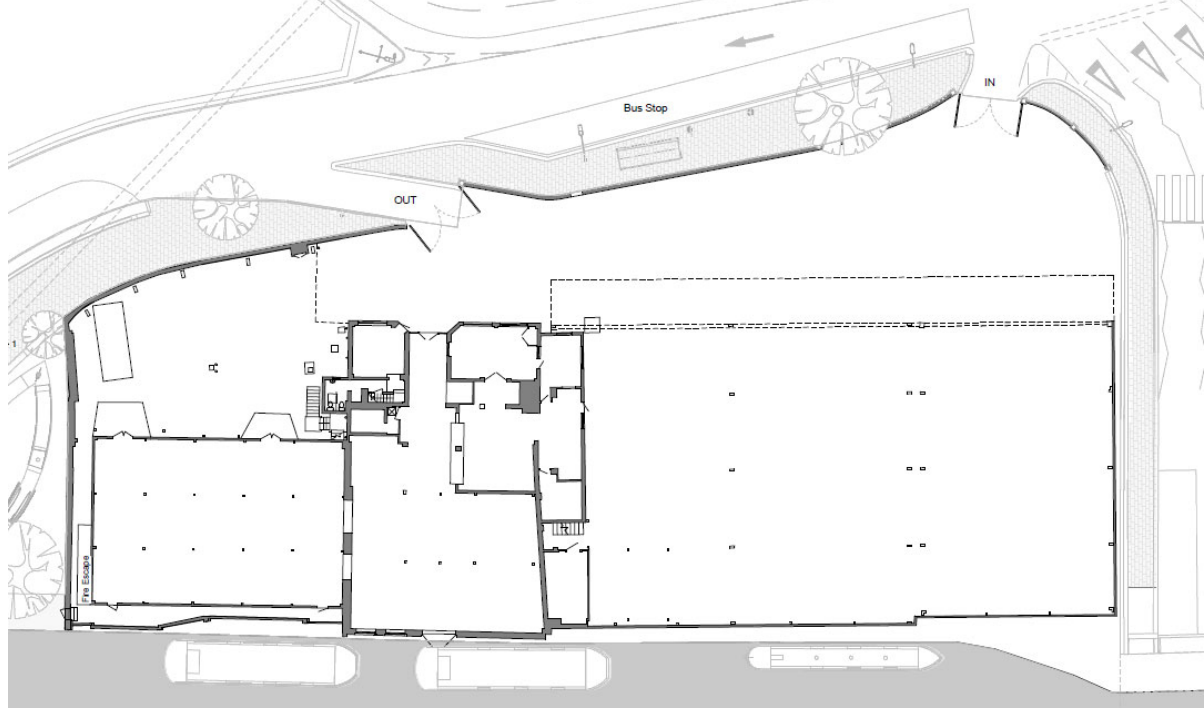
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

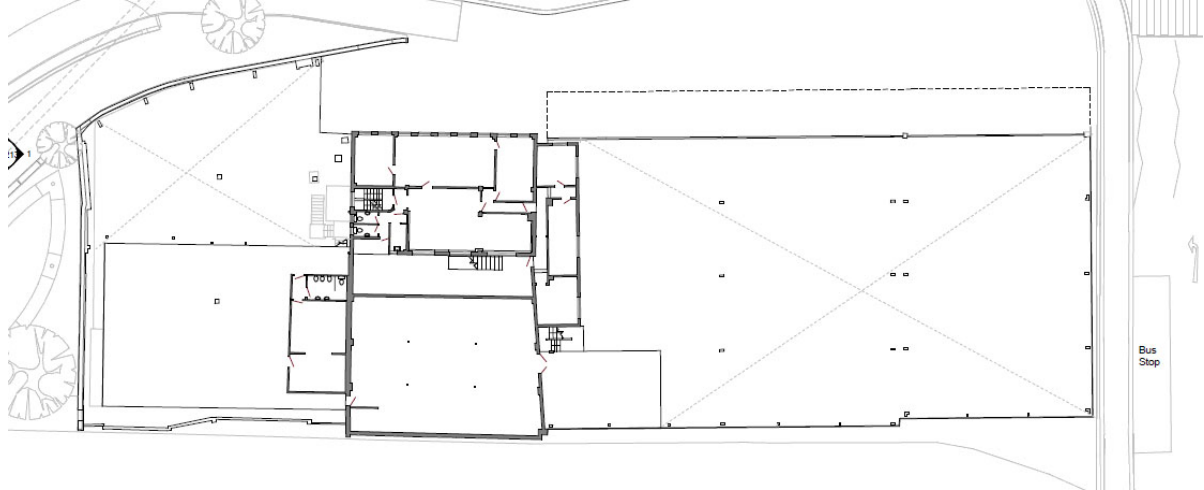
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS

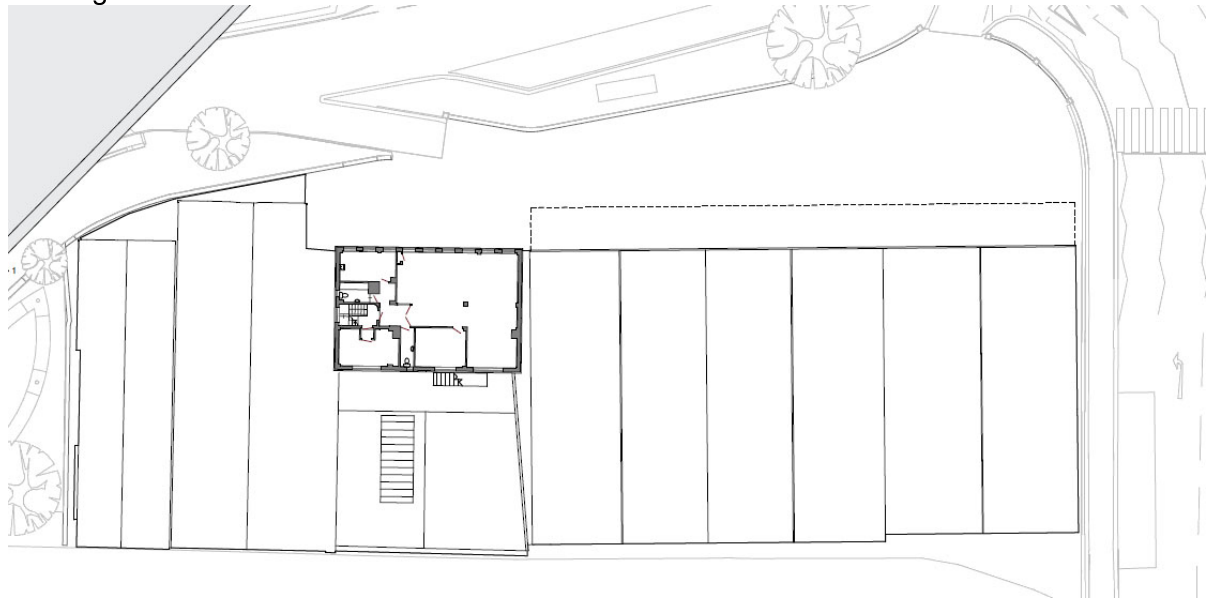
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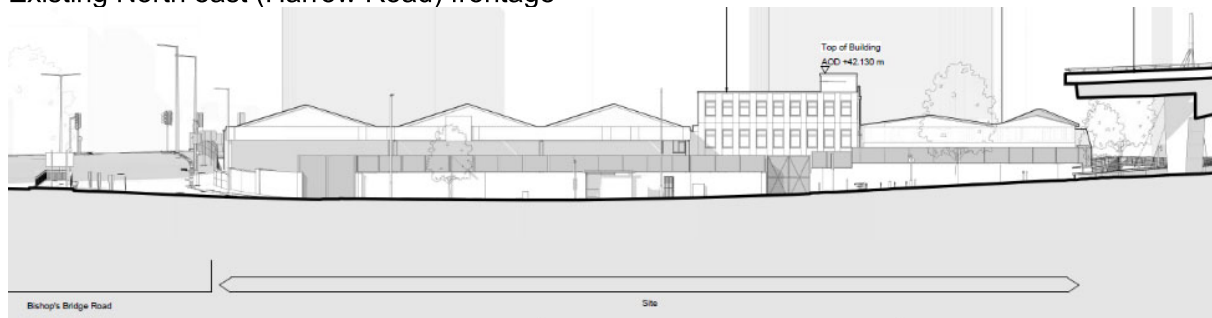
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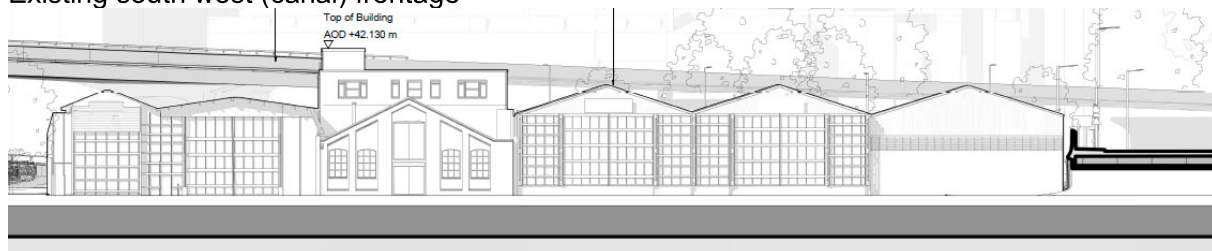
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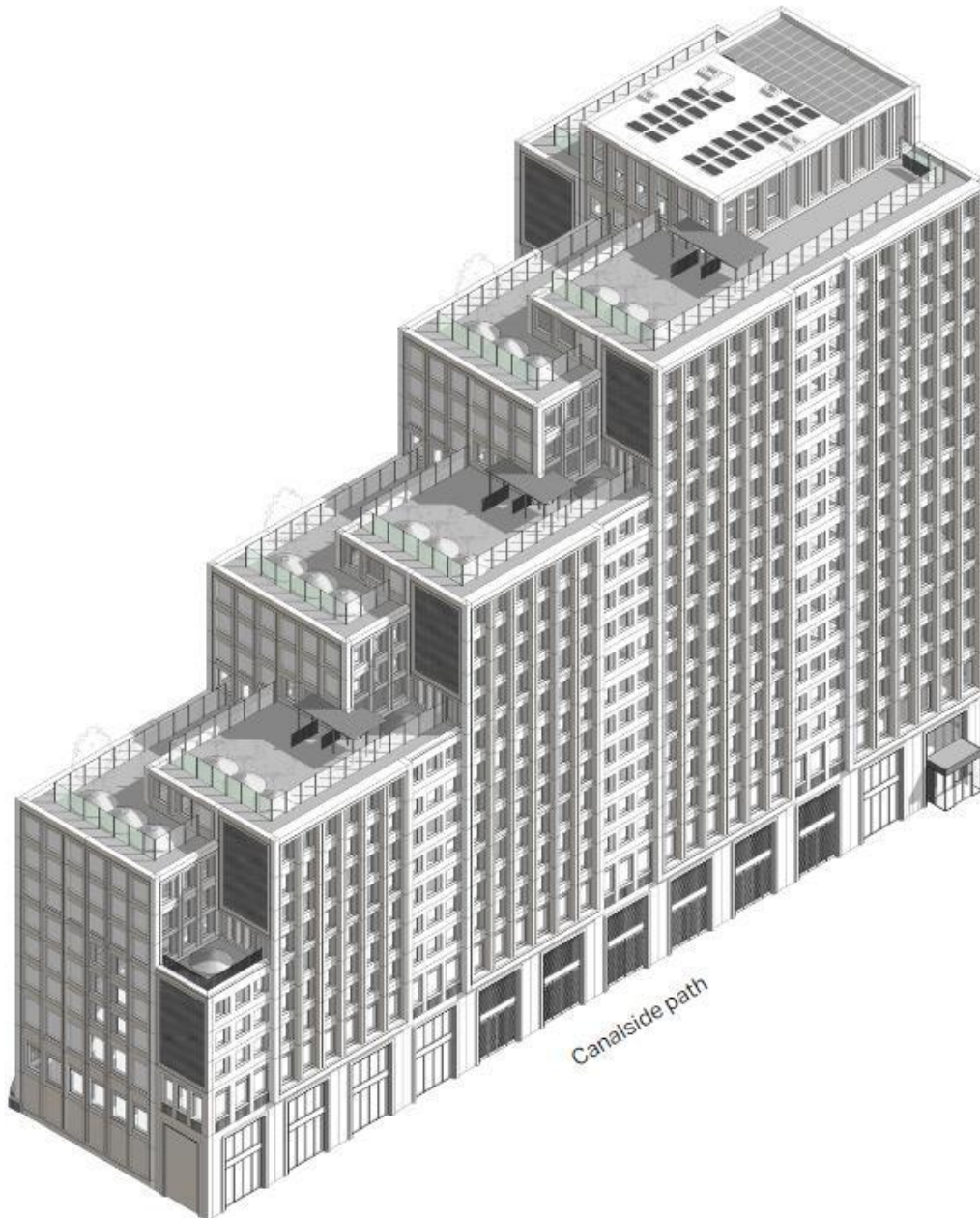
Existing North east (Harrow Road) frontage



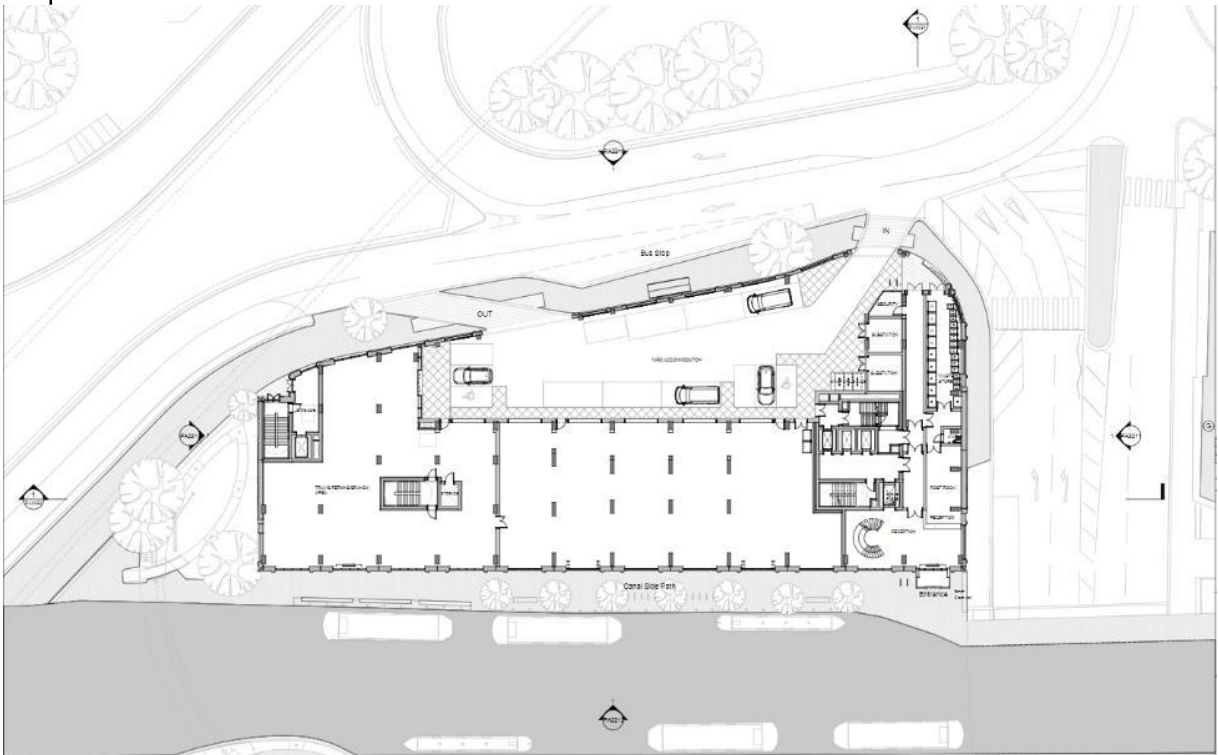
Existing south west (canal) frontage



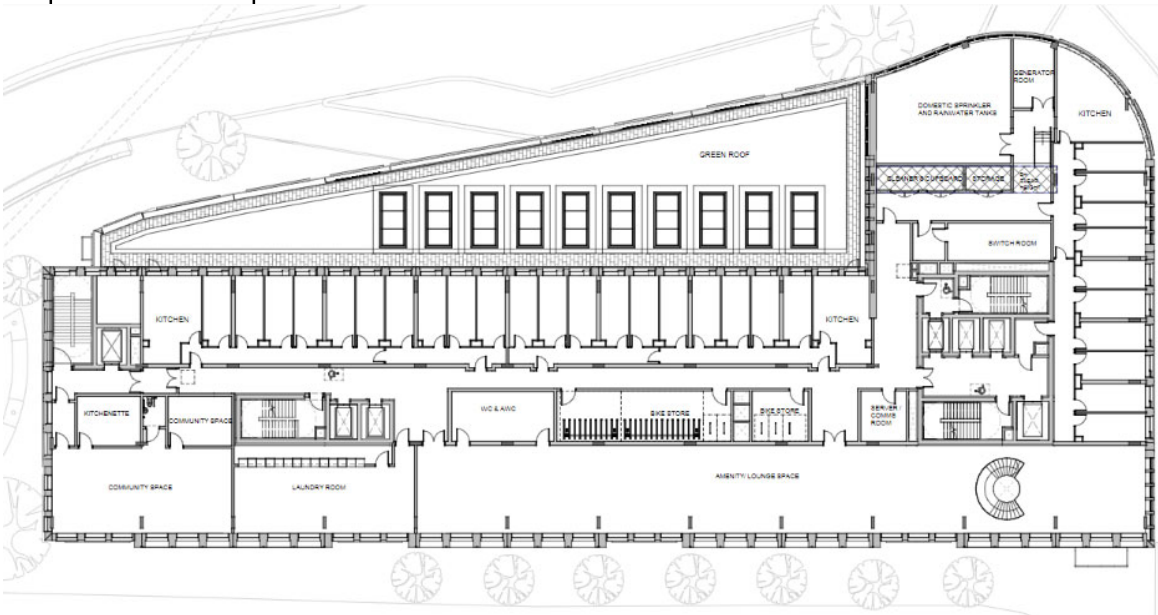
Proposed isometric



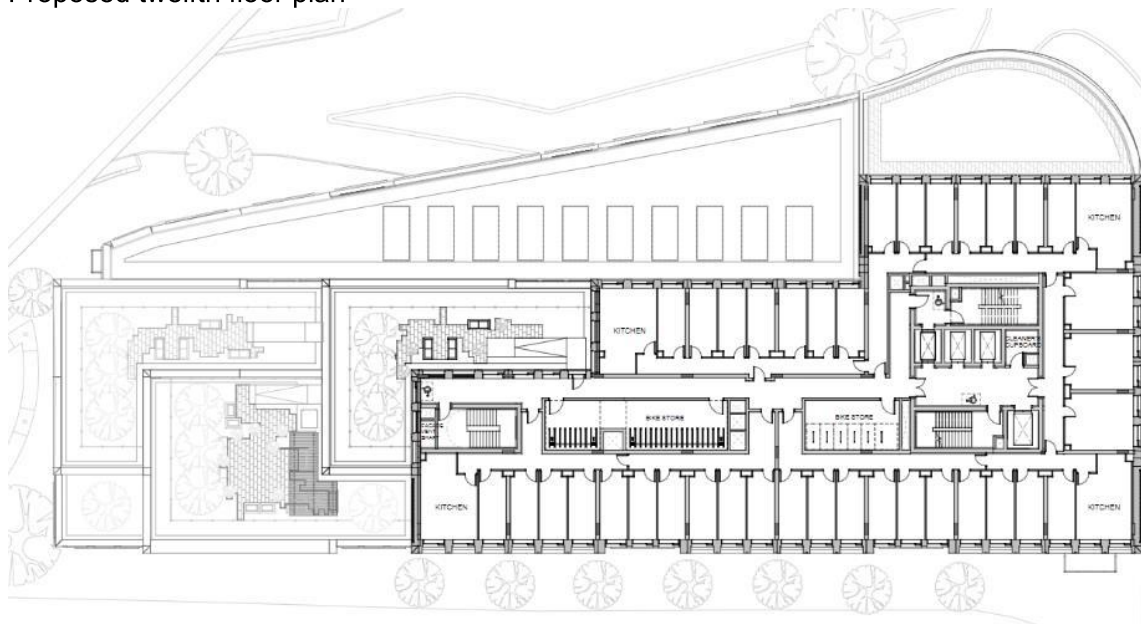
Proposed Ground Floor Plan:



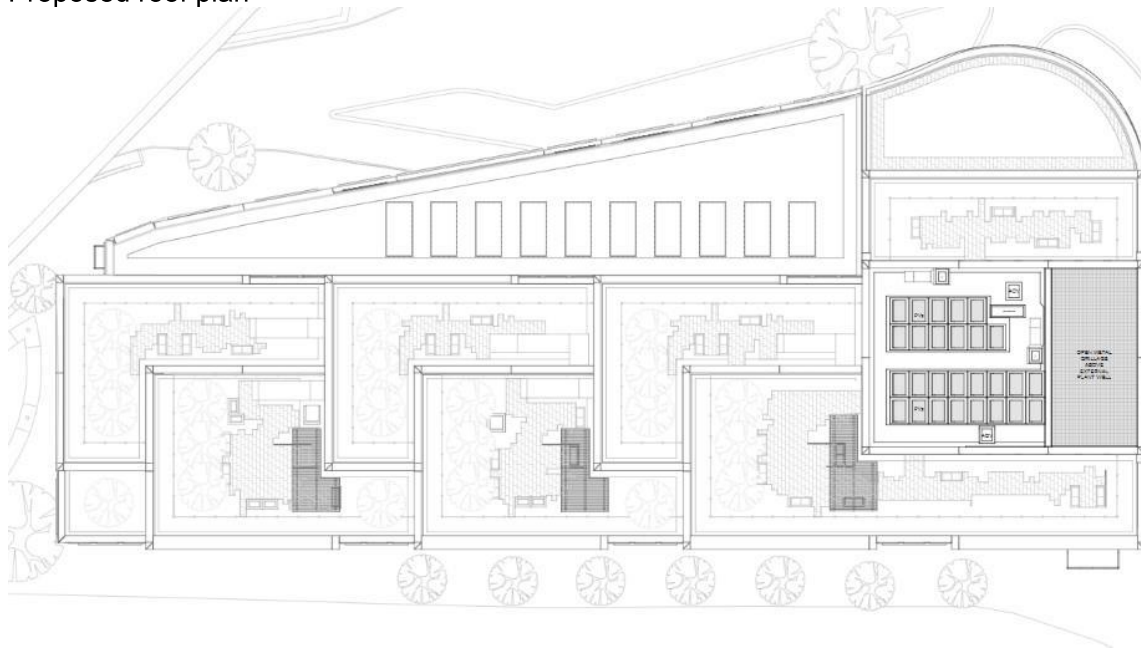
Proposed first floor plan:



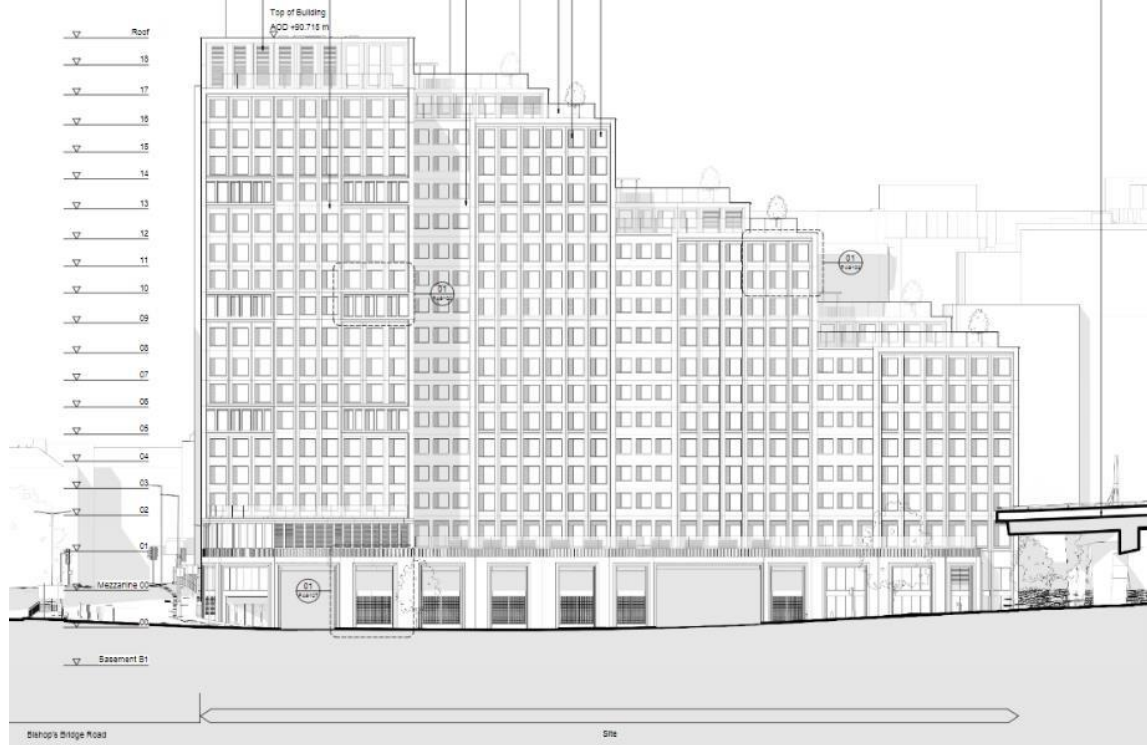
Proposed twelfth floor plan



Proposed roof plan



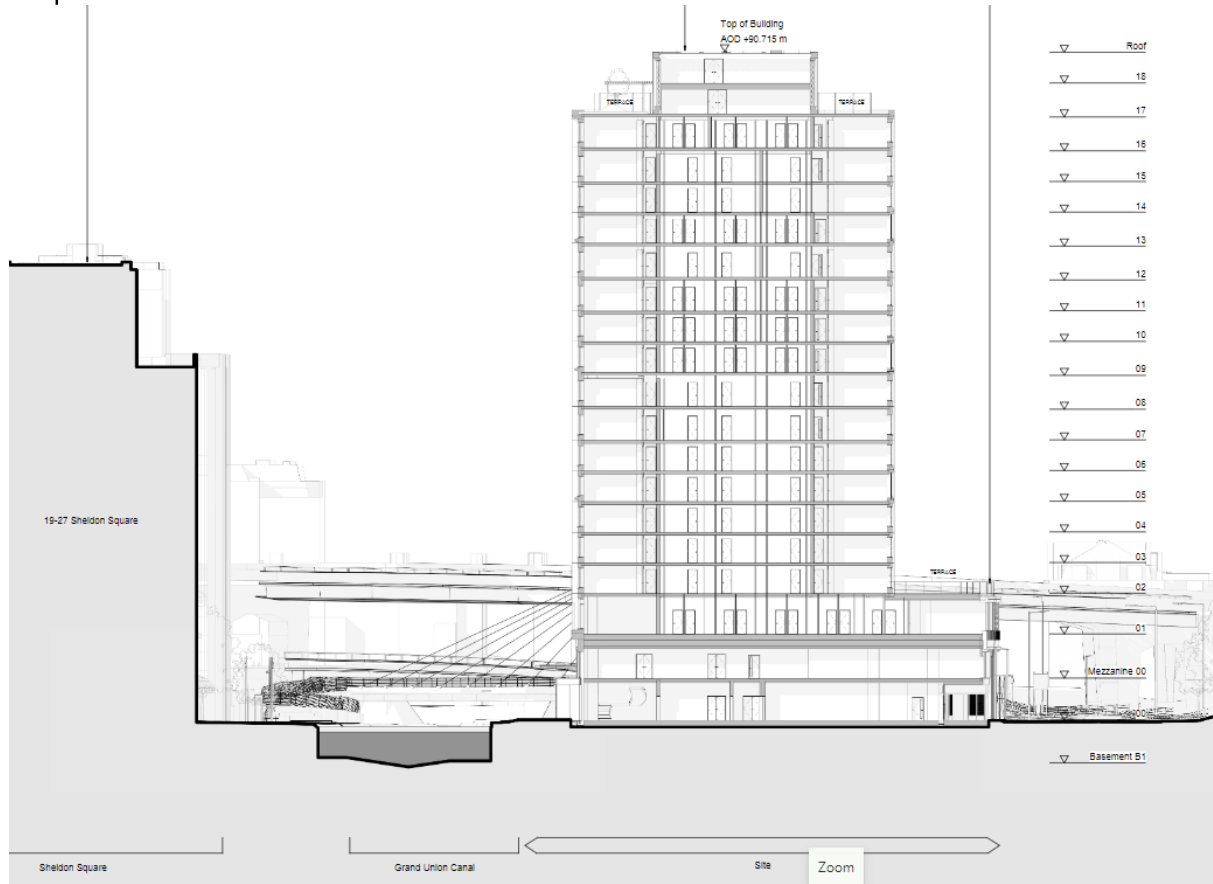
Proposed North East (Harrow Road) frontage



Proposed south west (canal) elevation



Proposed section





Verified view looking south east along canal

DRAFT DECISION LETTER

- Address:** Travis And Perkins Building, 149 Harrow Road, London, W2 6NA
- Proposal:** Demolition of existing Travis Perkins building(s) on the Site at 149 Harrow Road, erection of a new building (plus basement) comprising re-provision of builders merchant (Sui Generis) and student accommodation (Sui Generis), ancillary community space (Sui Generis) and student amenity terraces above, together with public realm works to Harrow Road and the creation of a canal side path with landscaping. Provision of cycle parking and car parking for the builders merchant. Relocation of bus shelter on Harrow Road. Works associated with the creation of new public walkway under Bishops Bridge Road bridge. Installation of plant equipment photo voltaic panels and other associated works
- Reference:** 21/04536/FULL
- Plan Nos:** PA0200 Rev 01; PA0201 Rev 01; PA0202 Rev 02; PA1000; PA1001; PA1002; PA1003; PA1210; PA1211; PA1212; PA1213; PA1600; PA1999 Rev 01; PA2000 Rev 01; PA2000a Rev 01; PA2001 Rev 01; PA2002 Rev 01; PA2003 Rev 01; PA2004 Rev 01; PA2005 Rev 01; PA2006 Rev 01; PA2007 Rev 01; PA2008 Rev 01; PA2009 Rev 01; PA2010 Rev 01; PA2011 Rev 01; PA2012 Rev 01; PA2013 Rev 01; PA2014 Rev 01; PA2015 Rev 01; PA2016 Rev 01; PA2017 Rev 01; PA2018 Rev 01; PA2019 Rev 01; PA2210 Rev 01; PA2211 Rev 01; PA2212 Rev 01; PA2213 Rev 01; PA2250 Rev 01; PA2251 Rev 01; PA2310 Rev 01; PA2311 Rev 01; PA2312 Rev 01; PA2313 Rev 01; PA4600; PA4601; PA6100 Rev 01; PA6101 Rev 01; PA6102 Rev 01; PA6103 Rev 01; PA6104 Rev 01; PA6105 Rev 01; PA6106 Rev 01; PA6107 Rev 01; PA6108 Rev 01; PA6109 Rev 01; PA6110 Rev 01; LP101 Rev R04; LP102 Rev R03;
- Acoustic Assessment dated November 2021; Arboricultural Survey and Impact Assessment dated January 2022; Archaeological Desk based Assessment dated November 2021; Circular Economy Statement dated January 2022; Supplementary Ground Investigation Report & Remediation Strategy dated November 2021; Crime Prevention Statement dated June 2021; Outline Construction Logistics Plan dated November 2021; Design and Access Statement July 2021 and Addendum Design and Access Statement dated November 2021; Daylight and Sunlight Impact on Neighbouring Properties Report dated November 2021; Economics Statement dated November 2021; Original ES dated July 2021 part superseded November 2021; Fire Safety Strategy Report dated November 2021; Flood Risk Report June 2021 and Flood Risk Assessment Addendum dated 23 November 2021; Geotechnical and Geoenvironmental Interpretative Report dated November 2021; Internal Daylight and Sunlight Assessment dated June 2021; Design and Access Statement 2021 and DAS Landscape Strategy Addendum dated November 2021; Biodiversity Enhancement Strategy Issue 5 November 2021; Delivery and Servicing Plan dated November 2021; Ecological and Biodiversity Assessment dated November 2021; Energy and Overheating Statement dated November 2021; Operational Energy Statement dated November 2021; Phase 1 Desktop Study dated November 2021; Statement of Community Engagement dated November 2021; Structural Concept Report dated November 2021; Student Management Plan dated November 2021; Student Demand Report dated November 2021; Transport

Assessment July 2021 and Addendum Transport Assessment dated November 2021; Waste Management Strategy dated November 2021; Travis Perkins Operational Management Plan dated November 2021; Supplementary Tunnel Impact Assessment dated November 2021; Sustainability Statement dated November 2021; Ventilation Strategy dated November 2021; Utility Statement dated November 2021; Whole Life Carbon Assessment dated November 2021.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

Recommended Condition(s) and Reason(s)

- 1 The development fails to include adequate on-site provision for its servicing, collection and delivery needs and insufficient evidence has been provided to demonstrate that the servicing, collection and delivery needs could be met on-street in such a way that minimises adverse effects on other highway and public realm users (including pedestrians). This means that the development would be contrary to Policy 25, 29 and 43 of the City Plan 2019 - 2040 (April 2021).
- 2 The development would lead to a significant loss of daylight for the people living in 19-27 Sheldon Square and Dudley House. It would also make the people living in 19-27 Sheldon Square experience a significant increased sense of enclosure. This is because of its height and breadth. This would not meet Policies 7 and 38(C) of the City Plan 2019 - 2040 (April 2021).

Informative

- 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 so far as practicable. 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, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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: Daylight / Sunlight figures

LKD = Living/ Kitchen/ Dinner

UNK = Unknown

RCP = Reception

NB = No balconies

Summary table of effects from the applicants Watermans Environmental Statement:

Table 9.4: Effects to VSC and NSL to Surrounding Sensitive Receptors

Address	VSC					NSL						
	Total No. of windows	No. Windows that meet BRE criteria	Below BRE Guidelines			Total	Total No. of Rooms	No. Rooms that meet the 0.8 times former value criteria	Below BRE Guidelines			Total
			20-29.9% Reduction	30-39.9% Reduction	>40% Reduction				20-29.9% Reduction	30-39.9% Reduction	>40% Reduction	
1-6 Gilpin Close	31	31	0	0	0	0	28	18	6	4	0	10
Amilcar Cabral Court, 1 Porteus Road	45	38	7	0	0	7	18	18	0	0	0	0
Dudley House	385	329	17	8	31	56	239	194	10	8	27	45
7-13 Sheldon Square	247	215	29	3	0	32	152	141	10	1	0	11
19-27 Sheldon Square	248	111	12	19	106	137	201	73	2	13	113	128
Total	956	724	65	30	137	232	638	444	28	26	140	194

7-13 Sheldon Square VSC losses in excess of 20%

Floor	Use	Room	Window	VSC			NSL		
				Existing	Proposed	%loss	Existing	Proposed	%loss
1	LKD	R1	W13/F01	21	16.3	22.4	74.3	58.7	21
		R1	W14/F01	21.2	16.2	23.6			
		R1	W15/F01	21.5	16.1	25.1			
		R1	W16/F01	22.3	15.9	28.7			
		R1	W17/F01	22.7	15.9	30			
	BED	R2	W1/F01	35.5	25.3	28.	99.4	69	30.6
		R3	W2/F01	35.6	26.3	26.1	100	97.7	2.3
		R4	W3/F01	35.7	27.3	23.5	98.2	93.5	4.8
		R5	W4/F01	35.8	28.1	21.5	99.1	70.8	28.8
		R8	W18/F01	14.8	10.6	28.4	85	82	3.5
2	LKD	R10	W8/F01	16.9	12.4	26.6	99.9	99.9	0
		R1	W13/F02	22.2	17.7	20.3	76.1	61.3	19.4
		R1	W14/F02	22.4	17.6	21.4			
		R1	W15/F02	22.7	17.4	23.3			
		R1	W16/F02	23.5	17.3	26.4			
	BED	R1	W17/F02	23.9	17.3	27.6			
		R2	W1/F02	36.2	26.5	26.8	99.4	72.9	26.7
		R3	W2/F02	36.3	27.5	24.2	100	98.1	1.9
		R4	W3/F02	36.4	28.4	22	98.3	94.5	3.8
		R5	W4/F02	36.5	29.2	20	99.1	74.9	24.4
3	LKD	R7	W5/F02	17.3	11.7	32.4	99.9	99.9	0
		R8	W18/F02	15.4	11.2	27.3	85.5	83.2	2.7
		R10	W8/F02	17.5	13.3	24	99.9	99.9	0
		R11	W19/F02	15.1	12	20.5	92.7	91.7	1.1
		R1	W15/F03	23.9	19	20.5	77.5	63.4	18.2
		R1	W16/F03	24.6	18.9	23.2			
		R1	W17/F03	25	18.9	24.4			

	BED	R2	W1/F03	36.8	27.8	24.5	99.4	77.5	22
	BED	R3	W2/F03	36.8	28.7	22	100	99.2	0.8
	BED	R7	W5/F03	17.7	12.7	28.2	99.9	99.9	0
	LKD	R8	W18/F03	15.9	11.9	25.2	85.5	83.4	2.5
	BED	R10	W8/F03	18	14.2	21.11	99.9	99.9	0
4	LKD	R1	W16/F04	25.9	20.6	20.5	78.9	66.1	16.2
		R1	W17/F04	26.2	20.6	21.4			
	BED	R2	W1/F04	37.2	29.2	21.5	99.4	83.9	15.6
	BED	R7	W5/F04	18.1	13.7	24.3	99.9	99.9	0
	LKD	R8	W18/F04	16.2	12.6	22.2	85.6	83.5	2.5
5	BED	R7	W5/F05	18.3	14.6	20.2	99.9	99.9	0

19-27 Sheldon Square (NB = no balconies) VSC losses in excess of 20%

Floor	Use	Room	Window	VSC		NB	%loss	NSL		%loss
				Existing	Proposed			Existing	Proposed	
1	Bed	R1	W1/f01	31.3	13.5		56.9	94.3	47.6	49.6
	Bed	R2	W2/f01	31.6	12.8		59.5	99.5	54.2	45.5
	UNK	R3	W3/F01	31.9	12.3		61.4	99.7	37.4	62.5
	LKD	R4	W4/F01	32.2	12		62.7	96.5	29.1	69.9
	LKD	R5	W5/F01	23.4	3.3	11	85.9	100	22.4	77.6
	UNK	R6	W6/F01	23.1	3	12.3	87	100	12.6	87.4
	UNK	R7	W7/F01	23.9	3.8	12.5	84.1	99.9	15.3	84.7
	LKD	R8	W8/F01	23.2	3.3	10.8	85.8	100	13.4	86.6
	LKD	R9	W9/F01	33.9	13.7	13.7	59.6	99.3	20.6	79.3
	BED	R10	W10/F01	34	14.1		58.5	99.8	32.6	67.4
	BED	R11	W11/F01	34.1	14.5		57.5	99.9	27.9	72.1
	BED	R12	W12/F01	34.2	15		56.1	99.4	30.2	69.6
	BED	R13	W13/F01	34.3	15.5		54.8	99.1	23.3	76.5
2	BED	R1	W1/F02	31.9	14.2		55.5	94.3	48.3	48.7
	BED	R2	W2/F02	32.3	13.6		57.9	99.5	55	44.8
	UNK	R3	W3/F02	32.6	13.1		59.8	99.7	37.7	62.2
	LKD	R4	W4/F02	32.9	12.8		61.1	96.8	30.8	68.2
	LKD	R5	W5/F02	24	4.1	11.8	82.9	100	25	75
	UNK	R6	W6/F02	23.8	3.8	13.1	84	100	14.8	85.2
	UNK	R7	W7/F02	24.6	4.6	13.4	81.3	99.9	16.3	83.7
	LKD	R8	W8/F02	23.9	4.1	11.7	82.8	100	15.2	84.8
	LKD	R9	W9/F02	34.6	14.7	14.7	57.5	99.3	22.1	77.8
	BED	R10	W10/F02	34.7	15.1		56.5	99.8	35.4	64.5
	BED	R11	W11/F02	34.9	15.6		55.3	99.9	31	68.9
	BED	R12	W12/F02	35	16		54.3	99.4	33.1	66.7
	BED	R13	W13/F02	35.1	16.6		52.7	99.2	25.8	74
3	BED	R1	W1/F03	32.4	15		53.7	94.3	49	48
	BED	R2	W2/F03	32.7	14.4		56	99.6	55.7	44
	UNK	R3	W3/F03	33	13.9		57.9	99.7	28.5	61.4
	LKD	R4	W4/F03	33.3	13.7		58.9	97.2	32.7	66.3
	LKD	R5	W5/F03	24.4	5	12.7	79.5	100	25.8	74.2
	UNK	R6	W6/F03	24.2	4.7	14.1	80.6	100	17.2	82.8
	UNK	R7	W7/F03	25	5.6	14.4	77.6	99.9	17.2	82.8
	LKD	R8	W8/F03	24.3	5.1	12.7	79	100	17.4	82.6
	LKD	R9	W9/F03	35	15.7		55.1	99.3	24.2	75.7
	BED	R10	W10/F03	35.2	16.2		54	99.8	38.8	61.2
	BED	R11	W11/F03	35.3	16.7		52.7	99.9	34.8	65.1
	BED	R12	W12/F03	35.4	17.2		51.4	99.4	36.3	63.5

	BED	R13	W13/F03	35.5	17.7		50.1	99.2	28.8	70.9
4	Bed	R1	W1/F04	32.8	15.9		51.5	94.3	49.7	47.2
	BED	R2	W2/F04	33.1	15.3		53.8	99.6	57.1	42.6
	UNK	R3	W3/F04	33.5	14.8		55.8	99.7	39.4	60.5
	LKD	R4	W4/F04	33.8	14.6		56.8	97.7	34.5	64.7
	LKD	R5	W5/F04	24.8	5.9	13.6	76.2	100	27.6	72.4
	UNK	R6	W6/F04	24.6	5.7	15.1	76.8	100	20	80
	UNK	R7	W7/F04	25.4	6.6	15.4	74	99.9	18.5	81.5
	LKD	R8	W8/F04	24.7	6.1	13.8	75.3	100	20.2	79.8
	LKD	R9	W9/F04	35.4	16.9		52.3	99.3	27.1	72.7
	BED	R10	W10/F04	35.6	17.4		51.1	99.8	41.6	58.3
	BED	R11	W11/F04	35.7	17.9		49.9	99.9	38.6	61.4
	BED	R12	W12/F04	35.8	18.4		48.6	99.4	40	59.7
	BED	R13	W13/F04	36	19		47.2	99.2	32	67.7
5	BED	R1	W1/F05	33.2	16.8		49.4	94.3	50.9	46
	BED	R2	W2/F05	33.6	16.3		51.5	99.6	59.2	40.6
	UNK	R3	W3/F05	33.9	15.9		53.1	99.7	40.6	59.3
	LKD	R4	W4/F05	34.2	15.7		54.1	98.2	37.3	62
	LKD	R5	W5/F05	25.1	6.9	14.6	72.5	100	30.1	69.9
	UNK	R6	W6/F05	25	6.8	16.2	72.8	100	22.3	77.7
	UNK	R7	W7/F05	25.8	7.7	16.6	70.2	99.9	20.9	79
	LKD	R8	W8/F05	25.1	7.3	15	70.9	100	25.1	74.9
	LKD	R9	W9/F05	35.8	18.2		49.2	99.3	30.5	69.3
	BED	R10	W10/F05	36	18.7		48.1	99.8	45.2	54.7
	BED	R11	W11/F05	36.1	19.2		46.8	99.9	42.7	57.2
	BED	R12	W12/F05	36.2	19.8		45.3	99.4	43.3	56.4
	BED	R13	W13/F05	36.4	20.4		44	99.2	36	63.8
6	BED	R1	W1/f06	33.6	17.9		46.7	94.3	52.3	44.6
	Bed	R2	W2/f06	34	17.4		48.8	99.6	61.4	38.3
	Unk	R3	W3/F06	34.3	17		50.4	99.9	42.4	57.5
	LKD	R4	W4/F06	34.6	16.8		51.4	98.5	39.7	59.6
	LKD	R5	W5/F06	25.5	8	15.8	68.8	100	33.6	66.4
	UNK	R6	W6/F06	25.3	8	17.4	68.4	100	24.5	75.5
	UNK	R7	W7/F06	26.1	8.9	17.8	65.9	99.9	24.4	75.6
	LKD	R8	W8/F06	25.4	8.6	16.3	66.1	100	29.2	70.8
	LKD	R9	W9/F06	36.2	19.5		46.1	99.3	34.2	65.6
	BED	R10	W10/F06	36.3	20.1		44.6	99.8	49.9	50
	BED	R11	W11/F06	36.5	20.7		43.3	99.9	46.9	53
	BED	R12	W12/F06	36.6	21.2		42.1	99.4	47.3	52.4
	BED	R13	W13/F06	36.7	21.9		40.3	99.2	40.5	59.2
7	BED	R1	W1/F07	34	19		44.1	94.3	54.5	42.2
	BED	R2	W2/F07	34.3	18.5		46.1	99.6	63.8	35.9
	UNK	R3	W3/F07	34.6	18.2		47.4	99.7	44.5	55.4
	LKD	R4	W4/F07	34.9	18		48.4	98.7	42.5	56.9
	LKD	R5	W5/F07	25.8	9.3		64	100	37.9	62.1
	UNK	R6	W6/F07	25.7	9.3		63.8	100	26.2	73.8
	UNK	R7	W7/F07	26.4	10.2		61.4	99.9	27.1	72.9
	LKD	R8	W8/F07	25.8	10		61.2	100	33.4	66.6
	LKD	R9	W9/F07	36.5	21		42.5	99.3	37.3	62.5
	BED	R10	W10/F07	36.7	21.6		41.1.8	99.8	55.4	44.4
	BED	R11	W11/F07	36.8	22.2		39.7	99.9	51.3	48.6
	BED	R12	W12/F07	36.9	22.8		38.2	99.4	53	46.7
	BED	R13	W13/F07	37	23.5		36.5	99.2	44.8	54.8

8	BED	R1	W1/F08	34.4	20.2		41.3	94.3	56.8	39.8
	BED	R2	W2/F08	34.7	19.8		42.9	99.6	66.1	33.6
	UNK	R3	W3/F08	35	19.5		44.3	99.7	46.4	53.5
	LKD	R4	W4/F08	35.3	19.4		45	99	45	54.5
	LKD	R5	W5/F08	26.1	10.6		59.4	100	39.9	60.1
	UNK	R6	W6/F08	26	10.7		58.8	100	29	71
	UNK	R7	W7/F08	26.7	11.6		56.6	99.9	28.7	71.2
	LKD	R8	W8/F08	26.1	11.5		55.9	100	36.5	63.5
	LKD	R9	W9/F08	36.8	22.5		38.9	99.3	40.2	59.5
	BED	R10	W10/F08	36.9	23.2		37.1	99.8	62.9	37
	BED	R11	W11/F08	37.1	23.8		35.8	99.9	56.1	43.9
	BED	R12	W12/F08	37.2	24.4		34.4	99.4	60.2	39.5
	Bed	R13	W13/F08	37.3	25.1		32.7	99.2	50	49.6
9	BED	R1	W1/F09	34.7	21.5		38	94.3	59	37.4
	BED	R2	W2/F09	35	21.2		39.4	99.6	67.9	31.8
	UNK	R3	W3/F09	35.3	20.9		40.8	99.7	48.4	51.4
	LKD	R4	W4/F09	35.5	20.8		41.4	99.1	47.6	51.9
	LKD	R5	W5/F09	26.3	12		54.4	100	41.9	58.1
	UNK	R6	W6/F09	26.2	12.2		53.4	100	32.4	67.6
	UNK	R7	W7/F09	26.9	13.2		50.9	99.9	30.8	69.2
	LKD	R8	W8/F09	26.3	13		50.6	100	40.5	59.5
	LKD	R9	W9/F09	37	24.2		34.6	99.3	44.1	55.6
	BED	R10	W10/F09	37.2	24.9		33.1	99.8	73.4	26.5
	BED	R11	W11/F09	37.3	25.5		31.6	99.9	63.9	36
	BED	R12	W12/F09	37.4	26.1		30.2	99.4	69.2	30.4
	BED	R13	W13/F09	37.5	26.8		28.5	99.2	57.4	42.2
10	BED	R1	W1/F10	35	23		34.3	94.3	60.3	36
	BED	R2	W2/F10	35.3	22.7		35.7	99.5	69.2	30.4
	UNK	R3	W3/F10	35.5	22.4		36.9	99.7	49.6	50.2
	LKD	R4	W4/F10	35.8	22.4		37.4	99.2	49.2	50.2
	LKD	R5	W5/F10	26.5	13.5		49.1	100	45.3	54.7
	UNK	R6	W6/F10	26.5	13.8		47.9	100	38.7	61.3
	UNK	R7	W7/F10	27.1	14.8		45.4	99.9	33.9	66.1
	LKD	R8	W8/F10	26.5	14.7		44.5	100	45.2	54.8
	LKD	R9	W9/F10	37.2	26		30.1	99.3	50.1	49.6
	BED	R10	W10/F10	37.3	26.6		28.7	99.8	89.4	10.4
	BED	R11	W11/F10	37.4	27.2		27.3	99.9	74.5	25.4
	BED	R12	W12/F10	37.5	27.9		25.6	99.4	81.8	17.7
	BED	R13	W13/F10	37.6	28.6		23.9	99.2	67.2	32.2
11	UNK	R1	W6/F11	24.9	18.9		24.1			
	UNK	R1	W8/F11	34.6	26		24.9			
	UNK	R2	W11/F11	34.8	25.9		25.6			
	UNK	R3	W14/F11	34.3	25.5		25.7	100	93.4	6.6
	UNK	R4	W15/F11	33.1	24.5		26	100	87.2	12.8
	UNK	R5	W16/F11	35	26.6		24			
	UNK	R6	W19/F11	35.2	27.2		22.7			
	UNK	R7	W21/F11	34.6	26.9		22.3	100	96.6	3.4
	UNK	W8	W22/F11	35.4	28		20.9	100	98.5	1.5
	UNK	R10	W26/F11	8.5	6.4		24.7	99.8	99.7	0.1
12	UNK	R2	W12/F12	36.2	27.6		23.8			
	UNK	R3	W14/F12	35.7	27.1		24.1	100	95.1	4.9
	UNK	R4	W15/F12	35	26.5		24.3	100	95	5
	UNK	R7	W22/F12	36.5	29		20.5	100	99.1	0.9

Dudley House windows which fail VSC. Fail both VSC and NSL in **bold**

Floor	Use	Room	Window	VSC			NSL		
				Existing	Proposed	%loss	Existing	Proposed	%loss
G	RCP	R3	W10/100	3.9	1.6	59	57.9	36.1	37.1
		R3	W11/100	4.3	2.2	48.8			
1	BED	R2	W5/101	16	10.8	32.5	90.7	63.2	30.3
	LD	R3	W6/101	13.1	9.3	29	58.6	25	57.4
	BED	R4	W8/101	0.4	0	100	18	0	100
	BED	R5	W9/101	3	1.3	56.7	35.9	17.4	51.6
	LD	R6	W10/101	4.7	3.2	31.9	54.4	43.1	20.8
2	LKD	R1	W4/102	4.7	0.6	87.2	97.9	97.9	0
	BED	R2	W5/102	16.4	11.4	30.5	90.1	59.1	34.5
	LD	R3	W6/102	13.4	9.7	27.6	60.5	26.1	56.9
	BED	R4	W8/102	0.4	0	100	18.7	0	100
	BED	R5	W9/102	3.1	1.3	58.1	36.5	17.9	50.8
	LD	R6	W10/102	4.8	3.3	31.3	54.8	43.6	20.5
3	LKD	R1	W4/103	4.9	0.7	85.7	98.3	98.2	0.1
	BED	R2	W5/103	16.8	12	28.6	89.5	56.3	37
	LD	R3	W6/103	13.8	10.2	26.1	60.2	27	55.2
	BED	R4	W8/103	0.4	0	100	17.5	0	100
	BED	R5	W9/103	3.1	1.3	58.1	35.1	18.3	48
	LD	R6	W10/103	4.9	3.4	30.6	54.3	44.1	18.7
4	LKD	R1	W4/104	5.1	0.9	82.4	98.9	98.9	0.1
	Bed	R2	W5/104	17.3	12.7	26.6	89.6	58.8	34.4
	LD	R3	W6/104	14.1	10.8	23.4	60.3	28.1	53.5
	BED	R4	W8/104	0.4	0	100	16.9	0	100
	BED	R5	W9/104	3.1	1.4	54.8	34.5	19.4	46.5
	LD	R6	W10/104	4.9	3.6	26.5	54.3	44.8	17.5
5	LKD	R1	W4/105	5.4	1.1	79.6	98.9	98.9	0
	BED	R2	W5/105	17.8	13.4	24.7	90	60.5	32.8
	LD	R3	W6/105	14.6	11.4	21.9	61.2	29	52.6
	BED	R4	W8/105	0.5	0	100	17.4	0.7	96.1
	BED	R5	W9/105	3.2	1.4	56.3	34.8	18.7	46.3
	LD	R6	W10/105	5	3.7	26	55	45.5	17.3
6	LKD	R1	W4/106	10.3	6.3	38.8	99	98.8	0.2
	BED	R2	W5/106	18.4	14.1	23.4	90.7	67.4	25.7
	LD	R3	W6/106	15.2	12.1	20.4	62.3	30.1	51.7
	BED	R4	W8/106	0.5	0	100	17.5	2.1	88
	BED	R5	W9/106	3.2	1.6	50	35.7	19.1	46.6
	LD	R6	W10/106	5	3.9	22	55.8	46.4	16.8
7	BED	R1	W2/107	20.6	16.3	20.9	100	100	0
	Bed	R2	W3/107	19.1	15	21.5	86.9	82.1	5.6
	BED	R4	W6/107	0.5	0	100	18.5	4.1	78.1
	BED	R5	W7/107	1.4	0.2	85.7	21.5	6.7	68.7
	LD	R6	W8/107	4.3	3.2	25.6	55.9	46.5	16.8
8	BED	R4`	W6/108	0.6	0.1	83.3	18.6	6.5	64.9
	BED	R5	W7/108	1.4	0.3	78.6	21.3	9.1	57.4
	LD	R6	W8/108	4.3	3.3	23.3	56.4	47.5	15.8
9	BED	R4	W6/109	0.6	0.2	66.7	17.8	9.6	46.5
	BED	R5	W7/109	1.4	0.5	64.3	21	11.9	43.4
10	BED	R4	W6/110	0.6	0.2	66.7	17.3	12.4	28.2

	BED	R5	W7/110	1.4	0.6	57.1	20.9	14.9	28.7
11	BED	R4	W6/111	0.6	0.2	66.7	18.3	14.6	20.1
	BED	R5	W7/111	1.4	0.6	57.1	21.5	16.8	22
12	BED	R4	W6/112	0.6	0.3	50	19	15.2	20.3
	BED	R5	W7/112	1.5	0.8	46.7	22.2	18.2	17.9
13	BED	R4	W6/113	1	0.7	30	22.2	19.6	11.7
	BED	R5	W7/113	1.9	1.2	36.8	24	21.6	9.8

1-6 Gilpin Close - rooms which result in greater than 20% loss of NSL

Floor	Use	Window	NSL		% Loss
			Existing	Proposed	
Ground	LKD	W1/F00	79.1	51.5	34.8
	LKD	W2/F00	80.3	63.3	21.2
	Living	W3/F00	94.8	64.5	32
	Living	W4/F00	83.6	65.8	21.3
	LKD	W5/F00	97.9	65.9	32.7
	LKD	W6/F00	96.7	71.3	26.2
	LIVING	W11/F00	51.5	33	35.9
1	UNK	W1/F01	73.8	57.4	22.2
	UNK	W5/F01	96.5	70.4	27.1
	UNK	W8/F01	97.9	71.4	27.1

Amilcar Cabral Court - windows which result in greater than 20% loss of VSC

Floor	Use	Window	VSC		% Loss
			Existing	Proposed	
Ground	LKD	W1/F00	30.1	23.9	20.6
	LKD	W2/F00	30.3	23.8	21.5
	LKD	W11/F00	30.8	24.4	20.8
	LKD	W12/F00	28.6	22.5	21.3
1	LKD	W1/F01	31.4	24.7	21.3
	LKD	W2/F01	31.4	24.6	21.7
	LKD	W11/F01	31.4	25.2	19.7

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 March 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	South West Wing, Bush House, Strand, London, WC2B 4RD		
Proposal	Refurbishment and reconfiguration of the existing Bush House South-West Wing including an extension at roof level, rear extension; minor demolition works associated with internal and external alterations to provide class E at ground floor and dual alternative use for either Class E (office) or Class F1 (educational) at basement, part ground floor and first to tenth floor, outdoor terraces, hard and soft landscaping and associated works.		
Agent	DP9 Limited		
On behalf of	Derwent London BH Limited		
Registered Number	21/07179/FULL	Date amended/ completed	19 October 2021
Date Application Received	19 October 2021		
Historic Building Grade	Unlisted		
Conservation Area	Strand		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a s106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> a) A financial contribution of £281,580 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development); b) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data; c) In the event the office use is implemented, a financial contribution of £132,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development); d) Measures to protect the trees adjacent to the site during the works; and e) The costs of monitoring the S106 agreement. <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p>

- 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

2. SUMMARY

The application building forms part of a complex collectively known as Bush House. The application building is the South West Wing. It is within the Central Activities Zone (CAZ). Its lawful use is as offices (Class E) – Her Majesty’s Revenue and Customs occupied the building as their offices until 2021. The building is unlisted but is within the setting of other buildings within the complex which are grade II listed, including the Central Wing and India House. The site is within the Strand Conservation Area.

The application proposes to extend the building rearward into the courtyard, and at roof level, in connection with continuing to use the building for offices or to use it for a new educational use. There would also be two new retail/ restaurant units at ground floor facing Strand. The application proposes various other alterations/ improvements to the building, including providing new roof terraces, landscaping, cycle storage, a new servicing area, photovoltaic panels and air source heat pumps and the removal of car parking spaces.

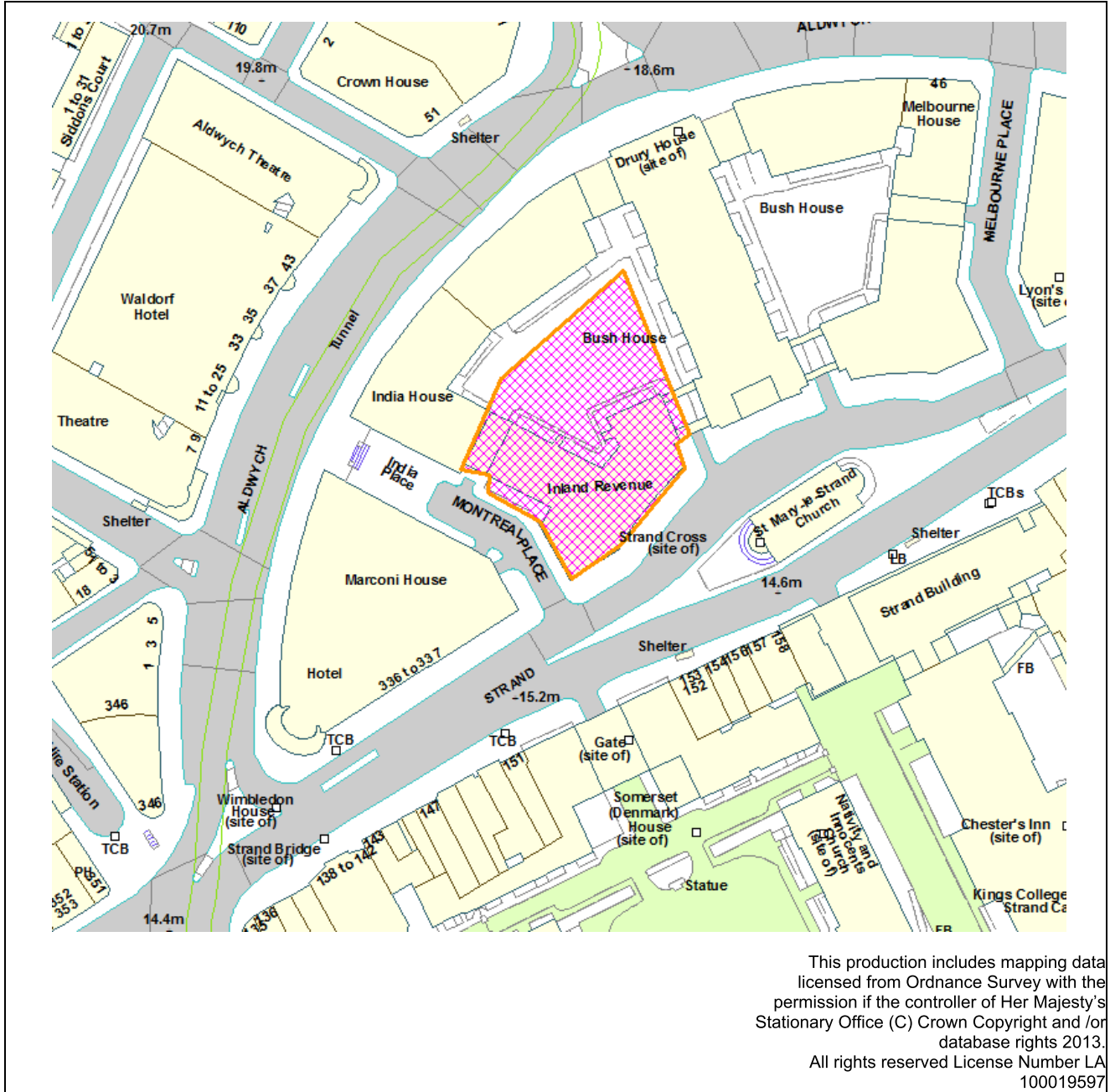
The key issues in this case are:

- The acceptability of the proposal in land use terms;
- The impact of the extensions on the character and appearance of the Strand Conservation Area and the setting of other adjacent heritage assets;
- The impact of the proposal on residential amenity;
- The impact of the development on the highway network; and
- The sustainability of the development.

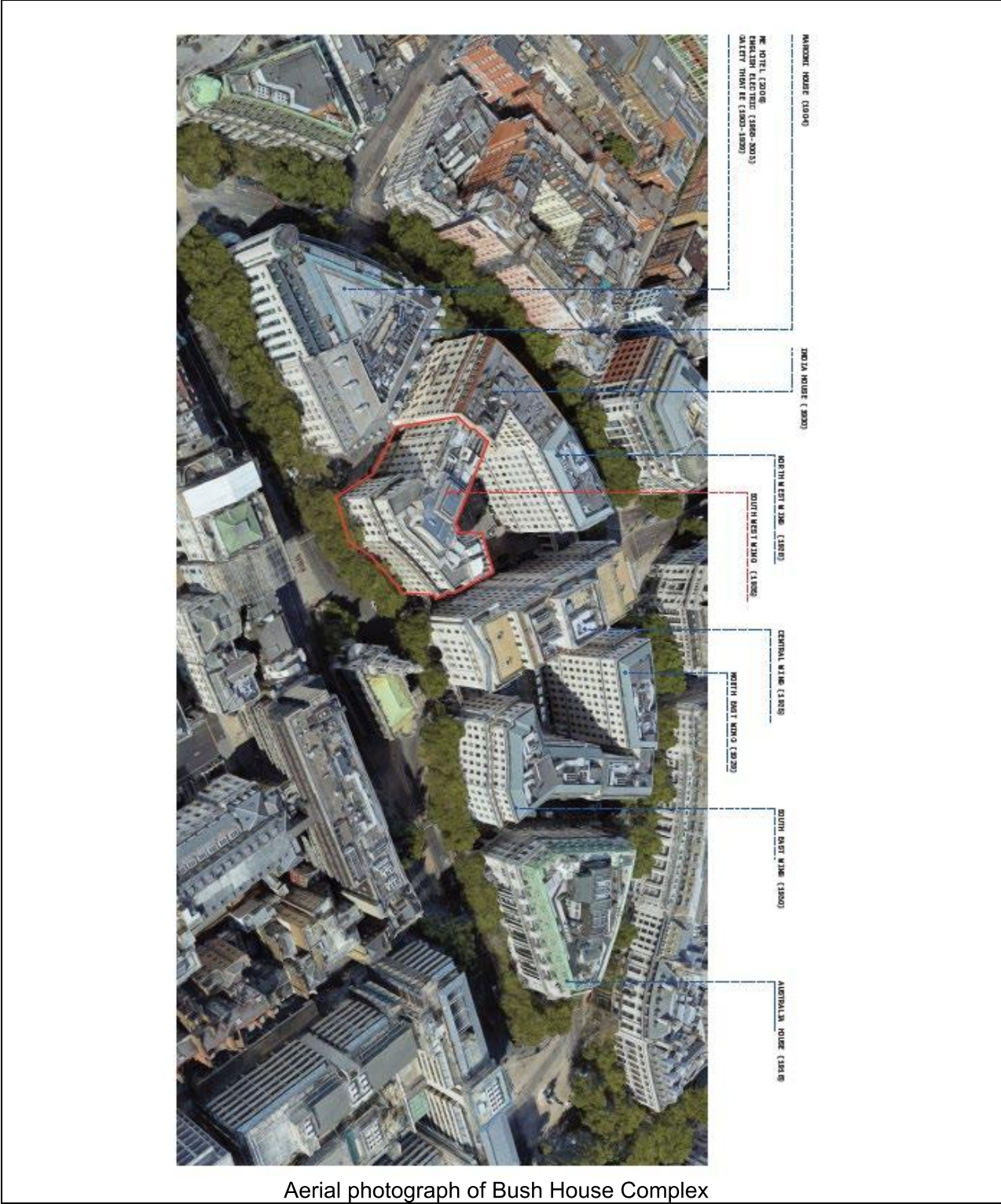
The proposed development is considered against the policies in the adopted City Plan 2019-2040 (April 2021) and London Plan (March 2021). The principle of either new commercial or educational floorspace is acceptable in this part of the CAZ. The proposals would result in numerous planning benefits, and while there would be some impact on neighbouring buildings, the resultant situation would not be unusual in this urban context. The development is therefore recommended for approval subject to the conditions set out in the draft decision letter and the completion of a S106 legal agreement.

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3. LOCATION PLAN



4. PHOTOGRAPHS





View from Strand - Upper Facade



View of Montreal Place from Aldwych



View from Strand - Lower Facade



Montreal Place Facade

Photographs of Strand and Montreal Place facades



Bush House - Courtyard Elevation



Courtyard Elevations of Surrounding Buildings

Photographs of Courtyard facades

5. CONSULTATIONS

WESTMINSTER SOCIETY:

Any response to be reported verbally.

DEPARTMENT for LEVELLING UP, HOUSING & COMMUNITIES:

The Secretary of State (SoS) has received a request for him to call in the planning application for his own determination. The Department's policy is not to consider whether call in is appropriate until a planning application has completed the local planning process. The Planning Casework Unit will monitor the application to the point where the committee decision is known at which point, if [resolved for approval], the SoS will begin his consideration.

HISTORIC ENGLAND (Listed Buildings/ Conservation Areas):

No comments.

HISTORIC ENGLAND (Archaeology):

The site lies in the Tier 1 Archaeological Priority Area covering Lundenwic and the Strand which recognise that this is an area of nationally significant archaeological interest encompassing one of England's few major international trading ports of the Middle Saxon period. During the course of the application test pits were dug, unfortunately these have identified deep truncation down into the natural London Clay. No archaeological remains were found in the test pits. Comparison with levels of features found in nearby excavations suggests that only the lower parts of deep features such as cellars and wells might survive. While we can conclude that the Bush House Site has generally low archaeological potential, we think it is possible that individual features of significance might survive in meaningful form. But the likely significance of potential discoveries is such that the effect can be managed using a planning condition.

METROPOLITAN POLICE:

There is a high level of anti-social behaviour, theft and other crimes in the area. The police recommend several measures to ensure the building is more secure, including relating to internal management and layout.

In relation to Counter Terrorism, there seems to be a good 'air-lock' vehicle access control system and any problems regarding the Indian High Commission being overlooked could be solved by the application of window film. The refurbished Bush House should incorporate suitable glazing as recommended by CPNI, which can be found on their web site. Both buildings will benefit from vehicle access control incorporated in the new Strand/Aldwych public realm scheme.

FIRE, HEALTH and SAFETY EXECUTIVE:

Not necessary to consult (not a relevant building).

THAMES WATER

No objection to the impact on the capacity of the Combined Waste Water network. No objection to impact on the capacity of the water network and water treatment infrastructure capacity.

As the development is within 15m of a strategic sewer, a condition is required for a method statement for piling works.

ENVIRONMENTAL HEALTH:

No objections on environmental grounds, subject to conditions. The design criteria for equipment is acceptable, and conditions are required to ensure the specific plant equipment and operations of a back up generator is acceptable. Noise from the roof terraces are likely to be acceptable, subject to conditions to control their use.

In terms of air quality, the site suffers pollution but the proposals include mechanical ventilation systems to improve it internally for users of the building, should a sensitive use (educational) be implemented. The development would not worsen local air quality.

Conditions relating to contaminated land and kitchen extracts are also required.

WASTE PROJECT OFFICER:

No objection, subject to a condition to ensure adequate waste and recycling provision is provided.

HIGHWAYS PLANNING TEAM:

Subject to conditions to provide details and ensure they are provided, the proposed cycle parking arrangements are acceptable. It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes. The loss of the off-street non-residential car parking spaces is consistent with Policy 27 and welcomed. Off-street servicing is provided and this is welcomed. A rapid charge point is proposed for the loading bay and this is welcomed. The creation of a new pedestrian link and private public realm is welcomed. If considered a planning benefit, it should be secured via a Walkway Agreement to ensure access is retained and consistent with Policy 25 and 43.

WCC ECONOMY TEAM:

Based on the total net uplift of floorspace and on the Inclusive Local Economy and Employment document, this scheme needs to provide a financial contribution of £132,000 to the Westminster Employment Service

PLACESHAPING (Public Realm):

Strongly support the activation of the ground floor for public use along Strand frontage. Further opportunity for F&B to spill from frontage into the new public space on the Strand. Support the opening of the courtyard to increase publicly accessible space in the area and to create a new north-south public route/ connection and provision of additional greening. Would like to see addition of increase cycle parking provision for public use. Any external lighting scheme to be coordinated with the SA proposals for architectural lighting (Michael Grubb Studio report). For the courtyard materials to reflect the materiality of the final SA scheme to feel cohesive. Can conditions be placed to reduce the amount of vehicular traffic to the building? Opportunity for any additional measures that could improve air quality (or not make it worse). Supporting the whole Climate Emergency agenda and our Sustainability agenda – throughout design, build and occupation. Explore opportunity to identify potential for S106 towards the full and final Strand scheme.

ARBORICULTURAL SECTION:

There are several Council-owned London planes growing in the pavement to the north of Bush House. The submitted Arboricultural report states that these will need to be pruned back from the property but that the extent of pruning will not exceed previous points where the trees have been reduced for routine maintenance. This extent of pruning would be acceptable but must be carried out by the Council's own contractor. These trees roots will also be protected, and a condition is recommended to ensure this is the case. Details of the landscaping are required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 326

Total No. of replies: 3 (excluding duplicates)

No. of objections: 2

No. in support: 1

In summary, one neighbouring resident and the High Commission of India object to the proposals for the following reasons:

Land Use:

- The City Council would have limited control over what Class E uses can occur within the building.
- Restaurants at ground floor and roof level would considerably increase the number of people and vehicles in the area (compared to civil servant offices) to the detriment of the High Commission.
- The office or educational uses will significantly increase the number of people using the building (compared to civil servant offices) and this will have a detrimental effect. The commercial use would have the greatest effect, the educational use could have less of an impact.

Impact on the Function and Security of the High Commission:

- The proposal gives rise to several security concerns;
- The proposal will prevent the effective operation of its diplomatic mission;
- The proposed activity in the courtyard would be uncontrolled and in close proximity to India House. This could impact on the safe and unimpeded access of its diplomats, staff and visitors;

Design and Townscape:

- The proposal would be harmful to the character and appearance of the area, including the setting of adjacent listed buildings and the submitted Townscape, Visual Impact and Heritage Assessment is insufficient;

Amenity:

- The proposal will have a detrimental impact on the amenity of the area in which India House is situated;
- The roof terraces, rear extension and roof extension increase the numbers of building in the building harmful to the High Commission, including in terms of noise disturbance;

- Diplomatic issues are of particular importance/ sensitivity. Increased numbers of people, high levels of noise, and the movement of large vehicles would have a greater detrimental effect on the amenity of the High Commission than others.
- Neighbours would be overlooked, including from the roof terrace (harmful to a residential occupier and the High Commission);
- No consideration has been given to the loss of light implications on the High Commission;
- The proposals would increase noise disturbance, including from the roof terrace (harmful to a residential occupier and the High Commission);
- The proposal would create an overbearing affect for the High Commission;

Highways/ Transportation:

- Servicing and deliveries would increase and would be harmful to the area/ High Commission;

Construction Impacts

- Noise, disruption and pollution from building works would be harmful to the High Commission.

In summary, King's College London support the proposals for the following reasons:

Land use:

- The proposals adhere to the development plan. The option for an educational use is welcomed.

Design, Townscape and Public Realm:

- The extension of the building would be in-keeping with its surroundings, is sensitively designed;
- The public realm enhancements in the courtyard would complement those to Strand and Aldwych, and would allow a north south link;

Air Quality and Energy:

- The extended building would be more sustainable and would improve air quality being all electric.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application building forms part of a complex collectively known as Bush House. The application building is the South West Wing, which is an unlisted building bounded by Strand and Montreal Place to the south and west respectively. The site is within the Strand Conservation Area. The Strand Conservation Area Audit identifies the building as an unlisted building of merit.

To the rear is a courtyard enclosed by the application building and other buildings which form part of the wider Bush House complex. These include the grade II listed India House which is home to the High Commission of India, the grade II listed Bush House Central Wing and the unlisted Bush House North West Wing which are both part of King's College London. On the opposing side of Montreal Place to the west lies the grade II listed Marconi House which includes residential flats as well as a hotel. The grade I listed Church of St Mary Le Strand lies to the south, as does the grade I listed Somerset House and grade II listed 152 and 153 Strand.

The application building has been used for offices (Class E). Her Majesty's Revenue and Customs occupied the building until July 2021, when they vacated. The building comprises 12,739 sqm (GIA) of floorspace, over basement, ground and eight upper storeys (plus roof top enclosures). It is located within the Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area (WERLSPA) and the West End Strategic Cultural Area. Strand and Aldwych are main thoroughfares through the city and comprise a significant amount of educational and cultural uses. The area also includes commercial uses, diplomatic uses, residential uses, hotel uses and other visitor infrastructure.

Westminster City Council are undertaking public realm works in the area. These improvements in the Strand Aldwych area will be undertaken between 4 January 2021 and late 2022. The closure of the Strand to vehicular traffic will make way for a new public space. The vision is for the area to become "a global creative and cultural quarter which will be an international beacon for creativity, enterprise and learning".

The courtyard to the rear of the site is similar in size to a courtyard found on the eastern side of the Bush House complex. Unlike the eastern courtyard, it is used for car parking. The space is divided between the occupiers of the surrounding buildings (a portion of which belongs to the application site).

6.2 Recent Relevant History

There is no relevant planning history.

7. THE PROPOSAL

The applicant seeks planning permission for the "refurbishment and reconfiguration of the existing Bush House South-West Wing including an extension at roof level, rear extension; minor demolition works associated with internal and external alterations to provide class E at ground floor and dual alternative use for either Class E (office) or Class F1 (educational) at basement, part ground floor and first to tenth floor, outdoor terraces, hard and soft landscaping and associated works."

The roof extension would be single storey and would replace the existing plant enclosures at roof level. New set back roof top plant enclosures, as well as roof terrace and associated function room, on top of the roof extension is also proposed. Together, these would rise no higher than the existing highest part of the roof. The rear extension in the courtyard would rise from ground to roof level. Roof terraces would also be provided at ninth and seventh floor levels.

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The new courtyard elevations would exhibit a double height colonnade in stone at ground and first floors with large metal framed openings and stone detailing. Above, again in stone to align with the existing building and wider complex, the elevation would be characterised by uniform metal framed windows and stone detailing. The roof terraces would include metal balustrading, and the roof extension would be a metal clad mansard design.

In addition to extending the into the courtyard, the proposal involves the removal of existing car parking spaces and introduction of new hard and soft landscaping in the courtyard. The applicant’s initial submission indicated that this area would be opened to the public for the first time, but they have since advised that for various reasons, including that the applicant does not enjoy independent control of all the area, this would not be possible to propose under this application (although it remains an aspiration).

The application proposes the extended and altered building to be used for either offices or for higher education, except for two ground floor units which would be for either retail or restaurant uses.

The application also proposes new cycle parking facilities, new servicing arrangements, new electric heating and cooling systems and new green infrastructure amongst other features.

The existing and proposed floorspace figures are set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	12,739	0	-12,739
Flexible Office or Education (Class E or F1)	0	16,497	+16,497
Retail or Restaurant (Class E)	0	315	+315
Total	12,739	16,812	+4,073

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals involve most of the extended building being used flexibly for either offices or for higher education, circa 16,497sqm (GIA). The applicant would be able to change between these two uses for a 10 year period under the rights provided for by the General Permitted Development Order, and this would allow the applicant flexibility in terms of prospective tenants.

As such, the proposal could result in either an uplift in office floorspace, circa 3,758sqm (GIA), or could result in the loss of the existing office floorspace, circa 12,739sqm (GIA), and provision of the new higher education use.

Two commercial units for either retail or restaurant are also proposed at ground floor, circa 315 sqm (GIA).

Provision of office uplift

In relation to the option to use most of the building for offices, Westminster's City Plan 2019-2040 (City Plan) Policies 1, 2, 13 and 14 are relevant. These support office growth and modernisation to provide at least 63,000 new office-based jobs, alongside other forms of commercial growth in the city. Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ with a commercial or mixed-used character, including within the WERLSPA.

London Plan Policies SD4 and E1 support growth of office floorspace in the CAZ and the provision of new and refurbished office space and mixed-use development which would improve the quality, flexibility, and adaptability of London's office stock. London Plan Policy E2 supports the provision of office floorspace for small to medium sized companies while Policy E3 supports provision of affordable workspace at rents maintained below the market rate for that space.

An objector considers an extended office will significantly increase the number of people using the building and this will have a detrimental effect on the area and neighbours. However, the new office floorspace proposed in this location would be welcomed in respect to the aforementioned policies. The site is within a mixed use area which is appropriate for commercial growth. Strand and Aldwych are main thoroughfares through the city and comprise a mix of uses, including commercial, educational, cultural, hotel and some residential uses. An uplift in office accommodation would help contribute toward the City Plan target in office-based jobs growth within the city. The proposal also represents an improvement in terms of quality over the existing office floorspace given modern extensions and other improvements are proposed.

London Plan Policy E2 requires consideration be given to office floorspace for small to medium sized companies. The Applicant explains the building's layout is such that it would be capable of providing space for small to medium size companies. The building has been designed with flexibility to be let as a whole, floor by floor, or subdivided to two tenants per floor. There is a possibility for a divide within a floor if they are split that would ensure fire escape route requirements, amongst other requirements, are maintained. The applicant explains the building could contain up to 19 tenants in total, 2 per floor, starting at 350sqm (suitable for a small or medium sized business). The occupier type could be mixed therefore, and the applicant considers that office floorspace in this location lends itself towards professional, legal and DAMIT (design, advertising, media, information and technology) businesses. This is considered in line with London Plan Policy E2 which requires consideration be given to the scope to provide this type of commercial floorspace.

London Plan Policy E3 requires consideration be given to affordable workspace in the following circumstances: where there already is affordable workspace on site; where the site is within an area where affordable workspace is at risk (as identified in the City Plan); or an area where affordable workspace is necessary/ desirable to sustain a mix of business or cultural uses which contribute to the character of an area (as identified in the City Plan). In this case, there is no existing affordable workspace on site. City Plan Policy 13 states proposals involving the provision of affordable workspace will generally be supported throughout the commercial areas of the city, but the justification goes on to identify two areas in the north of the borough where this will be encouraged. While it also states such provision elsewhere in Westminster could be welcomed, the City Plan does

not identify the Strand/ Aldwych as an area where existing affordable workspace is at risk from cost pressures or where affordable workspace is required to ensure the character of the area is maintained. Therefore, while affordable workspace would have been welcomed had the applicant proposed it, given the policy context it is not considered reasonable to require the applicant provide it in this instance.

As raised by an objector, an unrestricted Class E use would not accord with the City Plan because other Class E uses would have differing impacts and potentially more harmful impacts. Moreover, the applicant has not provided details of other uses in their submission. Given offices are supported in this location as they would contribute to an appropriate mix of uses that supports the vitality, function and character of the CAZ and the WERLSPA, it is recommended that a condition be attached to ensure the use of the indicated areas floors is maintained as offices, and not changed to other Class E uses, should the Class E use be implemented (the applicant could change to the other proposed educational use, however).

Provision of education

In relation to the option to use most of the building for educational use, City Plan Policies 1, 2, 13,14 and 18 are relevant. This option requires the loss of the existing office floorspace, and while Policy 13 encourages office uses in this area and notes that office floorspace loss from the CAZ could undermine its key strategic employment function, it does not prevent their loss to educational uses. Indeed, an educational use would continue to provide employment on site. The world-class higher educational institutions of King's College London and the London School of Economics are already a significant presence within the area and they provide a significant source of employment, contribute towards a highly skilled workforce, support the clustering of the knowledge economy, and are internationally recognised for their research reputations. King's College London have written in support of the application in part because it proposes to use the building for educational purposes. While objecting, the Indian High Commission considers an educational use to be less harmful than the office option.

The applicant indicates that the proposed educational use would be for a higher educational institution – and it is envisaged that it would be used for an existing institution with a presence in the area if this option were implemented (i.e. King's College London or London School of Economics). Policy 18 states that the improvement and expansion of Westminster's world-class higher educational institutions will be supported in principle, in recognition of the economic benefits they provide to Westminster, London and the UK. Providing this additional space to a higher education institution would help them to maintain and enhance their international standing and thereby help them continue to attract the best talent to London. Therefore, the principle of additional higher educational floorspace in this location is acceptable. A condition is attached to ensure that, should the educational use be implemented, an operational management plan is provided detailing how the facility would be used in order to ensure that the impacts on the surroundings are suitably managed/ mitigated.

To maximise the community benefits of new educational uses, the City Plan encourages educational facilities be made available and adaptable for public use, where this does not compromise their primary purpose and operational needs. The City Plan explains multiple purpose use of such facilities can help make efficient use of scarce space and

overcome any deficiencies in dedicated community space within a locality. Given that that the applicant does not have a specific use or tenant determined at this stage, it is understandable that the applicant has not provided detail of such provision at this stage. A condition is recommended to require the applicant submit a plan outlining how community use who be provided for should the educational use be implemented.

While ancillary community uses are encouraged, an unrestricted Class F1 would not be appropriate in this case. This use class contains multiple uses which would have differing impacts for which the applicant has not provided details and these alternative uses could be inappropriate in this location, this includes other educational uses such as schools. Therefore, it is recommended that a condition be attached to ensure the educational use is for higher education only.

Provision of retail of restaurant

The application site is located within the CAZ and WERLSPA. City Plan Policies 2, 14 and 16 supports the provision of retail uses within these locations. Policy 2 supports a range of commercial uses, including retail and restaurant uses, in the WERLSPA and CAZ. Town centre uses to meet the needs of residents, workers, and visitors are supported in principle throughout the parts of the CAZ with a commercial or mixed-use character, having regard to the existing mix of land uses in the area. Policy 16 states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location.

London Plan Policies SD4 and SD8 also support growth of retail use in this area. London Plan Policy E9 promotes a successful, competitive and diverse retail sector and supports sustainable access to goods and services for all Londoners.

An objector considers the application building is inappropriate for retail/ restaurant uses, and such uses would be detrimental to the area/ neighbours. An objector refers to a tenth floor restaurant being proposed, but this is not the case – there would be a function room and roof terrace at that level which would be associated with the office/ educational use only. The City Council's Place-Shaping Team strongly support the activation of the ground floor for public use, given such uses would contribute to the success of the Strand/ Aldwych Public Realm scheme which would see this part of Strand be pedestrianised.

As set out previously, the area contains a mix of uses and is a busy, bustling part of the city given the prominent uses in the area and that Strand/ Aldwych are major thoroughfares through the West End. Retail and restaurant uses are welcomed in such locations and subject to conditions to control their use, would not unduly impact on their surroundings (including opening hours).

The building may require ventilation and extraction for kitchens associated restaurant/ café uses on the ground floor. The Environmental Health Team have advised further details of the kitchen extract will be required, including its termination. A condition is recommended to ensure that this is provided.

An unrestricted Class E use for the ground floor units may not accord with the development plan. This is because uses which do not serve visiting members in this

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location would undermine the benefit to the vitality, function and character of the CAZ, the WERLSPA, that the proposals provide. Other Class E uses will also have differing impacts which the applicant has not provided details of. Therefore, it is recommended that a condition be attached to ensure the ground floor commercial units are maintained for retail/ restaurant/ cafe uses and not changed to other Class E uses.

8.2 Townscape and Design

Policy and Legislation

Key considerations in assessing the proposals are the impacts upon the appearance of the building, the setting of nearby listed buildings and the character and appearance of the Strand Conservation Area. Proposals have been assessed against the National Planning Policy Framework (NPPF), specifically chapters 12 and 16, as well as policies 38, 39, 40 and 43 of the City Plan

City Plan Policy 38 states new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design....(B) respond to Westminster's context by positively contribution to Westminster's townscape and streetscape.

City Plan Policy 39 states that development within the settings of, or affecting views of, listed buildings will take opportunities to enhance or better reveal their significance. Conservation Areas must also have their character and appearance preserved or enhanced by development. The policy also notes that there will be a presumption that unlisted buildings that make a positive contribution to a conservation area will be conserved.

City Plan Policy 40 states that development will 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. It goes on to state that spaces and features that form an important element in Westminster's local townscapes or contribute to the significance of a heritage asset will be conserved, enhanced and sensitively integrated within new development. Alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape. Roof extensions will be supported in principle where they do not impact adversely on heritage assets and should: where part of a terrace or group already characterised by roof additions or alterations, be of appropriate design which follows an established form and would help unify the architectural character of the group.

City Plan Policy 43 explains that development will 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.

The key legislative requirements in respect to designated heritage assets are as follows: Section 66 of 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.”

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.”*

Furthermore 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, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Considerations

The Bush House complex was conceived following a competition for the laying out of Kingsway and Aldwych following slum clearance in the late nineteenth century. Its original function was to be an international trade centre with exhibition galleries, shops, conference rooms, reference libraries, a small theatre, badminton court, cinema, swimming-pool, club and restaurant. Though designed as a set piece by Architect Harvey W Corbett, the buildings were constructed during different phases, with Bush House Central Wing being completed first in 1925 and the southwest wing the last to be completed in 1935.

The vision on the development evolved due to the economic down turn which followed the completion of Bush House Central Wing, which at the time was declared to be “the most expensive building in the world”. As such the outer wings, including the South West Wing, were adapted to office use and exhibited more modest architectural details.

Though not constructed at the same time, the complex of buildings has an overall uniformity, with a connected architectural language and monumental scale, with the Bush House Central Wing being its centre piece.

The application site is an unlisted building of townscape merit, which makes an important contribution to the Bush House complex as a distinguished group of buildings, and which define the street layout and character of Strand and Aldwych. It therefore makes an important contribution to the character and appearance of the Strand Conservation Area.

The site also lies within the direct setting of several grade II listed buildings including Marconi House, India House, Bush House Central Wing, and Australia House, which all form part of the Aldwych Island. As well as grade I listed St Mary’s Le Strand Church, Somerset House, and Kings College Old Building to the south.

Arranged over a basement with nine-floors above, the top two of which are slightly set back, the South West wing is faced in Portland stone, articulated by multi-pained steel

windows. Its facades are modestly detailed with most of the more decorative stone details limited to the ground and first floor levels of the Strand facing facades. At present the roof features a substantial ashlar faced plant enclosure which extends to two storeys, as well as various unscreened plant equipment.

To the north of the building is a courtyard, mainly enclosed by the neighbouring buildings, India House to the north and Bush House Central Wing to the east. Currently the area is entirely hard landscaped and predominantly used for car-parking, creating a hostile environment for pedestrians and an unattractive space.

The proposals intent to refurbish and reconfigure the existing South West Wing including an extension at roof level and to the rear. Minor demolition works are also proposed associated with internal and external alterations. Hard and soft landscaping to the rear courtyard is also proposed.

Elevation changes:

To improve accessibility and open-up the frontage of the building, proposals including lowering the cills of the existing ground floor windows fronting the Strand. The alterations will include the installation of new dark bronze shopfronts, which have been designed to maintain the proportions and appearance of the ground floor, whilst delivering a more active frontages suitable for the new retail units.

Rear Extension:

Proposals include a ground floor plus eight storey extensions to the courtyard elevation of the building. The extension would be set in from the side of the building but would project into the rear courtyard. Nonetheless, much of the courtyard would remain undeveloped therefore maintaining much of the immediate setting of both India House to the north, and Bush House Central to the east.

Faced in natural stone, the extension has been sympathetically designed to replicate the composition and appearance of the host building, expressing a double height base, middle and top, which is defined by two receding storeys. The base of the rear extension incorporates double height glazing set in from a colonnade of stone pilasters which replicate those on main building. The middle continues the uniformity expressed on the main building, replicating the arrangement of window openings. Proportionally the window apertures replicate those on the original building but feature simplified window design. The extension is considered to be a well-proportioned and complimentary addition to the building. To ensure their quality and finish samples of the facing materials and details of the new windows are recommended to be secured by condition.

Roof Extension:

The proposals include a single storey, metal clad mansard at ninth floor level, with an external terrace around its perimeter, above which would be a set back enclosure containing plant and a function room area and terrace.

In the context of neighbouring buildings, the mansard would present an appropriate termination to the building. Its height, form and details successfully attempt to mirror the composition of the South East Wing, creating a balanced composition with the Central Wing. Samples of the roof material are recommended to be secured by condition.

The proposed function area at tenth floor level utilises the existing ashlar clad enclosure, with additional plant placed to the east and north, which will be screened by louvered screens pitch back to mimic a roof. The height of the tenth floor does not exceed that of the existing enclosure, and whilst cumulatively the elements will present some additional bulk, this has been successfully distributed across the site, to appear as a visually quiet coherent roof line, consistent with the wider complex.

Views:

In order to demonstrate the impact of the roof level alterations of the proposals, the application includes analysis of key views within the immediate area.

From the east along the Strand, the roof line will be glimpsed above the street line but will read as a traditional roof form and not overly assertive. From the west along the Strand, the proposed mansard will be read in place of the existing ashlar enclosure. Though moderately more prominent because of its grey finish, it will appear alongside equivalent roof forms, notably the southeast wing.

From Kingsway to the North, the rear and roof extensions will be visible through the formal building gap between Bush House Central and India House. Due to the palette of materials and regular fenestration arrangement, the proposals will not hinder this important townscape view of the Bush House Complex.

Concern has been raised by an objector regarding the applicant's townscape analysis. There will certainly be other views of the development, including longer views and private views of the development which have not been assessed. These will include views from Waterloo Bridge in the context of Somerset House where you can currently see the existing roof structures on the building. As set out above though, the applicant's proposal is for a roof extension which would successfully integrate into the host building and wider context.

Conclusion

The proposals generate some additional bulk and height, both at the rear of the site and at roof level. However, through sympathetic modelling, details and materials, the extensions are complementary in terms of scale and architecture to host building and neighbouring listed buildings. The scheme is considered to preserve the overall character of the Bush House complex and the character of the Strand Conservation Area therefore. The impact on designated heritage assets is considered to be neutral overall (i.e. no harm overall).

The roof extension would replace existing roof structures of a matching overall height. While it would add additional bulk, it would be viewed in the context of similar roof forms within the Bush House context – it would be compatible with this context therefore. The rear extension would add much additional bulk to the rear courtyard, but given the overall size of the courtyard, the existing size of the building and the suitable design of the rear extension, this would not harm the setting of adjacent listed building or the character and appearance of the conservation area.

The scheme complies with design policies 38, 39 and 40 as well as Chapters 12 and 16 of the NPPF and is supported on design and townscape grounds.

8.3 Residential Amenity

Most of the buildings within the immediate vicinity of the site are non-residential. Residents do reside on the opposing side of Montreal Place within Marconi House however, which contains over 80 residential flats

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy and sense of enclosure and encourage development which enhances the residential environment, quality of life and health and wellbeing.

One neighbouring resident has objected on the grounds the proposal would harm their amenity in terms of loss of privacy and increased noise disturbance. The Indian High Commission have also raised concern about the impact loss of light, increased overbearing, loss of privacy and increased noise disturbance would have on the quality of their premises.

Sunlight and Daylight

The applicant has carried out an assessment on two neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The two neighbouring properties are Marconi House (where the residential flats are located) and St Mary-le-Strand Church. The commercial, diplomatic and higher education uses which are adjacent to the site have not been assessed, and the Indian High Commission raises objection to this.

Non-residential properties are not a priority of the BRE guide. Most non-residential properties ordinarily have a greater reliance upon supplementary electric lighting and thus have a lower expectation for natural light. It is residential uses which have the highest expectation for natural light. Some other uses may have a reasonable expectation of natural light, and the applicant considers a church to fall within this category (hence why the assessment includes this building). The High Commission have explained that the primary use of the building as diplomatic offices, with some ancillary uses. Large offices are not ordinarily considered to fall within a category that would have a high expectation of natural light, however. And given the similarity (particularly in terms of likely requirement for supplementary electric lighting) between an office and the use within India House, it is considered reasonable that the Daylight and Sunlight assessment would not include the India House.

The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms (i.e. living rooms), and it accepts that bedrooms are of less importance.

Daylight

The BRE methodologies for the assessment of daylight values is the 'vertical sky component' (VSC) and 'no sky line' (NSL).

VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the BRE guide suggests the loss of daylight could be noticeable.

NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the BRE guide suggests the loss of daylight could be noticeable.

In terms of VSC, there are no breaches to any of the windows assessed in either Marconi House or St Mary-le-Strand Church.

In terms NSL, there would be eight rooms which breach this measure. These rooms are located on the fifth and sixth floors of Marconi House. The breaches are set out below:

NSL Breaches at Marconi House

Floor	Room	Existing NSL	Proposed NSL	Loss (sqft)	%Loss
5	R6/125	85.1	65.1	20	23.5
5	R7/125	79	61	18	22.8
5	R8/125	77.9	61.7	16.1	20.7
6	R5/126	173.1	119.2	53.8	31.1
6	R6/126	151.2	98.8	52.3	34.6
6	R7/126	133.8	88.9	44.8	33.5
6	R8/126	129.3	89.9	39.5	30.5
6	R9/126	133.5	96.4	37.1	27.8

The applicant's analysis indicates that rooms R6 and R7/125 on the fifth floor and rooms R6, R7 and R9/126 on the sixth floor are used as living rooms and the remaining affected rooms are bedrooms. The applicant notes that within these affected rooms, a view of the sky dome of between 58%-61% of the rooms will be maintained and the NSL coverage would be in excess of the existing levels enjoyed by many of the rooms on the floors below the fifth floor.

It should also be noted that the VSC for the windows to these rooms would not breach the guidelines, and in fact would retain relatively good figures. The VSC measure for the windows to the affected rooms on the fifth floor would each be around 16, and the measure for the windows to the affected rooms on the sixth floor would each be around 22. These figures within a dense urban environment such as this indicate a window which is receiving relatively typical levels of daylight.

While the losses in terms of NSL are regrettable, particularly to the living rooms which the BRE indicates should be afforded greatest protection, overall given the resultant daylighting circumstances outlined above would not be unusual in an urban context. Considering the losses in NSL with the VSC figures, the impact in terms of daylight would not be detrimental to the enjoyment of these flats.

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

The applicant's assessment found no breaches of the sunlight criteria.

Sense of Enclosure

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment.

The proposed building would include additional massing at both roof level and to the rear. In relation to the residential properties at Marconi House, the massing resulting from the rear extension would not impact on the flats there. The roof extension by virtue of additional roof level bulk would be visible from the flats. However, the roof extension would not rise higher than the existing highest part of the roof. The additional massing would also be set back from the elevations at the existing eight floor level. The distance between the application building and Marconi House is 15 metres at its closest point and the new roof extension would be over 18 metres at its closet point.

Overall, given the distance between the buildings and that the increased massing would existing roof top structures which themselves are which large, there would not be an undue increase in a sense of enclosure for the residents within Marconi House.

Overlooking and Noise from Roof Terraces

The proposal includes roof terraces at seventh, ninth and at roof level. These would allow views to some of the flats within Marconi House, on the opposing side of Montreal Place. At seventh floor, the roof terrace is narrow – it utilises an area of existing flat roof (which currently cannot be accessed) that measures less than 2 metres wide, and would wrap around the building at the rear, to Strand and partially to Montreal Place. At ninth floor level where the new roof extension would be situated, the roof terrace again would warp around the building, with a larger triangular area by the corner of the building on Montreal Place and another larger area to the rear. At roof level, there would be a further roof terrace facing toward Strand.

A neighbouring resident within Marconi House have raised concern in relation to overlooking and noise from the roof terraces.

Roof terraces are increasingly important amenities for offices, as well as educational

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uses. Office and educational uses tend to use roof terraces during daytime hours only, and in a less intense manner as compared to some other uses, and therefore would not ordinarily be a source of significant harmful impacts to neighbours. In this case, the applicant agrees to measures to ensure that this would be the case. This includes a recommended condition which would ensure the applicant provides the Council with details of planters on the roof terrace, and ensure the planters are strategically positioned to prevent occupiers of the building standing by the balustrades of the roof terrace where they are closest to the neighbours – in particular at ninth floor level and at roof level where the balustrades run along the Montreal Place elevation. This would help mitigate overlooking of Marconi House. In addition, a condition is recommended to control the hours the roof terrace can be used so they cannot be occupied outside of 8am to 9pm Monday to Friday. A further condition is recommended to prevent the playing of music on the terrace.

With these measures in place, the impact of the roof terraces would not be so significant as to justify withholding planning permission on this basis.

Impact on Adjacent Non-Residential Premises

In addition to impacts on residential neighbours, the proposals would impact on India House, the North West Wing and Central Wing of Bush House and to a lesser extent St Mary le Strand Church. The additional mass to the rear and at roof level would reduce the openness of the rear courtyard area and increase the massing at roof level and this would impact on the windows/ rooms serving the Indian High Commission and King's College London which look into the courtyard area. Overall, and considering that the prioritisation should be given to the protection of residential amenity, the impacts would not be unduly harmful, however.

While the rear extension into the courtyard would result in significant additional mass in the courtyard compared to the existing situation, the resultant building would still be over 22 metres from the opposing elevations of India House and the North West Wing of Bush House. This is a greater distance than that which exists between the buildings on either side of Montreal Place – i.e. it is comparable to a typical street width within this dense urban environment. So, while there would be additional enclosure of the courtyard, and new closer windows, this would not be unreasonable in this case because it would result situation which is not unwarranted in such a location. A distance of this size between new windows and the existing windows serving neighbouring non-residential premises would not result in undue levels of overlooking. This is particularly the case given that the reasonable expectation of privacy within these neighbouring buildings would be lower when compared to residential premises. The roof terraces are to be controlled by way of conditions, as set out above, which would also help reduce any impacts on the neighbouring non-residential buildings. In terms of light, had the applicant assessed it would likely have shown there to be some impacts to some of windows/ rooms within the High Commission. However, for the reason set out above, this type of use would have a lower reasonable expectation for natural light. Moreover, given the good distance maintained between the extensions and India House, the impacts would not result in an unreasonable internal lighting situation.

Overall, the development would not result in unreasonable impacts on the neighbouring non-residential buildings.

8.4 Transportation/Parking

Cycle Parking

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. Long stay cycle parking for developments must be met within the development site itself. London Plan Policy T5 requires 1 space per 75sqm for offices, 1 space per 175sqm of retail/restaurant use and 1 space per 4 staff and 1 space per 20 students for a higher educational use.

For an office, 231 long stay cycle parking spaces would be required. For the restaurant/retail uses, 2 long stay cycle parking spaces would be required. A further, 28 short stay cycle parking spaces would be required to support these uses. For the higher education use, based on the staff and student numbers indicated, 82 long stay cycle parking spaces would be required to support this use, with 143 short stay cycle parking spaces.

The applicant proposes 10 spaces as Sheffield stands; 182 spaces within two-tier racks; and 60 foldable bicycle lockers as well as short stay cycling parking within the courtyard area. The Highway Planning Manager agrees this is an acceptable level of provision, and it will help support active/ sustainable modes of travel. While the proportion lockers for foldable bicycles is higher than guidance suggests it should be, overall given the level of cycle parking spaces, this is not opposed in this case. Conditions recommended to ensure the long stay cycle parking is provided and that details of the short stay cycle parking is secured and provided.

Car Parking

Within the courtyard there are 32 existing car parking spaces demised to the application building. The other buildings facing into the courtyard also have parts of the courtyard demised to them, which they use for car parking. India House has six tandem car parking spaces which can accommodate 12 cars, the North West Wing have 15 car parking spaces. For vehicles, the courtyard is accessed from Montreal Place. Because of the Strand/ Aldwych Public Realm Scheme, access from the Strand will no longer be possible.

The proposal involves the removal of all off-street car parking provision demised to the application building. The remaining car parking associated with India House and Kings College London would remain. The applicant, because parts of the courtyard are outside of their demise, are not able to propose a more comprehensive landscaping of the entire courtyard which would involve the loss of more car parking. Still, the applicant explains they understand that Kings College London would look to remove all or most of their car parking spaces as well in future.

City Plan Policy 27 and London Plan Policy T6.2 and T6.3 do not require car parking spaces be associated with office, retail or educational uses in this part of the City – car free developments are required. Therefore, the Highway Planning Manager welcomes the loss of the existing car parking that is proposed. The site is within a Controlled Parking Zone which means if even anyone does drive to the site, they will be subject to those on-street parking controls.

When the Strand/ Aldwych Public Realm scheme is completed, it is understood that accessing Montreal Place will be possible through the Eastern end of Strand, through the southern side of the St Mary le Strand Church and then into Montreal Place. There will be restrictions to access from 10am to midnight, but specific arrangements would be made for exceptions during the restricted hours to allow access for the building occupiers in the area and servicing.

Servicing

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to be provided in new developments. The proposal involves converting part of the courtyard area into a dedicated off-street servicing area, accessed from Montreal Place. This is welcomed by the Highway Planning Manager, and a condition is recommended to ensure that servicing occurs only within this area.

The applicant has supported the application with a Servicing Management Plan. This is welcomed by the Highway Planning Manager, although an updated plan is recommended to be secured by condition. This updated document would need to be more practical for ongoing day to day use and ideally contain further commitments to freight consolidation given the loading bays associated with the site may be able to provide servicing for other sites within the vicinity, including consolidation waste and recycle collection.

A rapid electric vehicle charge point is referenced in the submission for the loading bay. The detail of this is not clear, however. Details of the charging point and its provision is recommended to be secured by condition. It is expected that a rapid charge (minimum 50kW) would be provided to support electric freight delivery vehicle, allowing for top up charging. The provision would be consistent with London Plan and City Plan objectives.

Trip Generation and Travel Plan

While the scheme has no car parking and can be considered “car free”, it is expected that there will be motor vehicle activity associated with the site. Although, the Highway Planning Manager accepts that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling).

Given the sites proposed uses and location, a travel plan is not required.

As set out in the Land Use section of the report, and also recommended by the Highway Planning Manager, an Operational Management Plan is recommended to be secured by condition. This will help manage and mitigate the impacts on the surroundings, including as they relate to trip generation.

8.5 Economic Considerations

As set out in the Land Use section of this report, the proposals would result in economic benefits through an uplift in commercial floorspace or through a higher educational use. These benefits are a welcomed aspect of the proposals. There would also be a short-

term economic benefit by way of jobs generated as a result of the construction works.

8.6 Access

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places. The submission makes clear 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 is proposed into each of the uses with lift access to the upper floors. A condition is recommended to ensure that these measures are provided.

8.7 Other UDP/Westminster Policy Considerations

Energy Strategy/ Sustainability

City Plan Policy 36 and London Plan Policy SI 2 require major development to be net zero-carbon, and follow the energy hierarchy, as set out in the London Plan. Where it is clearly demonstrated that zero-carbon targets cannot be fully achieved on-site, any shortfall can be provided for by a payment in lieu contribution to Westminster's carbon offset fund or off-site. The energy hierarchy includes:

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

Applicants must reduce carbon emissions by at least 15% through using energy efficiency measures under the 'be lean' requirements of the London Plan. The applicant's Energy Statement explains that energy use and demand would be minimised through the choice of new elements (i.e. roofs, walls, windows) with suitable thermal properties; use of energy efficient heating, cooling and ventilation systems (including Air Source Heat Pumps / Variable Refrigerant Flow systems and Mechanical Ventilation with Heat Recovery); use of efficient lighting; amongst other measures. In total, the applicant reports this would result in a reduction of 34.4% in regulated emissions below baseline through these proposed fabric and energy efficiency measures – more than the minimum 15% requirement set out in the London Plan.

In relation to the 'be clean' element of the hierarchy, the applicant has explored the feasibility of connecting to an existing district heating system. There are none which are currently operational in the area. there is a proposed network south of the river Thames, but the applicant does not consider it feasible to connect to this system because of the distance. Nonetheless, a district heating system could be proposed in future and therefore the applicant plans to dedicate a plant room which would allow future connection, and this is recommended to be ensured by condition.

In relation to the 'be green' element of the hierarchy, the applicant proposes the use of Air Source Heat Pumps to provide heating and cooling and proposes to install

photovoltaic panels at roof level in an area measuring 41sqm. It is accepted that these technologies are the most suitable for this type of building and location. While the photovoltaic panels would occupy a relatively small part of the roof, it is accepted that there must be a balance struck between this and other plant equipment (including the heat pumps) as well as other uses for the roof. The photovoltaic panels are likely the most that reasonably that can be provided and using an efficient electric only heating and cooling system is the most appropriate for the building. Therefore, it is considered that the proposals satisfy the 'be green' requirements. Conditions are recommended to ensure that these features are provided.

The applicant explains the proposed development would achieve an overall reduction of regulated carbon emissions of 61.3% - more than the minimum 35% requirement set out in the London Plan. In relation to net zero carbon however, there would be a shortfall which the applicant calculates as 98.8 tonnes of carbon annually. London Policy SI 2 and the Greater London Authority's Energy Assessment Guidance require shortfalls to be met off site or through a payment in lieu contribution of £95 per tonne (for a 30-year period) to the Council's Carbon Offsetting fund. The shortfall in this case is to be met through a payment in lieu contribution amounting to £281,580, which is recommended to be secured via a legal agreement.

In relation to the 'be seen' element of the hierarchy, the legal agreement (see section 8.12 of this report) is recommended to include an obligation to ensure the operational energy performance of the building is monitored in accordance with the London Plan.

City Plan Policy 38 also requires applicant's follow sustainable design principles and requires non-domestic developments achieve at least a BREEAM "Excellent" or equivalent standard. A condition is recommended to ensure the applicant provides evidence that this is achieved.

Biodiversity/ Urban Greening/ Street Trees

City Plan Policy 34 states that, wherever possible, developments will contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Developments should also achieve a biodiversity net gain, wherever feasible and appropriate. London Plan Policy G5 also requires development to contribute to the greening of London and sets an 'Urban Greening Factor' target score of 0.3 for commercial developments.

The existing site contains no planting. The proposals include the introduction of new planters and green wall to allow for new trees and plants within the courtyard and on the roof terraces of the building. During the course of the application, the applicant provided further details regarding soil depths and recalculated the Urban Greening Factor. The applicant reports the site would achieve a score of 0.27. Considering the site is largely built over and that the basement extends underneath the courtyard area, all planting must be within planters. The overall the score, while just below the target level, is a significant improvement over the current situation. While regrettable the target score has not been achieved or exceeded, a balance between the competing elements required to be located on the roofs of the building and within the courtyard must be reached. Therefore, the level of greening proposed in this case is considered acceptable. Conditions are recommended to ensure that it is provided, including further details of the

planting and that some of the roof terrace planting is relocated to improve overlooking impacts on neighbours.

In relation to measures for tree protection required during construction, it is recommended to be secured by legal agreement (see section 8.12 of this report) given that the existing street trees that require protection are outside of the application site.

Air Quality

City Plan Policy 32 commits the City Council to improving air quality in the city, it expects development to reduce exposure to poor air quality, it expects development to improve local air quality and it expects this to be explained within an Air Quality Assessment.

Strand/ Aldwych are busy and polluted roads. The public realm improvements whereby Strand would be partly pedestrianised should improve the situation. Nonetheless, the development could introduce a more sensitive educational use to this area of existing poor air quality.

The proposed development will include mechanical ventilation systems which the Council's Environmental Health Team have confirmed would result in future users of the building benefiting from acceptable air quality – a condition is recommended to ensure that this is provided.

The proposals involve no combustion sources, other than a back up generator. The applicant has carried out an assessment of the generator and the Council's Environmental Health Team agree it would not worsen air quality in the area, subject to a recommended condition regarding the use of the emergency generator.

The proposals also involve the loss of car parking. While vehicles would still be associated with the site, particularly for servicing, the loss of the car parking would reduce vehicle movements associated with the site. Further, as set out section 8.4 of this report, a condition is attached in relation to providing an electric vehicle charging point within the service bay to promote/ help enable servicing to be conducted by electric vehicles. Therefore, air quality would not worsen in this regard.

During construction, there could be temporary impacts on local air quality – however, a condition is recommended to ensure that the applicant provides evidence that they will be bound by the Code of Construction Practice (CoCP). The CoCP requires developers follow best practice which would minimise any of these impacts.

Noise/ Plant

The application includes plant to be located in in parts of the basement and at roof level. The applicant has established the design criteria for the new equipment. The Environmental Health Team raise no objection to the proposal but notes that the acoustic report submitted to support the application does not provided information on the specific plant that would be installed, and therefore a supplementary acoustic report is required which is recommended to be secured by condition, in addition to standard noise conditions.

Refuse /Recycling

Waste and recycling storage areas are proposed at basement level. There would be service lift to allow access from street level and it is proposed that waste collection takes place from the dedicated servicing area. The Waste Project Officer raises no objection to this arrangement, subject to a condition to ensure the waste storage area is provided.

Archaeology

City Plan Policy 39 requires applicants to assess the archaeological potential/ implications of developments and propose the conservation of deposits wherever possible

The site lies in the Tier 1 Archaeological Priority Area covering Lundenwic and the Strand. The area's archaeological importance is nationally significant, encompassing one of England's few major international trading ports of the Middle Saxon period. Historic England's Greater London Archaeological Advisory Service (GLAAS) initially provided comment stating that the applicant must carry out further investigative work before a planning decision is made. Therefore, during the course of the application, the applicant ensured test pits were dug. These have identified deep truncation down into the natural London Clay, and no archaeological remains were found in the test pits. GLAAS have explained that comparison with levels of features found in nearby excavations suggests that only the lower parts of deep features such as cellars and wells might survive in this area.

GLAAS advise that the Bush House complex has generally low archaeological potential, although they think it is possible that individual features of significance might survive in meaningful form. But the likely significance of potential discoveries is such that the effect can be managed using a planning condition. Therefore, a suitable archaeological condition is recommended.

Education and Skills

City Plan Policy 18 states major developments will contribute to improved employment prospects for local residents, and this will include through financial contributions toward employment, education and skills initiatives. A contribution, in line with the Council's Inclusive Economy and Employment guidance, is recommended to be secured by legal agreement (see section 8.12 of this report).

Flood risk and sustainable urban drainage

The site is outside of flood risk zones 2 or 3 and is outside of a Surface Water Flooding Hotspot. Therefore, the risk of flooding is low in this location. New developments can lead to increased risks of flooding in the city, however. Therefore, City Plan Policy 35 requires new development to incorporate Sustainable Drainage Systems (SuDS) to help alleviate the risk of flooding and reduce water run-off, and the applicant has submitted a SuDS strategy. It sets out that water attenuation would be achieved through planting and blue roofs, which will include permeable surfaces. The applicant reports that their measures would provide a 49% betterment on the existing surface discharge rate.

Contaminated land

The Environmental Health Team have explained historic maps from the 1870s suggest a printing factory and an iron foundry where located near to the application site. These uses could have contaminated the land and therefore a condition is recommended to ensure the applicant investigates and mitigates this risk appropriately.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. 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

None relevant.

8.10 London Plan

Where relevant, the London Plan Policies relating to strategic issues are addressed within this report. The strategic issues include:

- Economic growth;
- Skills and education;
- World city role;
- Central Activities Zone;
- Urban design;
- Heritage;
- Inclusive access;
- Sustainable development; and
- Transport and parking.

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 conditions, these include:

- to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development
- to ensure the possibility of contaminated land is investigated and mitigated; and
- to ensure the possibility of archaeological remains are suitably investigated and harms mitigated.

The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- a) A financial contribution of £281,580 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
- b) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- c) In the event the office use is implemented, a financial contribution of £132,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);
- d) Measures to protect the trees adjacent to the site during the works; and
- e) The costs of monitoring the S106 agreement.

The estimated Community Infrastructure Levy (CIL) payments are:

Mayor of London CIL: £745,484.17

Westminster CIL: £997,960.15

8.13 Environmental Impact Assessment

The proposals are not of a large that trigger a requirement for an environmental impact assessment.

8.14 Other Issues

Construction impact

The High Commission of India have raised concern regarding the negative consequences the construction work would have in terms of noise, disturbance and other disruption/ pollution. The applicant has submitted a draft signed proforma Appendix A of the Code of Construction Practice (CoCP) which demonstrates that the applicant would be willing to comply with the code. The CoCP recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control

over the monitoring of construction impacts. The CoCP requires approval for all aspects of the demolition and construction, including construction logistics. Given this, a pre-commencement condition requiring evidence be submitted to show the applicant will be bound by the CoCP is recommended. A further condition to ensure that noisy building is not carried out at anti-social times is recommended. These conditions would help mitigate the impact on neighbouring occupiers.

Crime and security

City Plan Policy 38 requires development introduce measures to reduce the opportunity for crime and anti-social behaviour. Prior to and during the course of the application, the applicant discussed their proposals with the Designing Out Crime and Counter Terrorism Officers of the Metropolitan Police Service. The High Commission of India have raised concern regarding the impact of the proposal on the security of their premise.

The existing building's courtyard area is shared between the High Commission, King's College London and the application site. Access into this courtyard is controlled through gates and limited to authorised personnel. The proposals seek to build on and landscape part of the courtyard, but access for the parts of the courtyard not controlled by the applicant would be maintained. The courtyard would be divided by a gate and fence across it to create an area separate from the landscaped area which would be shared between the application site (for use as a servicing area) and the High Commission (to allow them to continue to use the area for their car parking)

The applicant has updated their proposals to provide an 'air-lock' vehicle access control system into the shared area between the application site and the High Commission, which the Counter Terrorism officer notes would improve security access into the shared area. Both buildings will also benefit from the vehicle access control to be incorporated in the new Strand/ Aldwych public realm scheme which will see vehicle access limited into Montreal Place as well as new hostile vehicle measures put in on Strand and Aldwych.

The remaining part of the courtyard which would be landscaped would allow for occupiers of the development to enjoy an outside space. Given the proposed gate and fence separating this area, it would not pose any significant increase in security risk to India House. This landscape area would also only be for authorised visitors/ users of the building (like the current courtyard) and this area would be physically separated by the gate and fence in any case. While the applicant had initially proposed for the landscape area to be public and proposed to create a north south pedestrian connection between Strand and Aldwych, the applicant does not have full control of the land involved. The gate on the Strand entrance and the gate on Aldwych entrance of the courtyard are not in the applicant's ownership, and so it is outside of their gift to propose. While this could have been a benefit to the area, in terms of security and access into the courtyard it means the proposed situation would be comparable to the existing situation.

The High Commission have verbally raised further concerns regarding the gates at Montreal Place and the control of them. The High Commission explain that they have access rights into the courtyard and, given the current and proposed gates to the Montreal Place entrance would be operated and controlled by a third party, this would be unsatisfactory to them. While ownership and rights of access into the courtyard is a

matter the Applicant and the adjoining building owners must resolve between themselves (the Council should not be involved), an Operational Management Plan is recommended to be secured by condition. The recommended condition requires the Applicant explain the security arrangements of the building, including as they relate to the courtyard. This would ensure that suitable arrangements are approved that make sure the development does not pose a security risk to the area or the operations of the High Commission. The High Commission have also raised numerous concerns regarding the public realm scheme on Strand/ Aldwych and the impact that it has had on them, however these concerns are outside of the scope of consideration for this application.

The development also includes various other security features, including access control, internal and external closed circuit television cameras. The Designing Out Crime Officer made several recommendations to ensure the opportunities for crime is limited, the applicant is aware of these recommendations and should be able to implement them. A further condition is recommended to ensure the applicant achieves 'Secured by Design' accreditation.

Fire strategy

London Plan Policy D12 requires developments minimise fire risk and major applications must submit a Fire Statement. The applicant has provided a Fire Statement, which has been produced by a suitably qualified third party assessor. It details how the development is to be built, how adequate means of escape is managed and what features and equipment will reduce fire risk/ mitigate fire. A condition is recommended to ensure the measures are implemented.

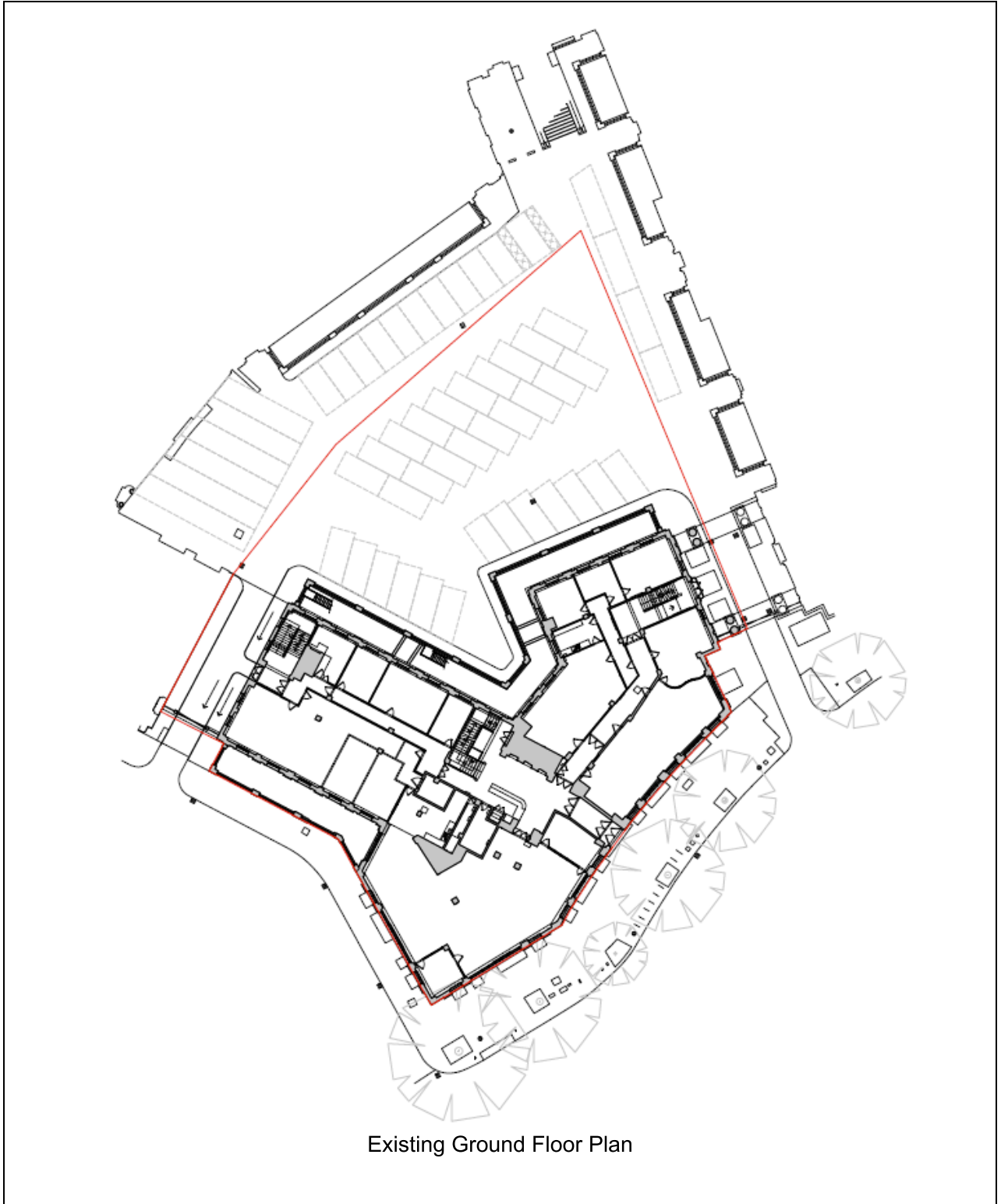
Thames Water

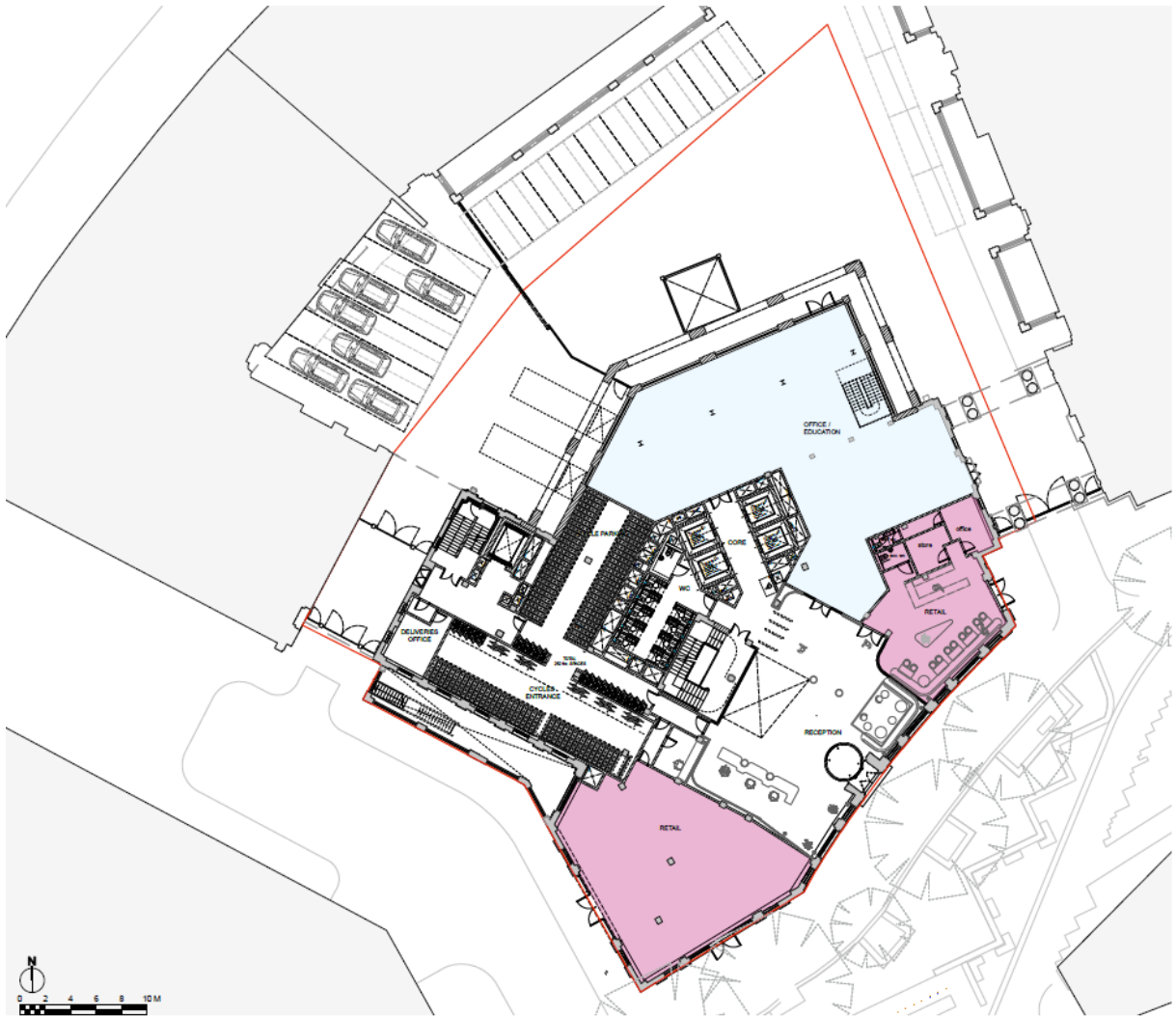
Thames Water have raised no objection to the impact the development would have on the capacity of the waste water network, the water network and water treatment. A condition is recommended to ensure the applicant provides details of the piling method to ensure Thames Water's infrastructure is not harmed.

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

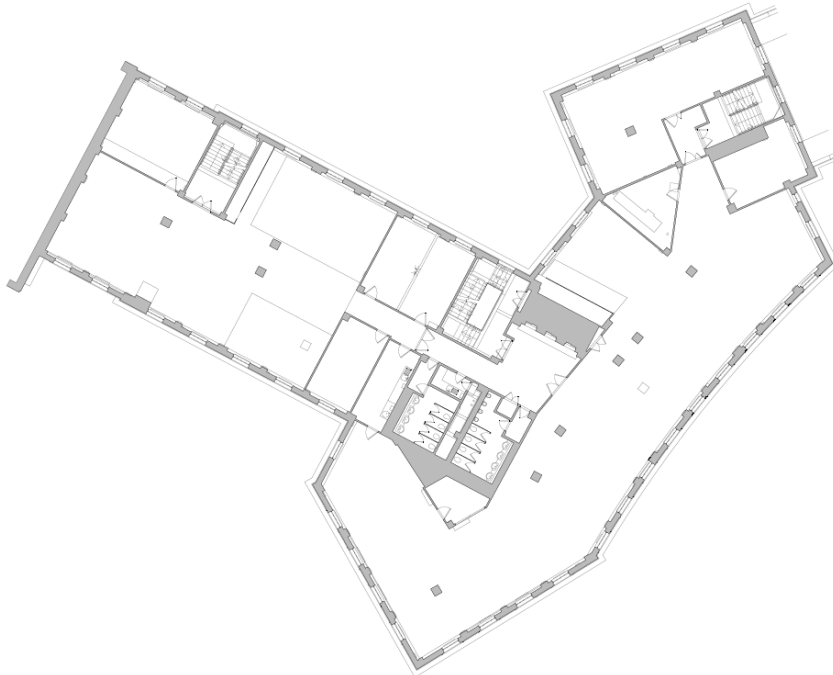
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

9. KEY DRAWINGS

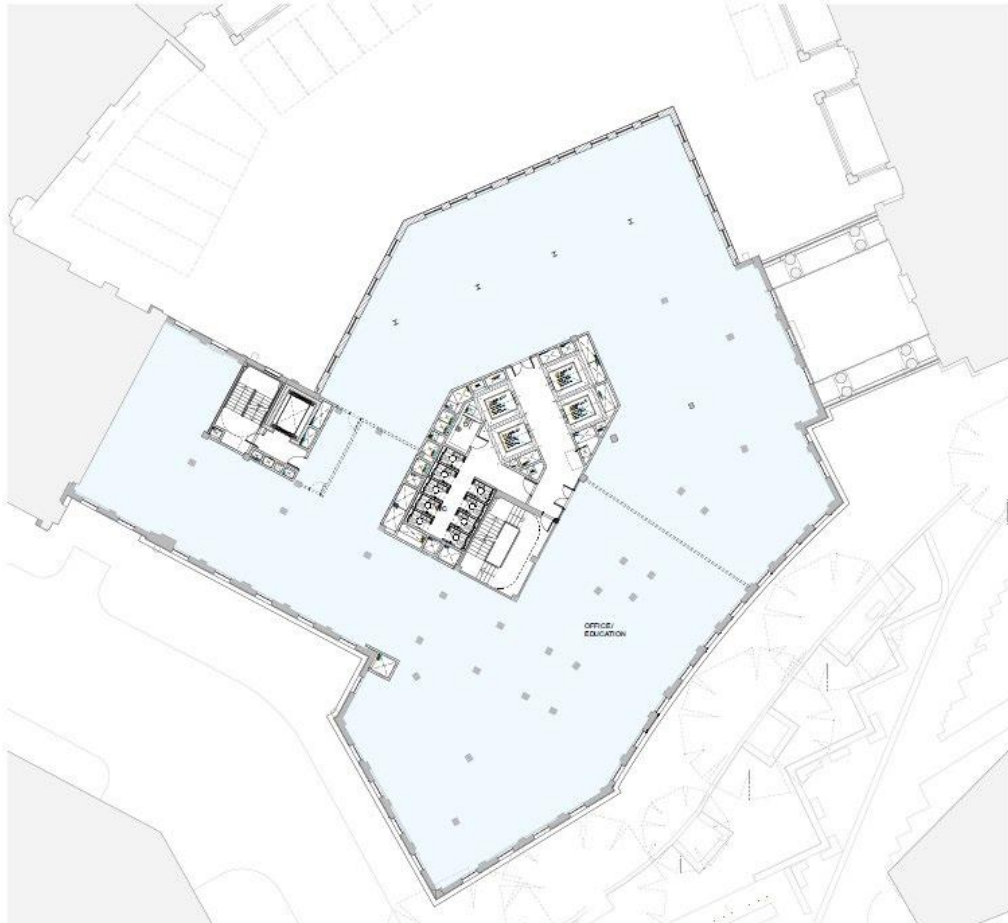


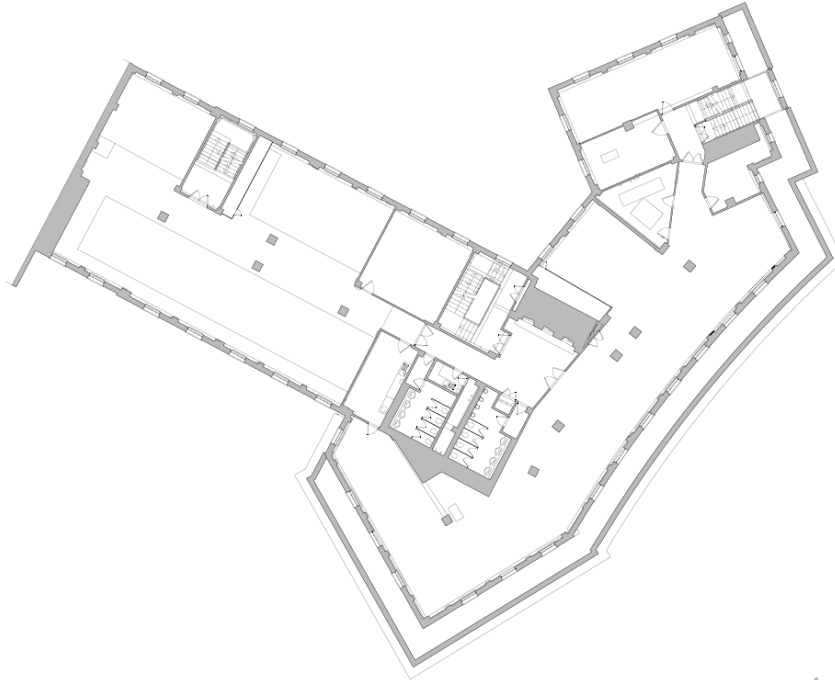


Proposed Ground Floor Plan



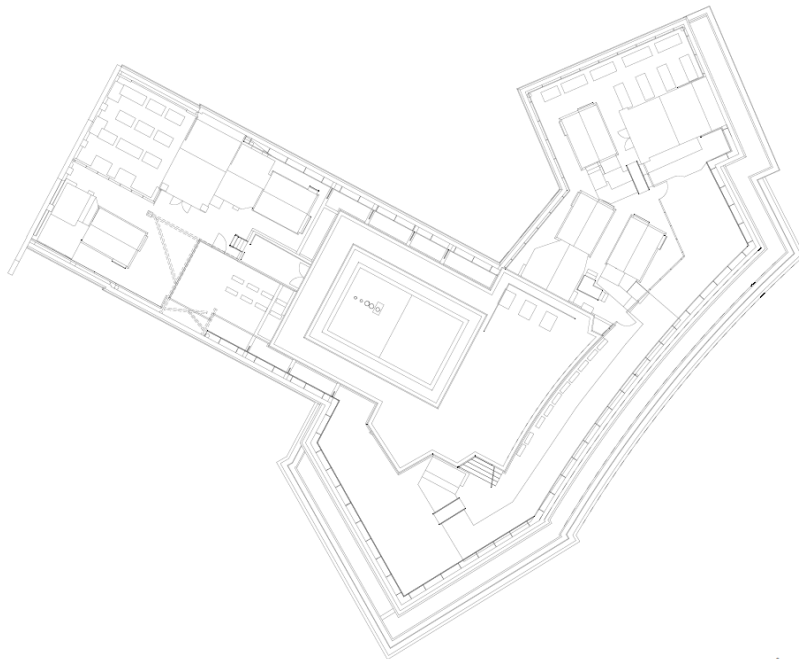
Existing and Proposed Typical Upper Floor Plan



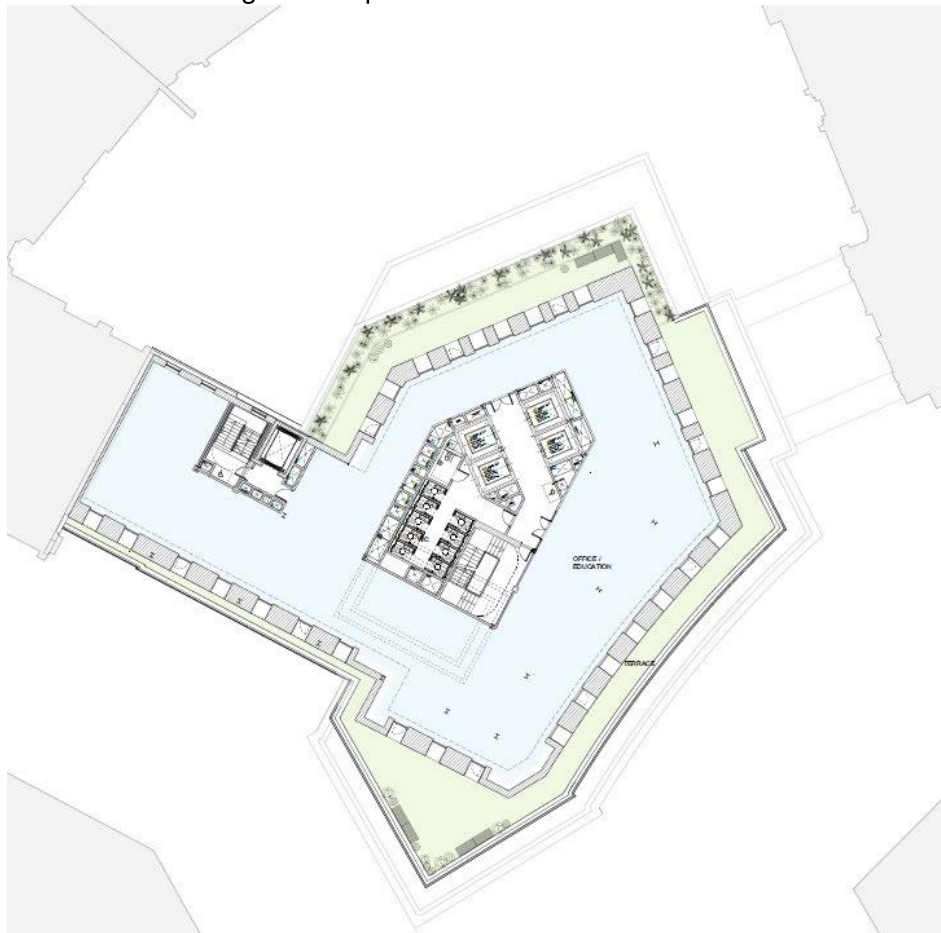


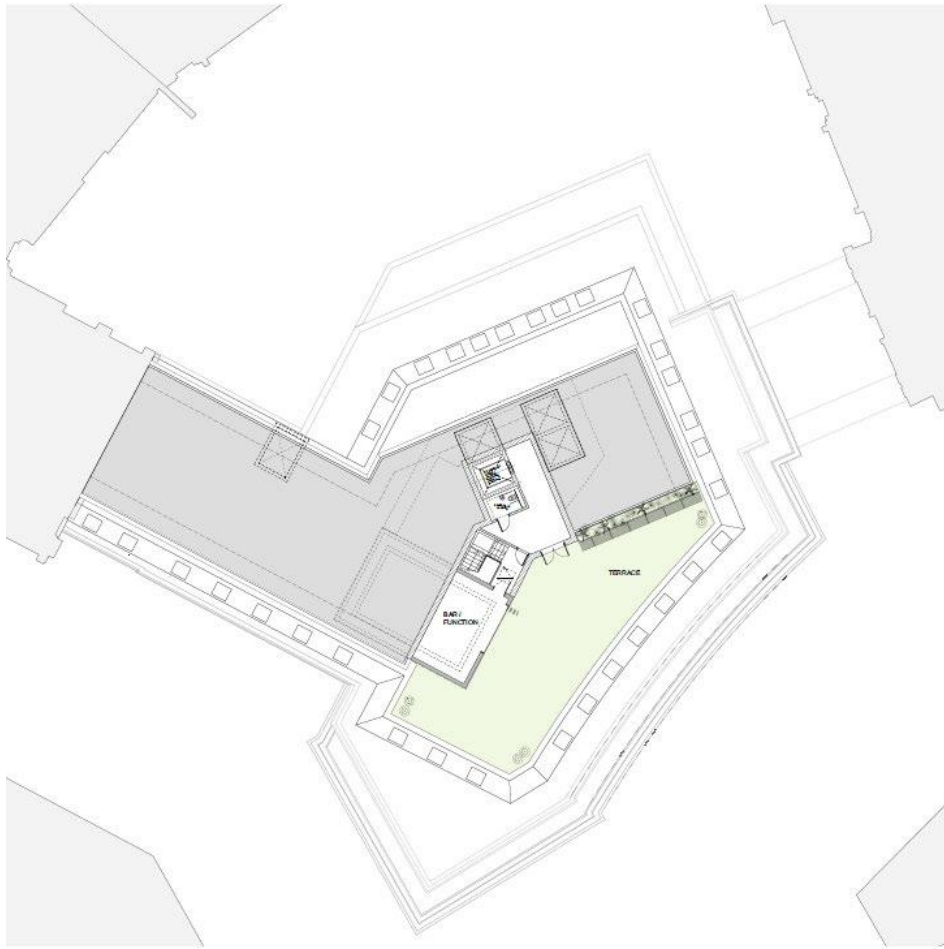
Existing and Proposed Seventh Floor





Existing and Proposed Roof Plan/ Ninth Floor Plan

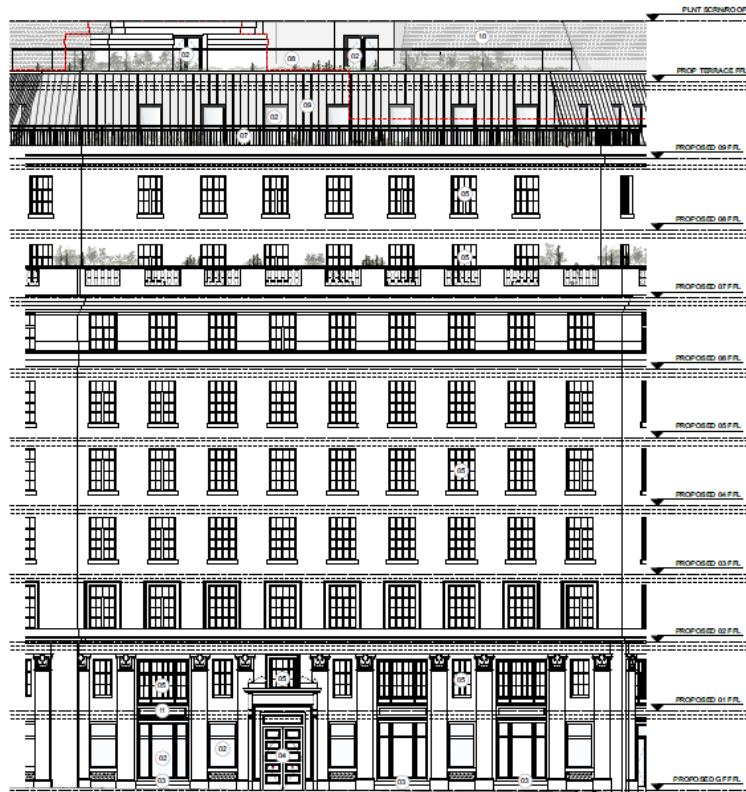


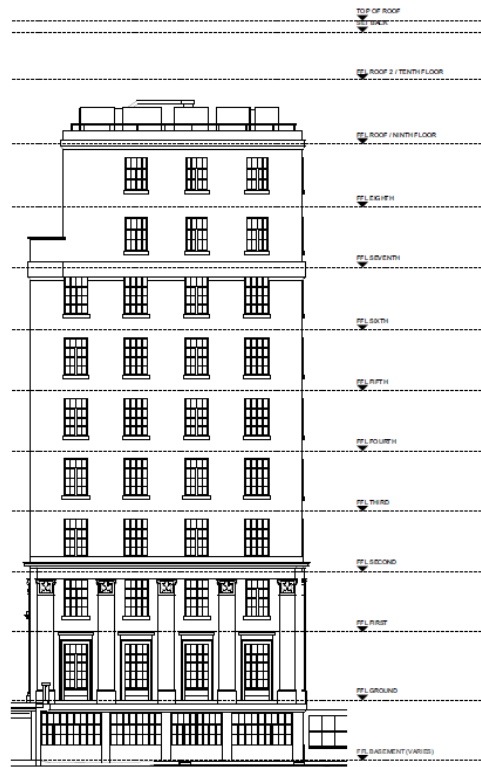


Proposed Roof Plan

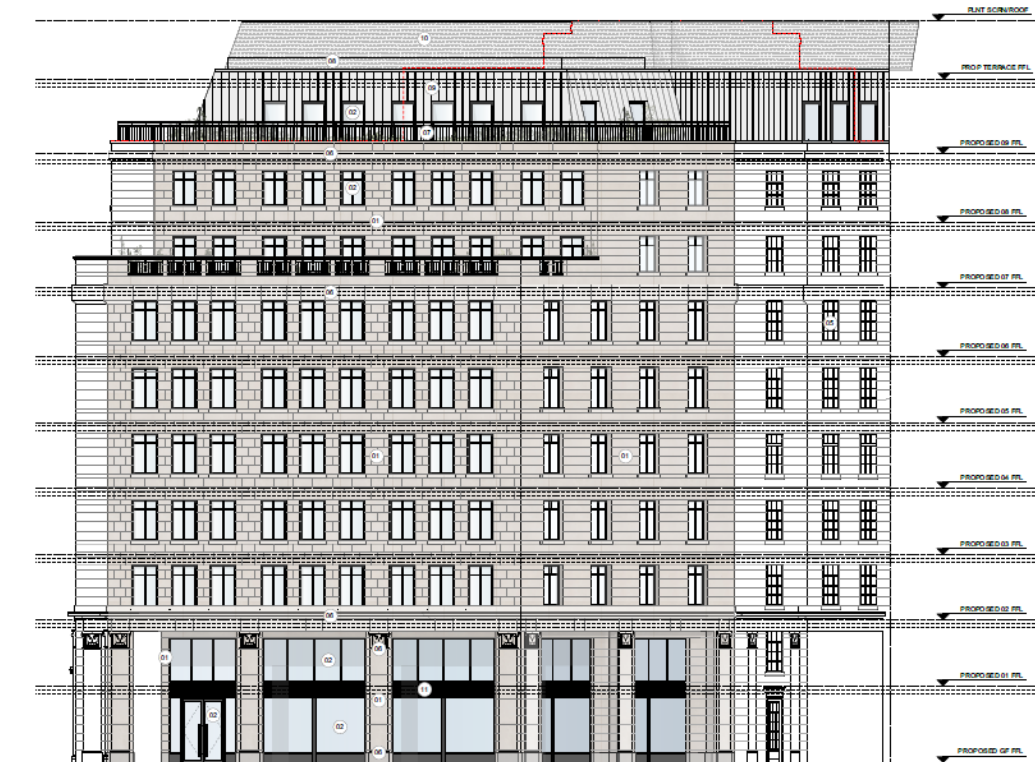


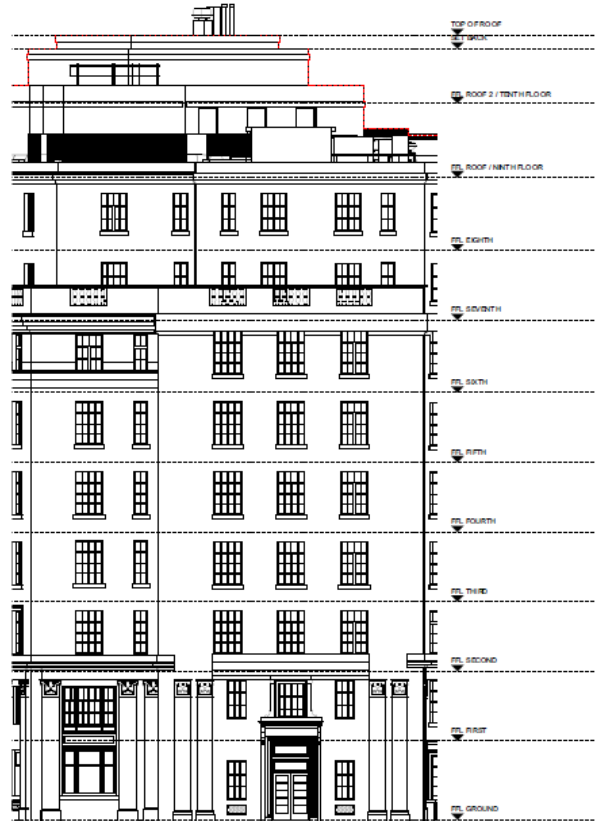
Existing and Proposed Strand Elevation



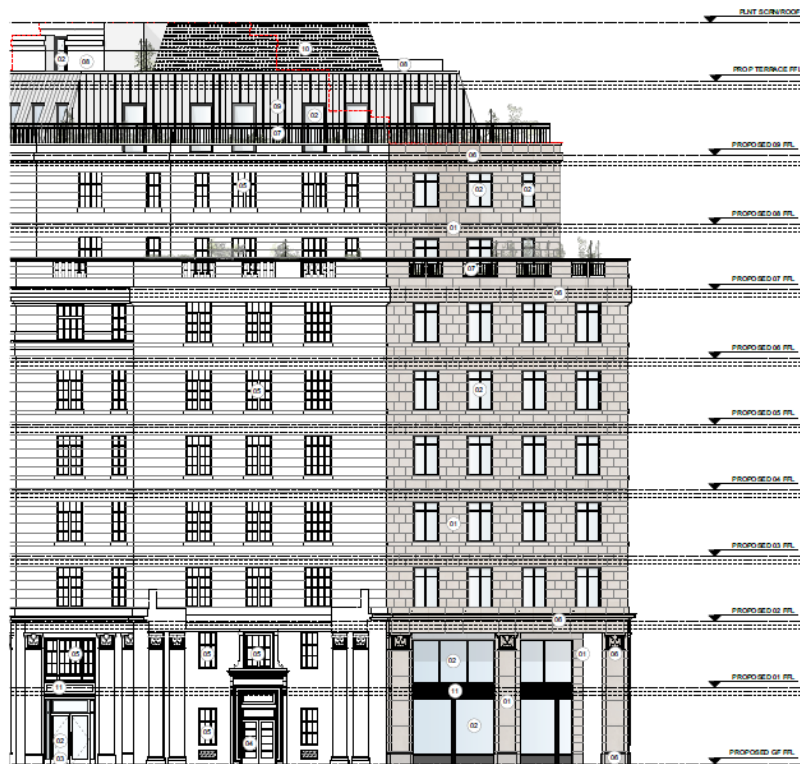


Existing and Proposed Courtyard Elevation





Existing and Proposed Side Elevation







DRAFT DECISION LETTER

- Address:** South West Wing, Bush House, Strand, London, WC2B 4RD
- Proposal:** Refurbishment and reconfiguration of the existing Bush House South-West Wing including an extension at roof level, rear extension; minor demolition works associated with internal and external alterations to provide class E at ground floor and dual alternative use for either Class E (office) or Class F1 (educational) at basement, part ground floor and first to ninth floor, restaurant (Class E) and outdoor terrace at 10th floor, hard and soft landscaping and associated works.
- Reference:** 21/07179/FULL
- Plan Nos:** Existing Drawings:
 ST-EX-01-001 rev P01; ST-EX-01-002 rev P01; ST-EX-02-099 rev P01; ST-EX-01-100 rev P01; ST-EX-02-100 rev P01; ST-EX-02-101 rev P01; ST-EX-02-102 rev P01; ST-EX-02-103 rev P01; ST-EX-02-104 rev P01; ST-EX-02-105 rev P01; ST-EX-02-106 rev P01; ST-EX-02-107 rev P01; ST-EX-02-108 rev P01; ST-EX-02-109 rev P01; ST-EX-03-101 rev P01; ST-EX-03-102 rev P01; ST-EX-03-103 rev P01; ST-EX-03-104 rev P01; ST-EX-03-105 rev P01; ST-EX-03-106 rev P01; ST-EX-03-107 rev P01; ST-EX-03-108 rev P01; ST-EX-03-109 rev P01; ST-EX-03-110 rev P01; ST-EX-03-111 rev P01; ST-PR-03-117 rev P01.
- Proposed Drawings:
 ST-PR-02-099 rev P01; ST-PR-02-100 rev P02; ST-PR-02-101 rev P01; ST-PR-02-102 rev P01; ST-PR-02-103 rev P01; ST-PR-02-104 rev P01; ST-PR-02-105 rev P01; ST-PR-02-106 rev P01; ST-PR-02-107 rev P01; ST-PR-02-108 rev P01; ST-PR-02-109 rev P01; ST-PR-02-110 rev P01; ST-PR-02-111 rev P02; ST-PR-03-102 rev P02; ST-PR-03-103 rev P02; ST-PR-03-105 rev P02; ST-PR-03-106 rev P02; ST-PR-03-107 rev P01; ST-PR-03-108 rev P01; ST-PR-03-109 rev P01; ST-PR-03-111 rev P02; ST-PR-03-117 rev P01; ST-PR-04-103 rev P01.
- Demolition Drawings:
 ST-DM-03-101 rev P01; ST-DM-03-102 rev P01; ST-DM-03-103 rev P01; ST-DM-03-104 rev P01; ST-DM-03-105 rev P01; ST-DM-03-106 rev P01; ST-DM-03-107 rev P01; ST-DM-03-108 rev P01; ST-DM-03-109 rev P01; ST-DM-03-110 rev P01; ST-DM-03-111 rev P01.
- Documents:
 Planning Statement dated October 2021; Townscape, Visual Impact and Heritage Assessment dated October 2021; Daylight and Sunlight Report dated October 2021; Design and Access Statement dated October 2021; Arboricultural Report dated October 2021; Landscape Strategy dated October 2021 and Landscape Design Updated dated January 2022; SuDS Report dated October 2021; Air Quality Assessment dated October 2021; Security Summary dated February 2022; Waste Management Strategy dated October 2021; Delivery and Servicing Plan dated October 2021; Archaeological desk-basement assessment dated October 2021 and Pre-determination Evaluation Report dated January 2022; Fire Statement dated October 2021; Acoustic Report dated 18 January 2022; Ventilation & Extract Statement dated October 2021; Energy Statement dated October 2021; Transport

Item No.
2

Statement dated October 2021.

For Information Only:

Cover Letter dated October 2021; Letters (x2) from planning agent dated 10 and 26 January 2022; Ground Contamination Summary dated October 2021; Flood Risk Assessment dated October 2021; Utility Connections dated October 2021; Draft Appendix A Checklists dated October 2021; BREEAM Ecology Report dated October 2021.

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

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 **Pre Commencement Condition.** Prior to the commencement of any:
 - (a) demolition, and/or
 - (b) earthworks/piling and/or
 - (c) constructionon 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 You can use the ground floor commercial units for any use 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) except as:

E(c) financial/ professional services;
 E(d) indoor recreation; E(e) medical/ health services;
 E(f) Creche/ nursery; or
 E(g) Office/ research and development/ light industry.

Reason:

We cannot grant planning permission for unrestricted use within Class E because it would harm the character and function of the Central Actives Zone and West End Retail and Leisure Special Policy Area. This would not meet Policies 1, 2, 14 and 16 of the City Plan 2019 - 2040 (April 2021).

- 5 In the event you implement the office (Class E) use on the basement, part ground floor and first to ninth floor (as shown on the approved drawings), you can use this area for any use 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) except as:

E(a) retail;
 E(b) restaurant/ café;
 E(d) indoor recreation;
 E(e) medical/ health services; or
 E(f) Creche/ nursery.

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Actives Zone and the West End Retail and Leisure Special Policy Area. The office accommodation also contributes to meeting the business and employment needs of the City. An unrestricted Class E could also harm the amenity of neighbouring occupiers, local environmental quality and the highway network. This would not meet Policies 1, 2, 7, 13, 16, 28, 29 and

33 of the City Plan 2019 - 2040 (April 2021).

- 6 In the event you implement the educational (Class F1) use on the basement, part ground floor and first to ninth floor (as shown on the approved drawings), you must use the area only for higher education. You must not use it for any other purpose, including any within Class F1 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). (C05AC)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 18 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 7 In the event you implement the educational use (Class F1), you must apply to us for a plan detailing how the new educational facility will be used outside of core operation hours for ancillary community or recreational uses. You must not occupy the educational use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved plan at all times that the educational facility is in use.

Reason:

To make sure that the development maximises the community benefits of new the educational use, as set out in Policy 18 of the City Plan 2019 - 2040 (April 2021).

- 8 You must apply to us for approval of an Operational Management Plan for the building. The Operational Management Plan must include details of:

- (a) Student and staff numbers/ capacity of the building if you implement the educational use;
- (b) Hours the building would be open to students if you implement the educational use;
- (c) Management of external spaces, including the courtyard;
- (c) Management of the building; and
- (d) Security arrangements, including access arrangements into the courtyard and how gates would be managed.

You must not occupy any part of the building until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times.

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)

- 9 Customers shall not be permitted within the ground floor commercial (retail/ restaurant) premises before 07:00 hours or after 00:00 each day. (C12AD)

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)

- 10 No music shall be played within the building such as to be audible outside the premises. No music shall be played on the roof terraces.

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). (R13BD)

- 11 The terraces hereby approved shall only be used between 08:00 and 21:00 hours Monday to Friday only.

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). (R13BD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 13 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

- a. New windows (sections and elevations scaled 1:10)
- b. New shopfronts and external doors (sections and elevations)
- c. Plant enclosures (including details of materials, colour and finish)
- d. New roof terrace balustrading;
- e. New gates/ barriers.

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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 15 You must provide each long stay cycle parking space and associated facilities for cyclists inside the building, as shown on the approved drawings, prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 16 You must apply to us for approval of details of the short stay cycle storage in the external courtyard. 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 office or educational part of the building. You must not use the cycle storage for any other purpose.

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)

- 17 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number ST-PR-02-099 Rev P01 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 building. (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)

- 18 You must apply to us for approval of a Servicing Management Plan prior to the occupation of the building hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing Management Plan is submitted to and approved by the City Council.

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)

- 19 All areas for off-street servicing within the courtyard, and associated areas within the building, as shown on approved drawings must be retained for this purpose for the life of the development and used for no other purpose.

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)

- 20 You must apply to us for approval of details of an electric vehicle charger within the servicing bay. It must provide at least a rapid charge (minimum 50kW). You must not occupy any part of the development until we have approved in writing what you have sent us. You must then provide the charger prior to occupation of the development and thereafter permanently retain the charger according to these details. You must make the charger available at all times to vehicles using the servicing bay.

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)

- 21 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated Oct 2021 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 22 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.

Air Source Heat Pumps; and
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)

- 23 You must apply to us for our written approval of an independent review of the energy

efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

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)

- 24 Prior to the occupation of the building you must provide sufficient ducting space for full fibre connectivity infrastructure within the development.

Reason:

To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness, as set out in Policy SI 6 of the London Plan (March 2021).

- 25 You must apply to us for approval of detailed drawings of the planters, details of their locations and a bio-diversity management plan in relation to the planters and green wall to include construction method, layout, species and maintenance regime. These details should show the planters in positions which help mitigate overlooking of neighbours.

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. You must not remove any of the features.

Reason:

To increase the biodiversity of the environment and to protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33, 34 and 38 of the City Plan 2019 - 2040 (April 2021).

- 26 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 2 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 of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 -

2040 (April 2021). (R30BD)

- 27 You must apply to us for details of the volume, depths, specification and profile of the soil which you propose in the areas of soft landscaping, including details of the drainage layer and other components. The soil volumes and depth must be the same as or greater than the soil depths and volumes proposed in your Landscape Design Update dated January 2022. You must include a methodology for installing the soil and drainage layer without causing contamination or compaction. You must not start any work on this part of the development until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 28 (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 Environmental Supplementary Planning Document (May 2021), 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)

- 29 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 Environmental Supplementary Planning Document (May 2021). (R48AB)

- 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) 28 and 29 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 Environmental Supplementary Planning Document (May 2021), 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 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 E and Class F1 uses 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 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 E and Class F1 uses 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 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 written 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. (C47AC)

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 Environmental Supplementary Planning Document (May 2021), 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)

- 32 In the event you implement the educational (Class F1) use, you must apply to us for approval of details of a system of mechanical ventilation. The ventilation system shall be capable of ensuring that:

1. A system of air quality filtration is installed and or inlets are positioned so that they are drawing air of a sufficient quality so that the National Air Quality Objectives and WHO guideline levels for Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{10/12s}) are not exceeded within the properties.

You must not start work on this system until we have approved what you have sent us. You must carry out the work according to the approved details. The system must be installed and operational before the occupation the educational (Class F1) use and the system shall be checked and maintained in accordance with the manufacturer's specification and retained unless otherwise agreed by us.,

Reason:

Because existing external ambient air quality levels exceed the National air quality objectives and WHO Guideline Levels and you propose a sensitive use (education). This is as set out with Policy 32 of the City Plan 2019 - 2040 (April 2021).

- 33 In the event you use a ground floor commercial unit as a restaurant/ cafe, you must apply to us for approval of details of the ventilation system to get rid of cooking smells for that unit, including details of how it will be built and how it will look. You must not begin the restaurant/ café use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 34 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short-Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

o Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA₉₀, 15 mins over the testing period) by more than 10 dB one metre outside any premises.

o The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

- o Flues for the generators shall terminated at 3m above roof level
- o 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, and cause air pollution as they operate on diesel. In accordance with Policies 7, 32 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental SPD (May 2021), 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 and pollution to residents and those working nearby.

- 35 You must carry out the measures included in your Fire Statement dated October 2021 before anyone uses the building, and you must ensure the fire safety features are installed and adequately maintained.

Reason:

In the interest of fire safety, as set out in Policy D12 of the London Plan (March 2021).

- 36 No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

To protect underground sewerage utility infrastructure which is in close proximity, in accordance with Policy SI 5 of the London Plan (March 2021).

- 37 **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)

- 38 The building shall be designed to allow future connection to a district heating network and you must provide an intake room, as set out in the Energy Statement dated 14 October 2021, prior to the occupation of the building. In the event that connection is made to the district heating network, you must not use the intake room for any other purpose.

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)

- 39 **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. 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 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)

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

development

- PV panels at roof level.

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:

- 41 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

Prior to the occupation of each use a "Secured by Design" accreditation shall be obtained for each use and thereafter all features are to be permanently retained

Reason:

To reduce the chances of crime without harming as set out in Policy 38 of the City Plan 2019-2040 (April 2021).

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 When you apply to us for approval of the details of the hard and soft landscaping scheme you should use standard rather than multi-stemmed trees. You should also ensure that the terrace planters are positioned to minimise overlooking issues.
- 3 The written scheme of investigation will need to be prepared and implemented by a suitably 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.

- 4 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

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

- 5 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 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. 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 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 8 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 9 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 10 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.
- 11 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/planning-building-and-environmental-regulations/building-control.
- 12 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 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

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

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 14 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)
- 15 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 16 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.
- 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.
- 17 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and

existing road levels at each access point.

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

- 18 Any pruning works to the Council-owned street trees must be agreed in writing with the Council's tree officer and must be carried out by the Council's term contactor Gristwood and Toms, unless otherwise agreed in writing with us.
- 19 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) 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.

- 20 This permission is governed by a legal agreement under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) A financial contribution of £281,580 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
 - b) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
 - c) In the event the office use is implemented, a financial contribution of £132,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);
 - d) Measures to protect the trees adjacent to the site during the works; and
 - e) The costs of monitoring the S106 agreement.

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2

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 th March 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Queen's Park	
Subject of Report	581 - 587 Harrow Road, London, W10 4RH		
Proposal	Demolition of the existing buildings, construction of part 4, part 5 and part 6 storey building to create ground floor commercial space and twenty five, 1-bedroom flats with private balconies, bicycle storage, refuse storage and communal roof terrace.		
Agent	Metashape Limited		
On behalf of	City West Homes		
Registered Number	21/08497/COFUL	Date amended/ completed	22 December 2021
Date Application Received	13 December 2021		
Historic Building Grade	Unlisted		
Conservation Area	<p>Outside.</p> <p>The Queens Park Estate Conservation Area lies further away to the north east of the site.</p> <p>To the west of the site within the Royal Borough of Kensington & Chelsea is the Kensal Green Conservation Area.</p>		
Neighbourhood Plan	Queens Park Neighbourhood Plan		
Designated Area in City Plan	North West Economic Development Area		

1. RECOMMENDATION

1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure:-
 - a) Provision of 25, one bedroom intermediate homes for rent, let at London Living Rents, with tenancies for a maximum period of five years.
 - b) A financial contribution of £7,500.00 towards the Westminster Employment Service (index linked and payable on commencement of development).
 - c) A financial contribution of £27,520 towards Carbon Offset Fund (index linked and payable on commencement of development).

- d) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the existing vehicle crossovers (Harrow Road and St John's Terrace) as footway and creation of on-street parking bays and electric vehicle charging point (subject to detail design and the approval of the Highway Authority). Threshold level checks prior to commencement of development. All of the above to the Council's specification, at full cost (administrative, legal, and physical) of the developer.
- e) Lifetime Car Club Membership for Residential Occupiers from first occupation of the development. (Car Club operator must be a CarPlus member).
- f) Monitoring costs

2.If the s106 agreement has not been completed within 3 months from the date of the Committee's 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 an appropriate timescale, and that the proposals are unacceptable in the absence of 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.

2. SUMMARY

Permission is sought for the redevelopment of this unlisted building outside of a conservation area, to provide a new building of up to 6 storeys to accommodate 25 new affordable housing units and a small commercial unit. The proposed development is generally supported, and no objection has been raised by the Queens Park Community Council. A single representation of objection has been received from a local resident on grounds that the building is too big and its impact on residential amenity.

The key issues are:-

- The scale, bulk, height, and design of the proposed building in townscape terms.
- The impact of the proposed building on the amenities of surrounding residential occupiers.

For the reasons set out in this report, the proposal accords with the relevant policies of our City Plan and London Plan. As such, it is recommended to grant conditional permission subject to the completion of a S106 legal agreement to secure the planning obligations set out in the recommendation.

3. LOCATION PLAN



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4. PHOTOGRAPHS

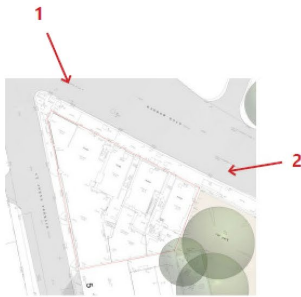


2 SITE CONTEXT AND ANALYSIS

2.13 SITE PHOTOGRAPHS



View 1



View 2

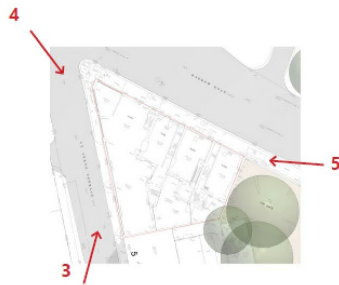
METASHAPE | ARCHITECTS

2 SITE CONTEXT AND ANALYSIS

2.13 SITE PHOTOGRAPHS



View 3



View 4



View 5

METASHAPE | ARCHITECTS

5. CONSULTATIONS

HISTORIC ENGLAND

No comment.

NATURAL ENGLAND

No comment.

ENVIRONMENT AGENCY

Any response to be reported verbally.

TRANSPORT FOR LONDON

Comment. Request Delivery Servicing Plan and Construction Logistics Plan. Seek revisions to the cycle provision and seek car free development, with the exception of disabled person parking with infrastructure for electric or other ultra-low emission vehicles.

HEALTH AND SAFETY EXECUTIVE

No comment. Not of relevant height for Fire Gateway one.

LONDON FIRE AUTHORITY

Any response to be reported verbally.

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

No objection. Suggest informative on construction.

WARD COUNCILLORS FOR QUEENS PARK

Any response to be reported verbally.

QUEENS PARK COMMUNITY COUNCIL

No objection.

HIGHWAYS PLANNING

No objection, subject to conditions and S106 highways obligations.

PROJECTS OFFICER (WASTE)

No objection, subject to condition. Revised details shown on drawing 210 Revision P7 and revised design and access statement acceptable.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ARBORICULTURAL MANAGER

Objection. Insufficient and inaccurate information with respect to the potential impact on trees within Kensal House. Insufficient or unacceptable information with respect to soft landscaping to gardens, green/blue roofs and planting to communal roof terrace.

BUILDING CONTROL/LOCAL FLOOD AUTHORITY

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER (DOCO)

No objection. Scheme could achieve a Secured by Design accreditation- request condition is imposed to secure this.

HOUSING MANAGER

Support. Westminster Community Homes (WCH) 100% affordable housing scheme is welcomed by Housing and will assist with the need for increased intermediate affordable housing provision in the City. The proposals are for 25x 1bed intermediate homes for rent, let at London Living Rents and the scheme is part of WCH's "Horizon" initiative that enables tenants to build up a deposit to put towards a move into home ownership, including shared ownership at the end of their tenancy. Tenancies provided will be for a maximum period of five years and tenants who have complied with their tenancy terms will be provided with financial assistance into home ownership at the end of that tenancy.

The development has been discussed by WCH in advance with Westminster Housing and the Council is providing part funding to WCH in addition to grant funding secured by WCH from the GLA. The Council operates its own intermediate housing service and waiting list and will nominate successful applicants who are eligible for intermediate housing into the scheme once completed. There are presently over 2,000 applicants registered for intermediate housing in the City, with around 80% eligible for 1bed intermediate housing. While the scheme does not include social housing provision and does not include wheelchair adaptable housing, it is a 100% affordable scheme is therefore supported by Housing.

EMPLOYMENT AND ECONOMY

Comment. Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2021), this scheme needs is required to provide a financial contribution of £7,500.

SCHOOLS AND CHILDRENS SERVICES

No objection. The impact on demand for school places or other children's services locally is minimal.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No.consulted: 135 Total.No.of Replies: 1

No. of objections: 1

No.of Support: 0

- Sheer size of the proposed building is too big for the location.
- Loss of sunlight to neighbouring flats
- Loss of natural views to neighbouring flats
- Loss of privacy
- The road isn't big enough to begin, we will be so close to the other properties we'll be able to have conversations with each other without leaving our flats. It's an invasion of our privacy and you shouldn't feel uncomfortable in your own home.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises Nos. 581-587 Harrow Road. The buildings on site are two/ three storey terraced buildings with a rear single storey building in use as a tyre fitting company with shop, tyre storage and ancillary office (now vacated) along with residential flats on the upper floors. The buildings are not listed and do not fall within a conservation area.

The adjacent building at Nos. 535-579 Harrow Road, known as Kensal House, is Grade II listed and the trees within this adjacent site are protected by Tree Preservation Orders (TPOs). St John's Wood terrace comprises of two-storey terrace properties (5-19), with 5 St John's Wood Terrace flanking the application site. On the opposite corner of Harrow Road and St John's Wood Terrace lies 591-593 Harrow Road, a part 3/ part 5 storey modern residential block of flats (around 9m away). 2 St John's Terrace lies opposite the site as does Steve Biko Court. At the end of St John's Wood Terrace (a cul de sac) is Victoria Wharf (phase 1) a modern 5-storey residential block of flats that sits alongside the Grand Union Canal. St John's Church (Grade II listed) and the Telephone Exchange building, both lie on the opposite side of Harrow Road (around 20m away) with Clifford House and Willow House further west.

The Queens Park Estate Conservation Area lies further away to the north east of the site. To the west of the site within the Royal Borough of Kensington and Chelsea is Kensal Green (All Souls) Cemetery a Grade I listed registered park and garden, which contains a number of listed buildings, including the Grade II* listed Dissenters Chapel and which lies within the Kensal Green Conservation Area. Other nearby listed buildings of note are the grade II* Entrance Gateway opposite Wellington Road and the grade II listed E M Lander's Stonemasons Showroom.

The site is located within the designated North West Economic Development Area. The A404 Harrow Road forms is part of Westminster's Strategic Road Network (WSRN).

The boundary of the Royal Borough of Kensington and Chelsea lies to the west and south of the site and the boundary with Brent further away to the north west of the site.

6.2 Recent Relevant History

Conditional planning permission was granted on 30.11.2017 for Redevelopment to provide part three, part four, part five storey building with basement car park comprising eight residential units (3 x 1 bedroom, 2 x 2 bedroom, and 3 x 3 bedroom) on upper floors and offices (Class B1) at ground floor and part first and second floors. (Site includes 581-587 Harrow Road).(15/03369/FULL)This permission is governed by a legal agreement under S.106 of the Town and Country Planning Act 1990. The Undertaking relates to:-

ii) cost of highways works associated with the removal of redundant crossover on Harrow Road and reinstatement of pavement and kerbs and the provision of a new vehicular access crossover on St John's Terrace.

Permission granted on 29.10.2018 for Variation and removal of conditions 1 (approved plans), 3 (waste store), 8 (car parking), 9 (basement construction), 19 (green and brown roofs) of planning permission dated 30 November 2017 (RN 15/03369/FULL) for the Redevelopment to provide part three, part four, part five storey building with basement car park comprising eight residential units (3 x 1 bedroom, 2 x 2 bedroom and 3 x 3 bedroom) on upper floors and offices (Class B1) at ground floor and part first and second floors. (Site includes 581-587 Harrow Road) from RN 15/03369/FULL. NAMELY, omission of basement car park and vent, omission of ground floor car lift and basement access stairs and replacement with a disabled parking bay on a turntable and additional bicycle storage and association variation and removal of conditions.(18/02383/FULL). This was subject to a deed of variation of the original legal agreement to link this permission to it.

These permissions expired on 30.11.2020.

7. THE PROPOSAL

Planning permission is sought for a proposed redevelopment of the site for mixed-use purposes, comprising of the following key elements:-

- Demolition of existing buildings
- New building of up to 6-storeys (part 4, 5 and 6)
- 37m² commercial floorspace at ground floor level
- 25 flats on part ground and all upper floors
- 100% affordable housing for intermediate rent

Table 1- Land use

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Tyre Fitting Centre	354m ²	Nil	- 354m ²
Class E	Nil	37m ²	+37m ²
Residential	308m ²	970m ²	+662m ²
Total	662m ²	1,007m ²	+345m ²

8. DETAILED CONSIDERATIONS

8.1 Land Use

Land Use overview

The lawful use of the building as a tyre fitting company with shop, tyre storage and ancillary office along with residential flats on the upper floors is proposed to be replaced with a commercial (Class E) use of part of the ground floor together with a 100% affordable housing scheme of 25, one bedroom flats. The principle of the proposal is acceptable in land use terms within the North West Economic Development Area and

under housing policies for the reasons set out below.

Existing Uses to be lost

The medium scale tyre fitting use is not a particular compatible use within such a confined residential street. As such, its loss is considered to be acceptable in land use terms. The replacement of the existing upper floor low quality residential accommodation with new purpose built residential accommodation is also acceptable. Overall, the loss of these uses is considered acceptable, on the basis of the alternative mixed-use development proposed.

Proposed commercial use

The principle of a mixed-use development in this location is acceptable. City Plan policies 5 (Spatial Development Priorities: North West Economic Development Area (NWEDA) and 13 (Supporting Economic Growth), protect employment units and require redevelopment to re-provide existing dedicated space for Small and Medium Sized Enterprises.

This proposed development seeks to provide a small ground floor commercial (Class E) unit, which is considered to be more appropriate in size, character and nature creating an active Harrow Road/corner frontage, within the existing immediate residential context and having regard to the future residential occupiers of the development.

The applicant has indicated that the ground floor commercial unit of 37m² is likely to be occupied by Westminster Wheels. A Westminster initiated (and delivered in partnership with Groundwork and Cycle confident), local community bike shop training programme reflecting the existing shop in Church Street. It helps young Westminster residents not in education or employment to gain the skills and experience to become qualified bicycle mechanics (City and Guilds Level 2 mechanic qualification), it takes bikes which would otherwise end up in land fill, refurbishes them and then sells or donates the bikes back to the community. This type of workshop use, with training and job opportunities for local residents is explicitly welcomed within the NWEDA under policy 13.

This is considered to be an appropriate location for such a use and one which has social and community benefits. The proposal use is expected to generate employment equivalent of two full time jobs. In order to protect residents' amenities and taking into account the hours of use of the Church Street shop, in the absence of any particular hours of operation being sought, operational hours are proposed to be conditioned to 09.00-17.00 Monday to Saturday.

Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) which was introduced on 1st September 2020, amalgamated 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.

Under Class E, the use of a building can flip flop back and forth between any of these uses without the need for planning permission, on the basis that it is not development and does not therefore require planning permission. A number of uses within Class E

may have different and potentially harmful amenity impacts than others. For example, restaurant, creche, leisure, gym, and some sport uses (or a combination of these uses) may result in air polluting traffic, require later opening hours and have large numbers of people congregating on and around the site, and could cause significant harm to the amenity of these nearby residents. In the absence of sufficient details to assess alternative uses within Class E and any required mitigation, it is considered appropriate and necessary to restrict the use to bike shop only.

Proposed Residential use & Affordable Housing

The proposal is made by Westminster Community Homes (WCH) to provide 25, one bedroom flats as a 100% affordable scheme in the form of intermediate homes for rent, let at London Living Rents. The scheme is part of WCH's "Horizon" initiative that enables tenants to build up a deposit to put towards a move into home ownership, including shared ownership at the end of their tenancy. Tenancies provided will be for a maximum period of five years and tenants who have complied with their tenancy terms will be provided with financial assistance into home ownership at the end of that tenancy. The City Council (Westminster Housing) is part funding the initiative alongside funding from the Greater London Authority (GLA).

The City Council operates its own intermediate housing service and waiting list and will nominate successful applicants who are eligible for intermediate housing into the scheme once completed. It is understood that there are presently over 2,000 applicants registered for intermediate housing in the City, with around 80% eligible for 1bed intermediate housing. For these reasons the proposed 100% intermediate provision (rather than a 60% intermediate /40% /social) and 100% 1bedroom sized flats (rather than a mix of flat sizes), has the support of our Housing Manager and is considered acceptable.

The provision of affordable residential accommodation on this site is acceptable in principle in this location (within NWEDA) and has the support of our Housing Manager, as it would assist in housing delivery within Westminster, by optimising the site to deliver a high number of affordable homes on this small site, and which best meets the needs of our residents. This is in accordance with policy 5 (NWEDA) and policy 8 (Housing delivery) policy 9 (Affordable Housing) and policy 10 (Housing for specific groups).

This provision is proposed to be secured by way of a planning obligation.

Proposed housing quality

The 25 one -bedroom flats would be between 37.6m²- 44.45m² which meets with the minimal internal flat standards. All are proposed with private external amenity space in the form of gardens (3 ground floor flats) and balconies, together with a 5th floor communal roof terrace which is welcomed in principle.

The site is a challenging one with respect to providing good quality residential environment, due to the size of the site and its optimisation, ability to receive light and air and environmental factors including air quality and noise pollution from the Harrow Road. As such, the flats have been designed as far as possible to provide the best possible environment in the circumstances.

All of the flats are dual or triple aspect, with all ground floor windows to St John's Terrace or towards Kensal House only, with windows to the upper floors from all elevations. The relationship between the flats and their windows and balconies has been designed to minimise overlooking and whilst the ground floor windows to St John's Terrace are not provided with any meaningful defensible space, this is a small cul-de sac and passing footfall is limited.

Whilst most of the rooms within the flats would receive satisfactory daylight (using Average Daylight Factor BRE method), four rooms would fall short of the BRE recommendations of 1% for Bedrooms, 1.5% living room and 2% kitchen. First floor room 2 (Open plan living/kitchen/dining room 1.55%) & room 5 (Bedroom 0.19%) second floor room 3 (Open plan living/kitchen/dining room 1.77%) and third floor room 3 (Open plan living/ kitchen/dining room 1.86%). These rooms are located within three flats within the centre of the development at first, second and third floor levels. The open plan living/kitchen/dining rooms provide levels of daylight between the requirements of a living room and kitchen and are considered to be acceptable, the levels of light to the bedroom are very low and is likely to require electric light at most times of the day and this is regrettable.

With respect to sunlight, due to the orientation of the site and the height and scale of its surroundings, 12 rooms would not achieve BRE target values for sunlight (25% of Annual Probable Sunlight and 5% Winter sunlight), this is due in part to 7 rooms facing within 90 degrees due north and the remaining 5 rooms affected by overhanging balconies. In terms of the external amenity space, a number would receive at least 2 hours direct sunlight across 50% of their space. Notwithstanding this, it was considered that the provision of private external space remained important and is supplemented by communal terraces which would receive extremely good levels of sunlight.

Whilst the flats meet the requirements for air quality, the external noise environment is such that levels inside the flats are such that mechanical ventilation is required to provide cooling if residents choose to keep windows closed for noise reasons. With respect to the external amenity areas, the same noise issue arises. However, acoustic barriers could assist with blocking/reducing noise to those external areas and a condition is recommended to seek a noise mitigation scheme for those areas, with a view to trying to reduce the noise levels within the external amenity areas.

The scheme includes for accessible and adaptable dwellings, as required by Building Regulations, but does not include wheelchair user or adaptable housing as required by policy 12 (Housing quality) for 10% of all new build homes to meet the requirement for wheelchair user dwellings. The applicant has indicated that this has not been possible on the basis of optimisation for this 100% affordable housing scheme. It is very much regrettable that this has not been able to be designed into the development. However, given that the need for this in one-bedroom intermediate homes is understood to be low and that the primary need for wheelchair units is in social housing that includes a range of dwelling sizes of two bedroom upwards, the City Council's Housing Manager has not raised objection on this ground.

The Designing Out Crime Officer (DOCO) has advised that the proposed development could achieve Secure by Design Accreditation, and this is positively welcomed and is to be secured by condition.

The proposed development is not of a scale to be referred to the Health and Safety Executive (Not a gateway one building of 18m or more in height etc). A Fire statement has been submitted which indicates that the fire escape strategy proposes the use of sprinklers with an evacuation strategy to use the protected escape stair (constructed as protected shafts). This indicates that fire matters have been considered at an early stage in the design process and full details will be required to be agreed under separate legislation.

For the reasons set out, overall, the quality of the proposed flats is considered to provide an acceptable living environment for future occupants, within the constraints of the site and the environmental factors of the locality in accordance with policy 12 (Housing Quality) of our City Plan.

8.2 Townscape and Design

Legislation and Policy context

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

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.”*

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.” (In this case the site is outside of a conservation area,)*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 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.

Furthermore 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, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The site is located on a prominent corner at the northern entry point to the borough from Brent and also close to the boundary with Royal Borough of Kensington and Chelsea on the other side of the Ladbrooke Grove bridge.

The location affords the new building relationships with three differing contexts. Firstly, its principal frontage Harrow Road, is a busy thoroughfare and commercial centre, with the existing and proposed block sitting directly on the rear of the pavement line. Secondly, the new building returns onto St John's Terrace, abutting a two storey Victorian house, itself part of similar terrace group. Thirdly, the 'L' plan of the building results in a prominent visibility of the buildings rear and gable end from the adjacent grade II listed Kensal House and its grounds.

Given this proximity, the development will have a bearing on the setting of Kensal House, as well as St John's Church on the other side of Harrow Road, which is, given its raised position, a local landmark. The building would also likely be visible in views from the Kensal Green Cemetery, a grade I registered park, including a number of listed structures. The cemetery is within Royal Borough of Kensington and Chelsea.

The 1990 act includes a statutory requirement to consider impact on listed building setting and the NPPF requires a determination as to any harm to significance. If harm is found, then its severity needs to be weighed and assessed against any public benefits arising, which might weigh in favour of the grant of permission.

In terms of massing, the new building's scale at four, five and part six storeys is considerably higher than the present three storey building and the previously approved part three, part four and part five storey building. The proposed massing has benefitted from modelling and amendments through the pre application stages, but will clearly have a different relationship to Kensal House than the present situation.

This taller, denser development with considerably more elevational modulation, directly on the boundary will inevitably play a more active role in Kensal House's setting than the present blank gable and rear roofs. These characteristics will ensure the new building is a more prominent, and to an extent, overbearing, element of Kensal House's setting than the present situation. This represents a measure of 'less than substantial' visual harm.

However, the immediate vicinity has a number of taller and bulkier buildings, which inform its character, including the four storey telephone exchange opposite Kensal House and the five storey residential block on St John's Terrace and Ladbrooke Grove. There are also two blocks approved or under construction at the end of St John's Terrace fronting the canal at the bottom of the street.

As such, the relationship would not be so unusual or indeed harmful enough to merit refusal, particularly given the other benefits of an entirely affordable housing scheme and the sustainability benefits.

The size of this building has been mitigated by amendments, including the stepped arrangement of the storeys and the use of curved corners as an architectural device to reduce bulk. These features serve to reduce the sharpness of the building's massing without causing substantial loss of floorspace. They create a less imposing visage of the new development to old i.e., Kensal House, than the sharper angular form originally proposed. Taking into account the surrounding townscape and the above, the scale of development sought is acceptable in this context, due to these elements.

Whilst the site falls outside of a conservation area, the Queens Park Estate Conservation Area lies further away to the north east of the site and to the west of the site within the Royal Borough of Kensington & Chelsea is the Kensal Green Conservation Area. Given the scale and height of the building and that of surrounding buildings together with the distance to these conservation areas, it is not considered that the proposal would be detrimental to the setting of these conservation areas.

In design terms, the elevational approach uses an external framework of reconstituted stone arches dividing the elevation into distinct parts. The arched detail is said to be a reflection of a form seen on St John's Church and Mausoleums in Kensal Green, but can also be seen on the modern elements of Kensal House.

Containing the ground and first floors, the first arch includes ground floor entrances and utility areas, a commercial space on the corner with St John's Terrace and 1st floor residences. The second arch rises from the second to the fourth residential floors, while the last arch contains the partly set back fifth floor, terrace, and roof garden. The use of arches in this format identifies the building as having the common and desirable architectural approach of a well-defined 'base', 'middle' and 'top.'

The building façades contained within the arched framework will be formed of brickwork behind railed balconies, with aluminium windows. Windows will be conditioned to ensure they are recess in the normal manner to create modulation to the façade. The masonry of the arches and the brick work within are one of the means by which quality of materials and finesse of detail can be assured. As such, these elements need to be assessed in close detail and the use of solid brick rather than brick slips and careful attention to the brick type, bond, mortar mix and pointing method, will be paid, via a detailed condition. It's hoped that the demolition will result in bricks to be used in the rebuild.

The ground floors do require some refinement in terms of the arrangements of entrances and fenestration, to both Harrow Road and St Johns Terrace, as does part of the 4th floor. The present designs would benefit from greater activation and visual interest and alignment to appear as more cohesive elements of the overall design. These alterations to the position and alignment of openings etc can be achieved via an amending condition.

The large section of blank frontage adjacent to the Harrow Road bus stop, is undesirable, as active frontages are generally sought to main elevations. However, the use of this area as a public art piece is a suitable compromise, given it would make for an unattractive residential frontage. Details of public art are proposed to be secured by condition.

Subject to the amending conditions requiring further details of the individual constituent parts, the development complies with policy 38 and 40 in its design and townscape impact and with policy 39 with regard to its impact on the setting of adjacent heritage assets.

As such, whilst being mindful of policies 38,39 and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, which comprise 100% affordable housing scheme, the proposal is considered acceptable in terms of its impact on the

designated heritage asset(s). Therefore, the recommendation to grant conditional permission and/ or consent [delete as applicable] is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

8.3 Residential Amenity

Physical Impact of development

The existing two/three storey buildings on site are to be replaced with a larger building of four-six storeys with window fenestration and external amenity areas. The potential impact of this new building on the amenities currently enjoyed by existing surrounding residents is therefore a key consideration.

A detailed daylight and sunlight assessment has been provided to evidence the impact of the proposal on adjacent properties, using the British Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight -A Guide to Good Practice 2011. Other documents including a noise assessment have also been provided

Additionally, consideration is given to the size, nature and location of fenestration and the potential for overlooking.

Daylight and Sunlight

A report by Rapleys has been provided in support of the proposal. The following properties have been assessed in terms of the effects of the proposed development on the amount of daylight and sunlight they receive

The Assessment includes the following properties:-

- 2, 5-19 St John's Terrace
- Steve Biko Court
- 553-579 Harrow Road
- 591-593 Harrow Road
- Victoria Wharf
- St John's Church
- Telephone Exchange
- Clifford House
- 1-19 Willow House

In assessing the potential impact of a development on daylight to surrounding residential properties, where changes to daylight result in both a Vertical Sky Component (VSC) value of less than 27 and a loss of 20%, a loss of daylight would occur which would be noticeable to occupants. When using the No sky-line or Daylight distribution method a 20% reduction would be noticeable.

In assessing the potential impact of a development on the sunlight to surrounding residential properties, if a room received more than a quarter (25%) of annual probable sunlight hours, including at least 5% in winter, the occupants of the building should receive enough sunlight. If the sunlight hours are both less than 25% annually or less than 5% in winter and a loss of more than 20% has occurred and the value is reduced by more than 4 (%) annually then the occupants of the building will notice a loss of sunlight.

These guidelines are to be interpreted flexibly particularly as expectations differ depending on location (urban, suburban, rural). The significance of a failure to meet the BRE Guidelines needs to be interpreted further in terms of the location of the site, the resultant amount of daylight and sunlight retained and the nature of the affected rooms. Furthermore, protection is prioritised (in order) as kitchens, living rooms and bedrooms, based on the likely activities taking place in these rooms.

The assessment indicates that the following properties and external amenity areas, achieve full compliance with the BRE recommendations for daylight.

- 7, 9, 11, 13, 15, 17 and 19 St Johns Terrace
- 553 to 579, 591 to 593 Harrow Road
- Victoria Wharf
- Clifford House
- 1 to 19 Willow House

All properties tested for sunlight comply with the BRE guidelines.

The following properties would see a reduction in daylight values above the BRE guidelines.

2 St John's Terrace

Fourteen windows would see a reduction in daylight above the BRE guidelines as set out in the table below. Of the six living rooms, one room meets the NSL test, and all affected windows are one of two windows serving the same room. All would see a reduction in daylight when using VSC and or NSL methods. The existing daylight for these rooms is very high, and therefore % losses are high. The resultant proposed values are between 11.82 and 23.41 VSC and the area of room that is lit is between 30-91%. Of the eight bedrooms, five would meet the NSL test. Again, the existing daylight values for these rooms are high and therefore % losses are high. The resultant proposed values are between 14.06 & 25.93 VSC and the area of room that is lit is between 44-83%.

Table 2 – 2 St John's Terrace (LR = Living Room & Bed= bedroom)

Window	Room	Floor	Existing VSC	Proposed VSC	% Loss	Existing NSL	Proposed NSL	% Loss	Comment
W1	R1-LR	Grd	24.67	12.84	48%	50%	30%	40%	1 of 2 windows
W2	R2-Bed	1st	30.80	16.36	47%	96%	44%	55%	
W3	R3-LR	1st	27.42	11.94	56%	88%	39%	56%	1 of 2 windows
W4	R4-LR	1st	25.92	11.82	54%	77%	41%	47%	1 of 2 windows
W5	R5-Bed	1st	29.96	17.97	40%	97%	75%	22%	
W6	R6-Bed	1st	31.06	21.59	31%	97%	82%	16%	NSL met

W1	R1- Bed	2 nd	28.89	15.95	45%	97%	82%	15%	NSL met
W2	R2- Bed	2 nd	28.45	14.06	51%	96%	69%	28%	
W3	R3- LR	2 nd	27.45	13.56	51%	99%	51%	48%	1 of 2 windows
W4	R4- LR	2 nd	30.45	15.91	48%	100%	55%	45%	1 of 2 windows
W5	R5- Bed	2 nd	34.22	21.43	37%	97%	78%	20%	NSL met
W6	R6- Bed	2 nd	34.40	21.41	29%	97%	83%	15%	NSL met
W1	R1- LR	3 rd	33.28	23.41	30%	100%	91%	9%	NSL met- 1 of 2 windows
W2	R2- Bed	3 rd	36.86	25.93	23%	97%	82%	15%	NSL met

5 St Johns Terrace

Only one window within this property would see a reduction in daylight (window 2 of room 2 on first floor). A reduction in VSC from 13.73 to 7.30 VSC (47% loss) and a 22% reduction in NSL of lit area of room from 53% to 41% of room being lit. However, the use of this room is unknown and if it contains the same layout as other properties is likely to serve a bathroom or staircase landing area. In these two scenarios there is no protection of daylight. A further consideration is the improvement of daylight to the ground floor window from 11.8 to 14.24 VSC. For these two reasons the proposed impact to this one window is considered to be acceptable. The proposal would have no impact on sunlight to the property or its garden.

Steve Biko Court

Eight windows would see a reduction in daylight above the BRE guidelines as set out in the table below. Of the four living rooms, all of the rooms are served by two or more windows. All would see a reduction in daylight when using VSC and or NSL methods. The resultant proposed values are between 15.27 & 24.98 VSC and the area of room that is lit is between 24-66%. The two kitchens are both served by two windows and would meet the NSL test, and the resultant proposed values are between 23.09-24.22 VSC. The two bedrooms are both served by two windows and would meet the NSL test, and the resultant proposed values are between 19.62-22 VSC.

Table 3- Biko Court (LR = Living Room & Bed= bedroom., Kit= Kitchen)

Window	Room	Floor	Existing VSC	Proposed VSC	% Of Loss	Existing NSL	Proposed NSL	% Loss	Comment
W15	R9- Bed	Grd	26.16	20.49	22%	97% lit	82% lit	15%	NSL,met 1 of 2 windows
W16	R9-	Grd	26.37	19.62	26%	As	As above	As	NSL met

	Bed					above		above	1 of 2 windows
W18	R11-LR	Grd	26.88	16.28	39%	98%	66%	32%	1 of 2 windows
W19	R11-LR	Grd	26.89	15.27	43%	As above	As above	As above	1 of 2 windows
W18	R12-Kit	1 st	31.63	24.22	23%	94%	93%	1%	NSL met-1 of 2 windows
W19	R12-Kit	1 st	31.64	23.09	27%	As above	As above	As above	NSL met-1 of 2 windows
W20	R13-LR	1 st	31.30	19.57	37%	75%	24%	68%	1 of 3 windows
W15	R10-LR	2 nd	33.04	24.98	24%	71%	27%	62%	1 of 4 unaffected windows serving this room

As detailed above, a number of surrounding properties would see a reduction in daylight following construction of the development compared to that which they currently receive. However, it is likely that any development of this site, due to its proximity to adjacent residential properties would result in some loss of daylight to neighbouring properties.

However, not all of the reductions are significant. In the case of existing surrounding properties, officers consider that even once the development was constructed, that these properties would continue to receive acceptable levels of daylight and sunlight given the location of the site and the impact is not considered so significant to warrant withholding permission. As such the single objection raised on this ground is not supported by officers.

Sense of Enclosure

With respect to the potential for the proposed development to result in an unacceptable sense of enclosure to surrounding residential properties, the site is already partially built upon with some buildings on site located within close proximity to existing properties. With respect to 5 St John's Terrace, this property would actually see some improvements to enclosure resultant from the redevelopment. In the case of existing buildings on the opposite side of St Johns Terrace (No.2 St Johns Terrace and Biko Court), these properties are considered to be of comparable scale to the proposed building and is not considered to result in an unacceptable sense of enclosure.

Privacy

The window fenestration is of a domestic residential nature and the distance to properties opposite (No.2 St John's Terrace and Biko Court) are not uncommon within Westminster. The private external balconies are located on the corner of St John's Terrace and Harrow Road and to the rear of the site (not to the St John's Terrace elevation). The fifth floor communal roof terrace is proposed to be subject to an agreed soft landscaping plan which will incorporate measures to contain the terrace within landscaped perimeter to minimise opportunities for overlooking and disturbance. The

submitted concept plan does not go far enough and as such a condition is recommended to secure this.

As such the proposed building is not considered to result in any significant loss of privacy to existing surrounding residents.

Operational impact of commercial use

Compared to the last use of the site as a tyre fitting business with open frontages and residential above, the proposed use of the site as a 37m² bike shop/workshop and residential is much more compatible within the immediate residential context of St John's Terrace. It is acknowledged that the residential density of the site has increased and that access to all of the flats is from St John's Terrace. However, the smaller and more compatible commercial unit is accessed from the corner of Harrow Road /St John's Terrace and its operational hours restricted to 09.00-17.00 Mondays to Saturdays. Overall, the operational impact of the development should be an improvement on the previous use of the site.

Noise and Vibration

Twenty five air source heat pumps (ASHP) are proposed to main roof level to serve the proposed development and a plant room to ground floor level. A noise impact assessment by Noiseair has been submitted in support of this, however the model and specifications have not yet been chosen. The City Council's Environmental Sciences officer has advised that the proposal should meet our noise standards. As such, conditions are recommended to ensure compliance with our standards and also to provide a supplementary report with respect to the chosen model demonstrating compliance with our standard conditions. As such, future residents of the development and existing surrounding residents should not be subjected to noise disturbance in accordance with policy 33.

Summary of amenity impact

The benefits of the proposal including the provision of 25 affordable homes must also be weighed in this context. Despite the limited loss of daylight identified it is not considered to be a sustainable reason for refusal in isolation given the wider general benefits of the redevelopment. For these reasons the proposal is considered to be acceptable in light of policy 7 (Managing development for Westminster's people) and policy 33 (Local environmental impacts).

8.4 Transportation, Accessibility and Servicing

The site is located on the corner of Harrow Road and St John's Wood Terrace. Harrow Road (A404) is part of Westminster's Strategic Road Network (WSRN). While the Local Planning Authority is the Highway Authority for this road, Transport for London (TFL) is the Traffic Authority and has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN. The site is well served by public transport with a public transport accessibility level (ptal) rating of 6a "Excellent".

Car Parking

No car parking is proposed for the 25 residential flats, in accordance with policy 27 of our City Plan which supports residential development without car parking provision.

However, the new residential units are likely to increase demand for on-street spaces. In order to minimise the impact of the proposed development and reduce car ownership of future occupiers, lifetime car club membership for all residential units is proposed to be secured.

No car parking is provided for the proposed ground floor commercial unit (Class E), however the impact of the proposed development on parking levels is likely to be minimal, given the site has a good level of public transport accessibility (ptal 6a) albeit reliant in most part on the bus network and is within a controlled parking zone (CPZ) (Monday to Friday 08.30-18.30) and is consequently consistent with Policy 27 of our City Plan.

Cycle Parking

A 40m² internal secure, weatherproof, and accessible residential cycle store is proposed at ground floor level to accommodate 24 spaces in double stacked bicycle stands, 3 spaces in Sheffield stands, together with a bulky cycle storage area. In addition, 2 visitor cycle spaces are proposed beneath the internal stair core within the entrance lobby. Within the ground floor commercial (Class E) unit, wall mounted cycle parking for 2 bikes is proposed

This current provision has been revised/increased since original submission, in order to address Transport for London's requirements, to satisfy London Plan policy T5 and to support sustainable travel options by residents.

Servicing

Whilst policy 29 of our City Plan requires off-street servicing and freight consolidation, no off-street servicing is provided for the development. There are single yellow lines in the vicinity of the site from which servicing can occur and whilst these are in high demand and would mean transporting goods along the footway and potentially obstructing pedestrian movement, the commercial unit is small in size, and the last use of the site was serviced from the street and all servicing will need to comply with these on-street restrictions. As such the servicing arrangement is considered to be acceptable in this case.

Travel plan

The proposed commercial (Class E) floorspace is proposed to be provided at ground floor level within a 37m² unit. It is accepted that the majority of trips associated with the proposed development (excluding servicing activity) will be via public transport or other sustainable modes (e.g., walking, cycling). Given the proposed use and location a travel plan is not required for the development.

Alterations to existing highway

The proposed development would render the existing vehicle accesses (Harrow Road and St John's Terrace) redundant. In order to improve the environment for pedestrians and other highway users the reinstatement of the redundant access points as footway. It is noted that the applicant would like to see car club bays outside of the site and potentially an accessible bay. However, whilst additional on-street parking bays will be created as part of this proposal, their use will be decided by City Highways, based on demand and these works are proposed to be secured as a planning obligation in accordance with policies 25, 28 and 43.

Development over the Highway

The highway boundary is the existing building line, including the chamfered corner at the junction of Harrow Road with St John's Terrace. The proposal includes balconies oversailing the highway, designed with the required vertical clearance height 2.6m to ensure highway safety is maintained.

Waste and Recycling

Storage for waste and recycling is indicated on the drawings at ground floor level, separate for both the commercial unit and residential flats. The details of the provision, including capacity for separate waste streams, has been revised during the course of the application in order to satisfy our Waste Project manager. Details are proposed to be secured by condition in accordance with policy 25.

Construction

A Code of Construction Practice (COCP) Appendix A Checklist has been provided which confers compliance with the City Council's COCP with respect to demolition, earthwork & piling and construction phases of the development. A condition is recommended to secure this,

In accordance with Transport for London (TFL) request, conditions are recommended to secure a Construction Logistics Plan (CLP) and Delivery Servicing Plan to ensure that construction works and completed development will not affect users and or the safe and efficient operations of the local bus infrastructure.

8.5 Economic Considerations

Any relevant economic considerations are set out within the report.

8.6 Environment and sustainability

Air quality

An Air Quality Assessment by Eight Associates has been submitted in support of the proposal. Our Environmental Sciences officer has confirmed that the development meets the required air quality neutral benchmarks and would have no adverse air quality impacts in accordance with policy 32 (Air Quality).

Contaminated land

As part of the submission the applicant provided a Site Investigation Report from Ground Engineering which indicates that there is a low risk that the proposed redevelopment would impact the quality of the water due to hydrocarbon contamination. For this reason, a full contaminated land condition is recommended to secure details and consultation with the Environment Agency in accordance with policy 33 (Local environmental impacts).

Flood risk

The site is located within the Environmental Agency's Flood Zone 1 and also within a Surface Water Flood Risk Hotspot and the overall risk of flooding including surface water to the site is considered to be very low. Measures to reduce the risk of surface water flooding include green and blue roofs. The Environment Agency and the City

Council's Building Control Team have both been consulted and any response will be reported verbally.

Energy performance and sustainable design including whole life carbon

An energy report, whole life carbon report, circular economy statement and sustainability report have all been submitted in support of the proposal. The goal is to retain the value of material and resources indefinitely with residual waste through design, construction, and operation.

Policy 36 of the City Plan and London Plan policy SI 2 requires major development to be net zero-carbon, and follow the London Plan energy hierarchy. Where zero-carbon targets cannot be achieved on-site, any shortfall can be provided for by a contribution to Westminster's carbon offset fund.

The applicant is seeking to achieve a low carbon development as close as possible to zero carbon in line with the mayor's energy hierarchy (Be Lean, Be Clean, Be green, Be Seen) which seeks an overall minimum 35% reduction in emission rate over 2013 Building Regulations.

Key aspects of the proposal are listed below:-

- The existing building's superstructure cannot feasibly be reused.
- Re-use of London stock bricks to be re-used off-site at Vestry site.
- Potential for crushing foundations on site for re-use in proposed building
- Existing structure to be demolished and recycled.
- Expected proposed building structure lifespan of 100 years with flexibility and adaptability built into the design and façade to 60 year lifespan.
- Low carbon concrete - Concrete with 35% cement replacement (due to fire concerns with respect to the use of timber).
- Raft slab has been specified within the foundation design; this solution negates need for ground beams and associated formwork and reduce the volume of excavation. Less excavation required, resulting in less energy consumed and less excavation waste.
- Hand laid brick and reconstituted stone proposed to minimise use of energy (less equipment) reduced moulds and waste.
- Engineered oak hardwood flooring has been specified inside apartments, which is remarkably durable, easy to install, and it doesn't expand and contract to the same extent as solid wood. Ease of installation and longevity will result in less waste to dispose across the life cycle of the building.
- Thermal massing.
- Residential partitions will be steel frame to improve space flexibility with mineral wool, plasterboard and most likely a painted finish. Lightweight metsec framing is very quick to assemble and disassemble so lends itself to flexible and adaptable building use.
- The whole building will be passively and mechanically ventilated to ensure fresh air requirements. Mechanical Ventilation with Heat Recovery (MVHR) units have been specified within each apartment. MVHR provides fresh filtered air whilst retaining most of the energy that has already been used in heating the building.

- 100% electrically powered including heating and hot water with Air source heat pumps and Photovoltaics (35m² of roof).
- Upfront Embodied Carbon (A1-A5): 641 kgCO₂e/m² (including biogenic content)
- Embodied Carbon for Use and Deconstruction (B-C): 411 kgCO₂e/m² (excluding B6-B7).
- Lifecycle Carbon (A-C): 1,052 kgCO₂e/m².
- Lifecycle embodied carbon of the scheme is line with the standard GLA benchmark.
- Cumulative on-site savings of regulated carbon dioxide of 54.3%
- A financial contribution of £27,520 towards carbon offset fund
- Water efficient measures
- Sustainable transport with cycle storage
- Covered terraces rather than projecting balconies to reduce overheating and prevent direct sunlight on glazing
- Led lighting
- Dedicated waste segregation and storage areas for various waste streams

Table 3:- Regulation Carbon Dioxide Savings

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	2.95	14.0
Be Clean: Savings from heat network	0.00	0.00
Be Green: Savings from renewable energy	8.61	40.3
Cumulative on-site savings	11.46	54.3
Carbon shortfall	9.66	-
	Tonnes CO₂	
Cumulative savings for offset payment	289.68	
Cash-in-lieu contribution	£27,520	

Overall, the proposal is considered to provide for an acceptable development with respect to energy performance and sustainable design including whole life carbon. A condition is recommended to require evidence that the development will meet or exceed the measures outlined in these reports in accordance with policy 33 (Local environmental impacts) and the London Plan.

8.7 Trees, Biodiversity and Greening

Existing Trees

There are no trees located within the site. However, there are four trees in close proximity, three plane trees and a cedar tree, located within the adjacent site of Kensal House, 535-579 Harrow Road. The Plane trees are subject to a Tree Preservation Order (TPO W329). An Arboricultural tree report has been submitted in support of the proposal.

The applicants tree report contains insufficient information about the likely impacts of the development on the trees to demonstrate that the work could be carried out without harm to the roots of the trees. It also contains some statements and opinions which do not appear to be supported by the submitted plans and documents and insufficient information with respect to tree roots, foundations, and floor levels.

Other insufficient information relates to the relationship of balconies and tree canopies and underground services. The City Council's Arboricultural Manager has raised significant concerns and has advised that they would support a reason for refusal on insufficient information. Given that the proposal is acceptable in all other respects and that an earlier permission has been granted for the redevelopment of the site it is considered likely that this matter can be adequately address by way of a pre-commencement condition to ensure the health and wellbeing of these valuable trees. The applicant has also been made aware of this concern and any response on this matter will be reported verbally to committee. Subject to this condition the proposal is considered to satisfy policy 34 (Green infrastructure).

Urban Greening and biodiversity

An urban greening factor statement has been submitted in support of the proposal. The existing site has no urban greening, and the proposal would result in an urban greening factor of 0.48 exceeding the GLA target score of 0.4. Gardens are proposed to the three ground floor flats and the flat roofs at first and fourth floor roofs are proposed as extensive green roofs with a mix of native grasses, sedges, wildflower and sedum species, the extensive green roof at main roof is proposed as a hybrid green/blue roof to absorb/retain water reducing run off and to moderate temperature. The provision of gardens green roofs is welcomed. The fifth floor external communal terrace is proposed with some soft landscaping, likely within planters, the details of which are proposed to be secured by condition. The proposed landscaping strategy specification has been chosen to help improve air quality with the inclusion of pollution eating plants.

However, insufficient, and or inappropriate details relating to the proposed landscaping (gardens, extensive green/blue roofs, permeable paving, and soft landscaping to the 5th floor communal terrace) have been received. As such full details are proposed to be secured by condition.

A biodiversity net gain report has been submitted in support of the proposal. The existing site has a low ecology value, and the proposed development would achieve a 100% biodiversity net gain with 0.10 habitat units.

Overall, and subject to the recommended conditions the proposal is considered to contribute to the greening of Westminster and improve biodiversity of the site in accordance with policy 34 (Green infrastructure) .

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2). As set out in Section 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 Queens Park Neighbourhood Plan includes policies on a range of matters including amenities, environment and open space, design and heritage, sustainability, community safety, commercial development and delivering new residential development.

It has been through independent examination and was supported by local residents in a referendum held on 21 October 2021. It was adopted on 25 November 2021. It therefore forms part of the development plan for Westminster for development within the Queens Park Community Council area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report. Generally, the proposal is in compliance with the plan and the Queens Park Community Council has not raised objection to the proposal.

8.10 London Plan

See body of report.

8.11 National Policy/Guidance Considerations

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) 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.

The applicant has been advised of the pre-commencement conditions set out in the draft decision letter and has agreed to the imposition of the conditions.

8.12 Planning Obligations

The proposal will require a S106 legal agreement to secure the following:-

- Provision of 25, one bedroom intermediate homes for rent, let at London Living Rents, with tenancies for a maximum period of five years.
- A financial contribution of £7,500.00 towards the Westminster Employment Service (index linked and payable on commencement of development).
- A financial contribution of £27,520 towards Carbon Offset Fund (index linked and payable on commencement of development).
- All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the existing vehicle crossovers (Harrow Road and St John's Terrace) as footway and creation of on-street parking bays and electric vehicle charging point (subject to detail design and the approval of the Highway Authority). Threshold level checks prior to commencement of development. All of the above to the Council's specification, at full cost (administrative, legal, and physical) of the developer.
- Lifetime Car Club Membership for Residential Occupiers from first occupation of the development. (Car Club operator must be a CarPlus member).
- Monitoring costs

The estimated CIL payment is to be confirmed. Relief and exemptions from CIL are also available for some types of development such as affordable housing,

8.13 Environmental Impact Assessment

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

8.14 Other Issues

Community engagement

The NPPF states that 'good quality pre-application discussion enables better communication between public and private resources and improved outcomes for the community'. It encourages Applicants to take up pre-application advice services offered by Local Planning Authorities, as well as engage with their local community.

The applicant has advised that they have taken an active approach to engaging with the decision makers and key stakeholders throughout the design process, including detailed

pre-application discussions with Westminster City Council, politicians, stakeholders, local residents and businesses in the area.

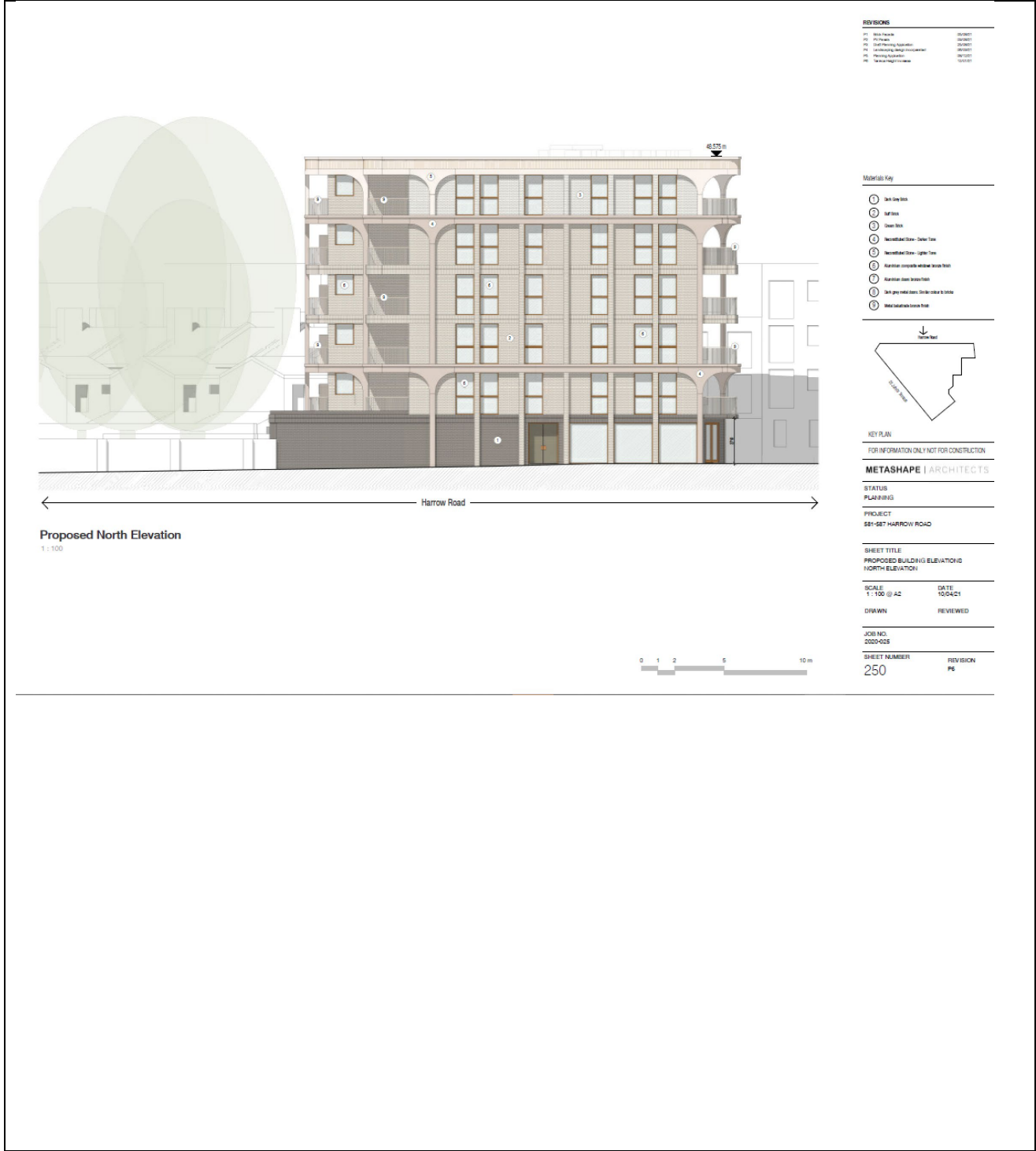
Public Consultation was undertaken in August 2021 when leaflets were distributed in the local area informing residents and businesses about the proposals for the site. People were invited to send comments by email or via the Westminster Community Homes website.

(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





REVISIONS

01	Issue for Review	20/04/21
02	Issue for Review	20/04/21
03	Issue for Review	20/04/21
04	Issue for Review	20/04/21
05	Issue for Review	20/04/21
06	Issue for Review	20/04/21

- Materials Key**
- ① Brick Core Brick
 - ② Red Brick
 - ③ Green Brick
 - ④ Microfibre Glass - Dark Tone
 - ⑤ Microfibre Glass - Light Tone
 - ⑥ Aluminium Composite with Dark Green Mesh
 - ⑦ Aluminium Glass Screen Mesh
 - ⑧ 304 grade mild steel. Dark color to match
 - ⑨ Metal wall/wall screen frame



KEY PLAN
FOR INFORMATION ONLY NOT FOR CONSTRUCTION

METASHAPE | ARCHITECTS

STATUS
PLANNING

PROJECT
S81-587 HARROW ROAD

SHEET TITLE
PROPOSED BUILDING ELEVATION
NORTH ELEVATION

SCALE
1:100 @ A2

DATE
10/04/21

DRAWN
REVIEWED

JOB NO.
2020-025

SHEET NUMBER
250

REVISION
P6

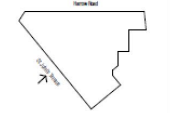
Proposed North Elevation
1:100





REVISIONS		
R1	Issue for Sale	20/08/21
R2	Client Review	20/08/21
R3	Client Meeting Approval	20/08/21
R4	Architectural Design Development	20/08/21
R5	Final Design	20/08/21
R6	Client Review & Approval	20/08/21
R7	Final Design	20/08/21

- Materials Key
- ① Dark Oak Brick
 - ② Red Brick
 - ③ Cream Brick
 - ④ Natural Stone - Dark Tone
 - ⑤ Natural Stone - Light Tone
 - ⑥ Natural Stone - Mixed Tones
 - ⑦ Dark Grey Stone - Dark Tones
 - ⑧ Dark Grey Stone - Light Tones
 - ⑨ Mixed Natural Stone



KEY PLAN
FOR INFORMATION ONLY NOT FOR CONSTRUCTION

METASHAPE | ARCHITECTS
STATUS: PLANNING
PROJECT: 881-887 HARROW ROAD

SHEET TITLE: PROPOSED BUILDING ELEVATION WEST ELEVATION

SCALE: 1:100 @ A2 DATE: 10/02/21
DRAWN: REVIEWED:

JOB NO: 0000-005
SHEET NUMBER: 251 REVISION: P7

Proposed West Elevation
1:100

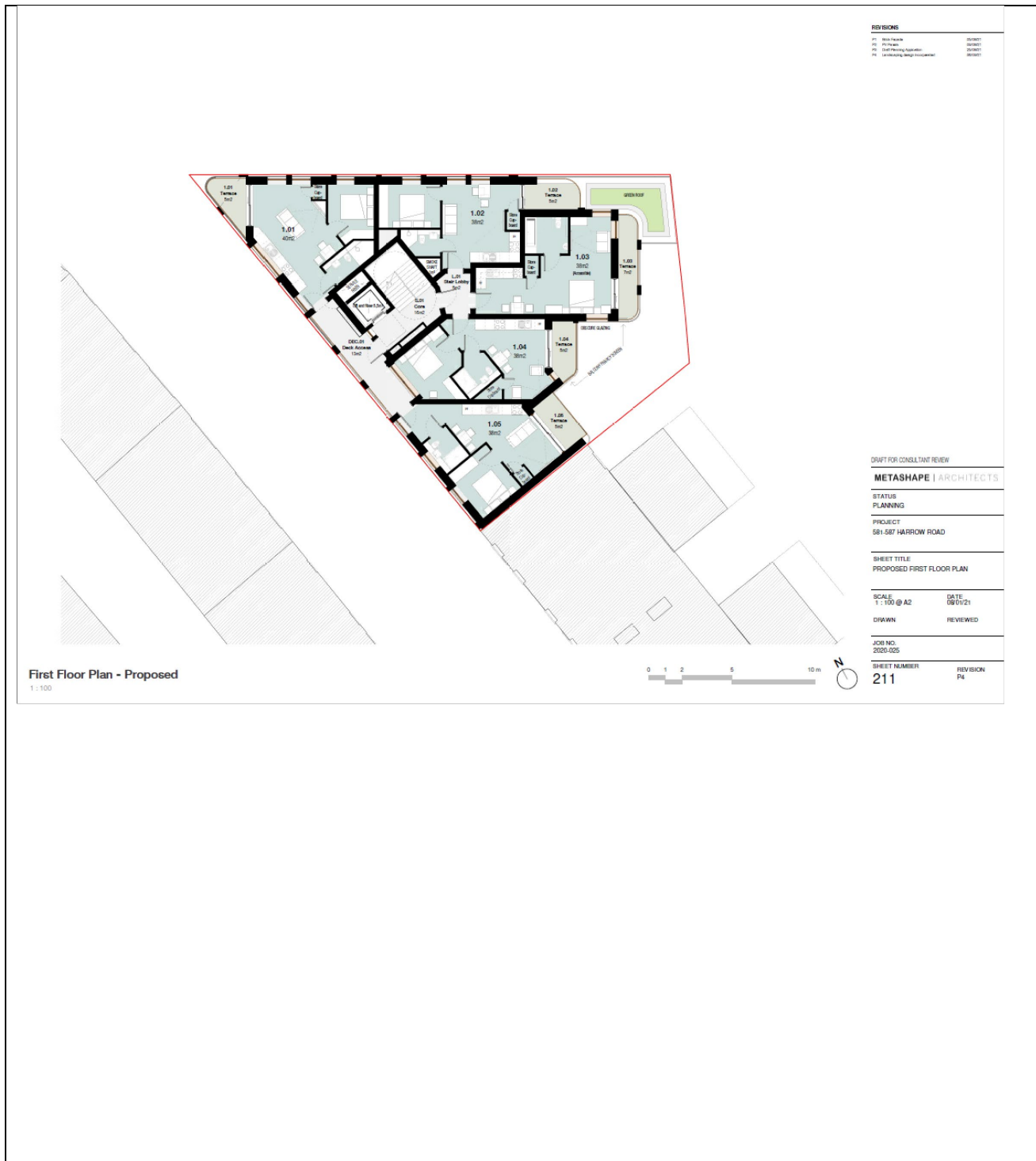


REVISIONS	
01	Issue for tender
02	For approval
03	For approval
04	For approval
05	For approval
06	For approval
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10	For approval
11	For approval
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DRAFT FOR CONSULTANT REVIEW	
METASHAPE ARCHITECTS	
STATUS PLANNING	
PROJECT 581-587 HARROW ROAD	
SHEET TITLE PROPOSED GROUND FLOOR PLAN	
SCALE 1:100 @ A2	DATE 08/21/21
DRAWN REVIEWED	
JOB NO. 2020-025	
SHEET NUMBER 210	REVISION PS

Ground Floor Plan - Proposed
1:100





REVISIONS	
R1	Issue Update
R2	Revisions
R3	Final Design Approval
R4	Final Design Approval



Second Floor Plan - Proposed
1:100



DRAWN FOR CONSULTANT REVIEW	
METASHAPE ARCHITECTS	
STATUS PLANNING	
PROJECT 581-587 HARROW ROAD	
SHEET TITLE PROPOSED SECOND FLOOR PLAN	
SCALE 1:100 @ A2	DATE 09/11/21
DRAWN	REVIEWED
JOB NO. 2020-025	SHEET NUMBER 212
	REVISION P4



REVISIONS	
R1	Issue for Review
R2	Issue for Review
R3	Issue for Review
R4	Issue for Review

DRAFT FOR CONSULTANT REVIEW	
METASHAPE ARCHITECTS	
STATUS PLANNING	
PROJECT S81-S87 HARROW ROAD	
SHEET TITLE PROPOSED THIRD FLOOR PLAN	
SCALE 1:100 @ A2	DATE 09/01/21
DRAWN	REVIEWED
JOB NO. 2020-025	SHEET NUMBER 213
	REVISION P4

Third Floor Plan - Proposed
1:100

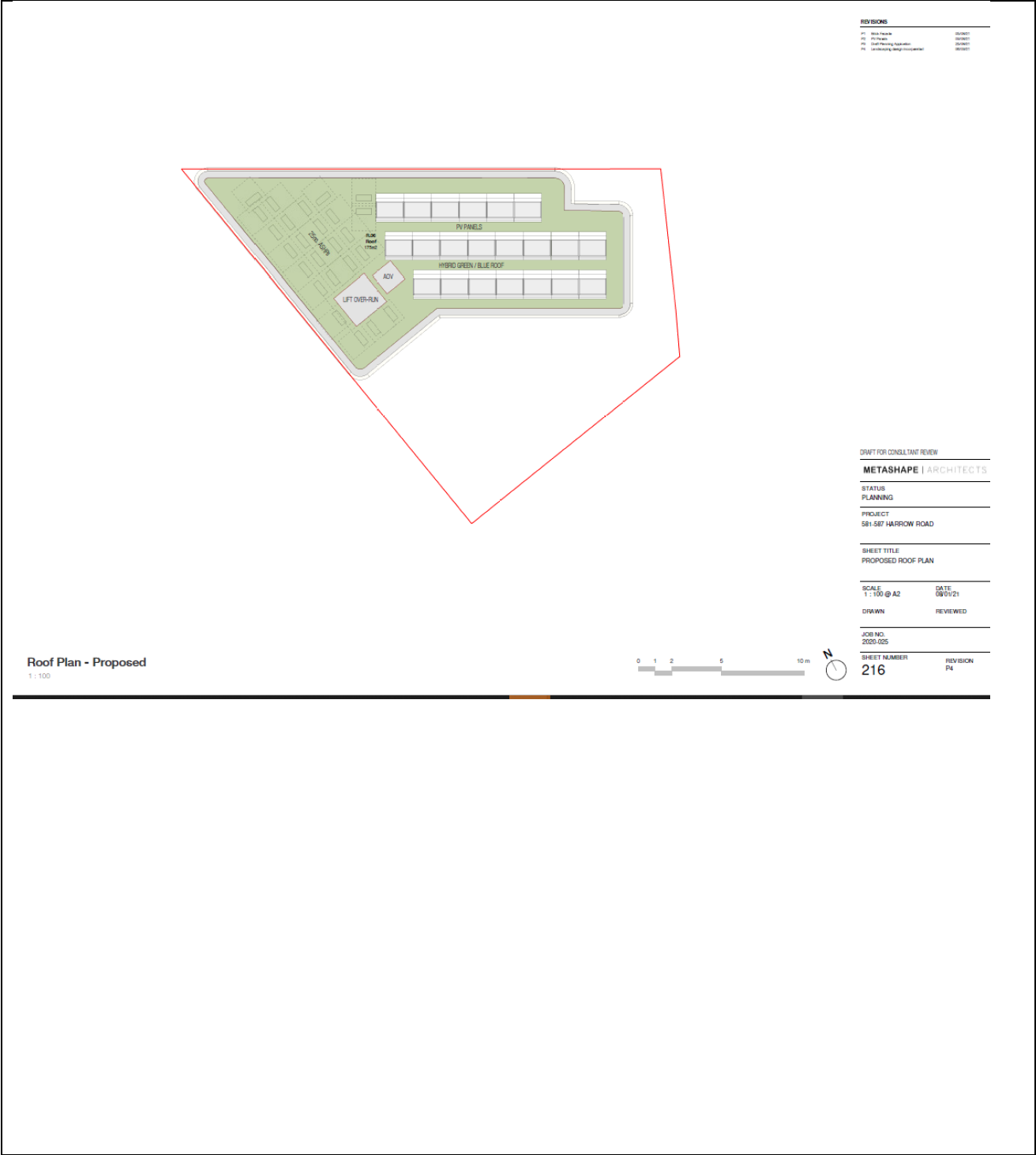
REVISIONS	
01	Issue for Review
02	Issue for Review
03	Issue for Review
04	Issue for Review



Fourth Floor Plan - Proposed
1 : 100



DRAWN FOR CONSULTANT REVIEW	
METASHAPE ARCHITECTS	
STATUS PLANNING	
PROJECT S81 S87 HARROW ROAD	
SHEET TITLE PROPOSED FOURTH FLOOR PLAN	
SCALE 1 : 100 @ A2	DATE 09/01/21
DRAWN	REVIEWED
JOB NO. 2020-025	SHEET NUMBER 214
	REVISION P4



DRAFT DECISION LETTER

Address: 581 - 587 Harrow Road, London, W10 4RH

Proposal: Demolition of the existing buildings, construction of part 4, part 5 and part 6 storey building to create ground floor commercial space and twenty five, 1-bedroom flats with private balconies, bicycle storage, refuse storage and communal roof terrace.

Reference: 21/08497/COFUL

Plan Nos: 100;101;110, 27099A-1-R1;2-R1;3-R1; 4-R1; 5-1-R1; 5-2-R1; 5-3-R1
204; 210P8, 211P4; 212P4;
213P4;214P4;215P5;216P4;250P6;251P7;252P5;253P5;260P6;261P4;
301P4;302P4;303P4;304P4;305P4;306P4;307P4.,
1001;1004A;1201;1202;1203;1204;1205;1206.
Design and Access Statement Rev A including Affordable Housing Statement, Planning Statement and Landscape Proposals (Revised page 27 (22.12.2021) and page 71 (05.01.2022)), , Circular Economy Statement V2, Whole Life Carbon Report V4, Energy Assessment (with Appendix) V2, Bat Survey V1, Biodiversity Net Gain V1, Preliminary Ecological Appraisal V1, Urban Greening Factor V1, Air Quality Assessment V2 Revised 17.01.2022 , Flood Risk Assessment V1, Sustainability Statement V1, MEP Stage 2 Report (includes Utilities Assessment)001, Design Input Statement for Structural and Civil Works (includes SUDS and Foul Sewerage) Sept 21, Heritage Statement Sept 21 v2, Site Investigation Report V1, Daylight and Sunlight Neighbouring Report V1, Daylight and Sunlight Within Report V1, Construction Logistics Plan V1, Acoustic Report V3-P4664-r1-V3, Code of Construction Practice Appendix A V1, Westminster SuDs Proforma V1, Community Infrastructure Levy (CIL) Form 1 V1, Charitable Social Housing Relief Form 10 V1, Arboricultural Method Statement V1
Agent email (Waste) 05.01.2022, Agent email (Crime) 05.01.2022

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 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 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, flags, signage, awnings and canopies.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 5 You must provide each cycle parking space shown on the approved drawings 25 long stay cycle parking for the residential units and 2 long stay cycle parking for the commercial unit prior to occupation of the development, and thereafter maintained for the life of development for cycle parking and 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)

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 210 Revision P9 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 building. The waste servicing must be carried out in accordance with the Design and Access Statement Waste dated 05.01.2022. (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)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 8 No development shall take place, including any works of demolition, until the following plans have been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:-, ,
A) Delivery and Service Plan, ,
B) Construction Logistics Plan, ,

These documents should detail the traffic impact resulting from construction vehicles and delivery and servicing vehicles on Harrow Road (part of the Strategic Road Network) including the impact on bus infrastructure., , You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

In order to appropriately manage any potential adverse effects on the Strategic Road network and the adjacent bus stop and bus infrastructure, as requested by Transport for London.

- 9 You must provide evidence that the development has achieved Secure By Design Accreditation. You must provide all the secure by design measures referred to in the Accreditation before you start to use the building. You must then permanently retain these features.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in Policy 38 of the City Plan 2019-2040 (April 2021). (R16AD)

- 10 **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)

- 11 (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 Environmental Supplementary Planning Document (May 2021), 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)

- 12 The design and structure of the building 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 Environmental Supplementary Planning Document (May 2021). (R49AB)

- 13 The design and structure of the building 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 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 Environmental Supplementary Planning Document (May 2021). (R49BB)

- 14 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 11 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 Environmental Supplementary Planning Document (May 2021), 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)

- 15 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(s) 12,13 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 Environmental Supplementary Planning Document (May 2021), 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)

- 16 A scheme of mechanical ventilation to prevent overheating and incorporating appropriate air quality filtration shall be provided to the residential properties. Details of the mechanical ventilation system must be submitted to and approved by the Council prior to the occupation of the residential units. The approved scheme shall be installed and permanently maintained. The mechanical ventilation system installed shall ensure that the internal noise levels of the residential units do not exceed the noise levels specified in Condition 49AA. The mechanical ventilation system must provide adequate NO_x and Particulate matter (PM) filtration where required as per the Air Quality Assessment from Eight Associates reference 5704 - 581-587 Harrow Road - Air Quality Assessment-2201-25nv issue 3 dated 26th January 2022.

Reason:

To ensure that the proposed flats are suitably mechanically ventilated, do not overheat and are provided with appropriate air quality filtration all within appropriate noise levels, to ensure that the flats are provided with a suitable internal living environment as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 17 Prior to the occupation of the flats, you must apply to us for approval of a noise mitigation scheme for the external amenity areas (gardens, balconies and communal roof terrace). You must then carry out any approved mitigation measures and retain them in situ for the lifetime of the development.

Reason:

To ensure that the external amenity areas to the proposed flats are mitigated against noise, to ensure that the external amenity areas to the flats are provided with the best possible noise environment for occupiers as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 18 The ground floor commercial unit shall be operated in accordance with the following, unless otherwise agreed in writing by us:

A. You can use the property as a bike shop/workshop and for no other use 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).

B. The bike shop/workshop shall only be open to the general public between 09.00-17.00 Monday to Saturday and not at all on Sundays.

C. You must not occupy the premises, until a detailed scheme for the shop windows of the unit has been submitted to and approved in writing by us. 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:

We cannot grant planning permission for unrestricted Class E use because it would harm the amenity of neighbouring occupiers and to protect the appearance and character of street and protect residential amenity in accordance with Policies 7, 14 and 33 of the City Plan 2019 - 2040 (April 2021).

- 19 The biodiverse roofs on the at first floor, fourth floor and roof level shall not be accessible for general use by occupiers of the flats and shall only be used when carrying out maintenance work and for escape purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 20 Prior to the use of the external terrace at 5th floor, you must apply to us for approval of an operational management plan to show how you will maintain the terrace and minimise noise from its use causing nuisance for people in the area, including people who live in and nearby the building., , The operational management plan shall include, but not be

limited to, the following measures:- ,

- A. Hours of use 08.00-22.00 Monday to Sundays (including cleaning, tidying and maintenance) unless used for emergency/escape access purposes.,
- B. Maintenance of any approved hard and soft landscaping ,
- C. Installation of any approved privacy barriers prior to use of terraces and their maintenance in perpetuity,
- D. Installation of any planters and soft landscaping prior to use of terrace and their maintenance in perpetuity,
- E. No live, amplified or recorded music.,
- F. No external lighting outside of approved operational hours of the terrace, , You must not use the external terrace 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 terrace is in use.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 21 You must apply to us for approval of a scheme of public art for the ground floor blank wall to Harrow Road., , You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. , , You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 22 **Pre Commencement Condition.** You must apply to us with full details to evidence how the development can be built without significant harm to the health and wellbeing of the four trees within the adjacent site at Kensal House, 535-579 Harrow Road. This must include, but not be limited to: , ,
- A. A tree report setting out the likely impacts of the development on the trees to demonstrate that the work could be carried out without harm to the roots of the trees. With statements and opinions which are supported by the submitted plans and documents.,
 - B. Details of foundations with respect to finished floor level and existing ground level.,
 - C. Accurate site investigation report with clarification of foundation depths, main building and build foundations to demonstrate that proposed foundation designs could retain all important tree roots. ,
 - D. Confirmation of retention of boundary wall with Kensal House,
 - E. Details of existing and proposed levels to the gardens to the three ground floor levels (taking into account site contamination works) including any foundations for garden features and walls.,
 - F. Details of the relationship between the tree canopies and the proposed balconies to demonstrate no adverse impact on the trees.,
 - G. Details of below ground services and tree roots,

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 adjacent Grade II Kensal House, 535-579 Harrow Road as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 23 **Pre Commencement Condition.** You must apply to us with full details of the following:-,
- A. Details of soft landscaping planting scheme to ground floor gardens to include number, size, species and position of trees and shrubs and drainage details., ,
 - B. Details of soft landscaping planting scheme to 5th floor communal roof terrace to include volume of planters, number, size, species and position of trees and shrubs and drainage details., ,
 - C. Details of Extensive Green Roofs to 1st floor and 4th floor and Extensive Green & Blue roof to main roof level including substrate depth, and sustainable irrigation, access, specification and management.

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., , You must then carry out the planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees 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. (C30BC amended)

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)

- 24 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees within the adjacent site at Kensal House 535-579 Harrow Road. 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. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

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)

- 25 Before occupation of any part of the development you must provide details of the following for our approval to evidence that the development has been constructed and built to meet or exceed the details submitted with the application. :-
- A. Final Energy details as built on site,
 - B. Final design sustainability details as provided on site,
 - C. Final Whole life carbon details during construction
 - D. Final urban greening factor as provided on site
 - E. Final Net biodiversity as provided on site,

Reason:

To make sure that the development provides the environmental energy, sustainability and whole life carbon and biodiversity and urban greening features included in your application as set out in Policies 34, 36 and 38 of the City Plan 2019 - 2040 (April 2021).

- 26 You must apply to us for approval of detailed drawings showing the following alteration to the scheme revised fenestration arrangement to the ground floor elevation. You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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)

- 27 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)

- 28 You must apply to us for approval of details of the following parts of the development including sections:-,

- A. External Doors
- B. Windows
- C. All external metal work.

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 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)

- 29 You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

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)

- 30 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 facing the street unless they are shown on drawings we have approved. (C26MA)

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 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 25, one bedroom intermediate homes for rent, let at London Living Rents, with tenancies for a maximum period of five years.,
 - b) A financial contribution of £7,500.00 towards the Westminster Employment Service (index linked and payable on commencement of development.,
 - c) A financial contribution of £27,520 towards Carbon Offset Fund (index linked and payable on commencement of development).,

- d) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the existing vehicle crossovers (Harrow Road and St John's Terrace) as footway and creation of on-street parking bays and electric vehicle charging point (subject to detail design and the approval of the Highway Authority). Threshold level checks prior to commencement of development. All of the above to the Council's specification, at full cost (administrative, legal and physical) of the developer.,
- e) Lifetime Car Club Membership for Residential Occupiers from first occupation of the development. (Car Club operator must be a CarPlus member).
- f) Monitoring costs . (I55AA)
- 3 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 (I54AB)
- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.
- 5 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 6 The term 'clearly mark' in condition 6 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 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. 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).

- 8 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, removal or alteration of on-street restrictions (including residents parking bays) and changes to on-street speed reduction humps. You will have to pay all administration, design, supervision and other costs of the work, including those relating to the relocation of the existing speed humps, if possible. We will carry out any work which affects the highway. For more advice, please phone 020 7641 3200. Also this approval is subject to site survey and findings.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE	Date 8 March 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	70-73 Piccadilly and 1-7 Berkeley Street London, W1J 8HP,		
Proposal	<p>Variation of Conditions 1, 11 and 15 of planning permission dated 4 March 2020 (RN: 18/10021/FULL) for, 'Part demolition of, and extensions to, the existing buildings, including a 2 storey roof extension; the refurbishment of the existing and creation of new office (Class B), hotel (Class C1), retail (Class A1 - A5) and Leisure and non-residential institutions (Class D1 - D2) floorspace with ancillary functions; basement refurbishment works; the erection of a 5 storey pavilion on the corner of Piccadilly and Dover Street; Installation of plant at roof level; hard and soft landscaping works as part of an improved public realm offering at Dover Yard and pedestrian route between Dover Street and Berkeley Street, including the creation of additional retail outlets; and other ancillary works. (Site includes 1 - 7 Berkeley Street)';</p> <p>Namely: to amend approved drawings to deliver a contractable canopy to the east side of Dover Yard, addition of a canopy to the hotel entrance at Berkley Street, expansion of the green wall to Berkeley Street and Dover Yard, revised landscaping scheme for Dover Yard, introduction of a small retail kiosk at Dover Yard Passage, amendments to lift overrun and plant screen, and minor façade amendments to the Annex Building (all amendments to drawings approved under Condition 1); to support the allowance of a car retail showroom use (Sui Generis) within the commercial units (amendments to Condition 11); and, to allow the placement of furniture in Dover Yard to be subject to a Management Plan (amendments to Condition 15). Application made under S73 of the Act</p>		
Agent	DP9		
On behalf of	Crosstree Real Estate Partners LLP		
Registered Number	20/06991/FULL	Date amended/ completed	23 February 2022
Date Application Received	3 November 2020		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1 RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the original s106 legal agreement dated 4 March 2020 (under application RN: 18/10021/FULL), which secured the following:
 - i. A financial contribution towards employment, training and skills of £88,188 (index linked); payable on commencement of development;
 - ii. A servicing management plan;
 - iii. A walkways agreement;
 - iv. Stopping up the highway.
 - v. The costs of monitoring the S106 legal agreement
2. If the legal agreement has not been completed within 3 months from the date of the Committee's 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 an appropriate timescale, and that the proposals are unacceptable in the absence of 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.

2 SUMMARY

This application is submitted under S73 of the Act and seeks to vary conditions on a permission dated 4 March 2020. Works are ongoing on site implementing the approved scheme which included refacing buildings on Piccadilly and Berkeley Street and a 2- storey roof extension. The current application proposes design alterations including extending a green wall on Berkeley Street and provision of a green wall and changes to the landscaping within Dover Yard. The application includes the use of the retail unit on the corner of Piccadilly and Berkeley Street as a car showroom.

The key issues for consideration are:

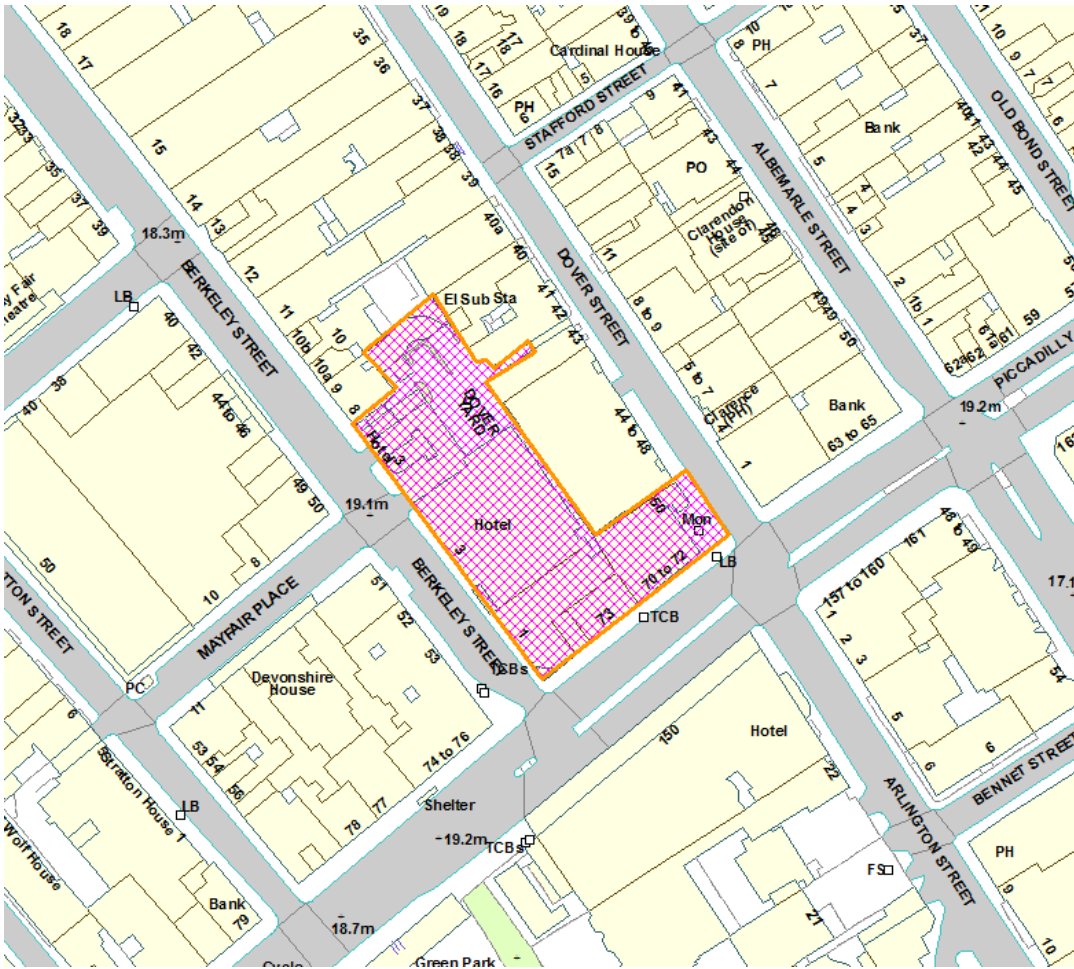
- Land use issues
- The impact of the works on the appearance of the buildings and the Mayfair Conservation Area
- Servicing implications, and the impact on the highway network.

The proposed car showroom would retain a service use at ground floor level and is acceptable in land use terms. The provision of additional greening to the building's facades and additional soft landscaping and greening within Dover Yard are welcomed. Other detailed design changes would

not diminish the quality of the approved scheme are acceptable. The changes within Dover Yard will prevent the yard from being used as an off- street servicing facility. Whilst the loss of off street servicing is contrary to City Plan policy given the number of servicing vehicles that would be displaced onto the street it is considered that permission shouldn't be withheld on this basis.

The application is accordingly recommended for approval.

3 LOCATION PLAN



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4 PHOTOGRAPHS



Verified view of proposed development from Piccadilly looking east, as consented.



5 CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No response received

MAYFAIR RESIDENTS GROUP

No response received

HIGHWAYS PLANNING MANAGER

Objection on the following grounds:

- Loss of off- street servicing within Dover Yard increases pressure on on-street servicing contrary to City plan policies 25,29 and 43;
- the proposed retail kiosk and security room reduces the off-street ground floor holding area that would support on-street servicing, including refuse collection;
- reduction in width of walkway from Berkeley Street into Dover Yard;
- if it is accepted Dover Yard is no longer to provide a day to day servicing function, the dropped vehicle access kerb should be removed from the scheme.
- The application doesn't demonstrate that the car showroom use could be serviced without adverse impact on highway users (including pedestrians and traffic flow);
- Car transporter vehicles on the highway, servicing the proposed car showroom would result in localised congestion;
- The SMP is not a practical document for ongoing day to day use;
- Changes to on-street restrictions will be subject to the formal Traffic Management Order process.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 130

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6 BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the northern side of Piccadilly directly opposite the Ritz Hotel close to Green Park. The site comprises 70-73 Piccadilly and 1-7 Berkeley Street both 1970's buildings which front onto Piccadilly to the south, Berkeley Street to the west and Dover Street to the east.

No 70-73 Piccadilly and 1-7 Berkeley Street comprises basement ground and seven upper floors with a recessed plant room above. Permission was granted in 2020 for a significant refurbishment scheme which involved the refacing the buildings and a 2 storey- extension. This permission has been implemented and construction works are on-going.

The site was previously occupied by the Holiday Inn hotel and offices with retail units on part of the ground floor. Hotel, office and retail uses are retained under the approved scheme.

The site includes Dover Yard at the rear which was used as a service yard for the Holiday Inn hotel including car parking, refuse areas and electricity sub stations. Dover Passage is a public right of way into Dover Yard linking Dover Street and Berkeley Street. The passageway is frequently used as a route from Green Park station to the surrounding streets.

None of the buildings are listed but all are located within the Mayfair Conservation Area, the Mayfair Special Policy Area and the Central Activities Zone.

6.2 Recent Relevant History

i) On 4 March 2020 permission was granted for the following development. 'Part demolition of, and extensions to, the existing buildings, including a 2 storey roof extension; the refurbishment of the existing and creation of new office (Class B1), hotel (Class C1), retail (Class A1 - A5) and Leisure and non-residential institutions (Class D1 - D2) floorspace with ancillary functions; basement refurbishment works; the erection of a 5 storey pavilion on the corner of Piccadilly and Dover Street; Installation of plant at roof level; hard and soft landscaping works as part of an improved public realm offering at Dover Yard and pedestrian route between Dover Street and Berkeley Street, including the creation of additional retail outlets; and other ancillary works. (RN: 18/10021/FULL).

ii) The above permission has been the subject of the following non- material amendments:

- On 28 April 2020 minor layout alterations and changes to detailed façade design RN 20/02050/NMA
- On 25 August 2020 changes to the façade spandrel panel detailing to the consented pavilion structure situated at the corner of Piccadilly and Dover Street
- On 30 September 2021 a change to the description of development

iii) On 20 May 2020 details of code of Code of Construction Practice pursuant to condition 5 of planning permission dated 4 March 2020 were approved. (RN 20/01693/ADFULL)

iv) On 22 December 2020 details of facing materials pursuant to condition 2 of planning permission dated 4 March 2020 were approved (RN 18/10021/FULL).

7 THE PROPOSAL

Permission is sought for minor-material amendments to permission granted on 4 March 2020 (RN18/10021/FULL) as subsequently amended on 28 April 2020 (RN 20/02050/NMA), 25 August 2020 (RN 20/04397/NMA) and 30 September 2021 (RN 21/06175/NMA) via Section 96A applications. The details of these applications are set out above in Section 6.2 (relevant history) of this report above.

The proposed minor material amendments involve the variation of conditions 1, 11, and 15 of planning permission dated 4 March 2020 (RN 18/10021/FULL). The application is submitted pursuant to the Section 73 of the Town and Country Planning Act.

There are 4 elements to the application:

- Green walls: Expansion of the green wall on the Berkeley Street elevation extending up

the vertical recesses within the façade up to the parapet line at the top of level 5. Introducing a green wall to the Dover Yard elevation.

- Dover Yard Canopy and Landscaping: The provision of a glazed canopy on the southern side of Dover Yard which will create an all- weather outdoor seating area for the hotel restaurant fronting onto the yard. Additional planters are proposed either side of the walkway through the yard. The proposed landscaping arrangement would not enable servicing vehicles to be accommodated within the yard. All servicing would take place on street.
- Car showroom: The application seeks to use the retail unit (ground and basement levels) on the corner of Piccadilly and Berkeley Street as a car showroom
- Other design changes: The scheme also includes the following design changes; The addition of a canopy to the hotel entrance on Berkeley Street; The introduction of a small retail kiosk at the Berkeley Street frontage of the Dover Yard Passage; Amendments to the lift overrun and plant screens; and Amendments to annex building façade.

8 DETAILED CONSIDERATIONS

8.1 Land Use

The approved development is a mix of commercial uses, primarily hotel (12021 m2) and offices (7789 m2) with flexibility in how the retail units on Piccadilly (1861 m2) and the annex building within Dover yard (543 m2) would be used.

The current S73 application does not seek to change the principle uses on the site which will remain a 5* hotel and offices. The scheme does seek permission for use on a basement and ground floor unit (unit 1) on the corner of Piccadilly and Berkeley Street as a car showroom.

Car showroom

The applicant advises that the intended operator is Lotus who would use the premises as a showroom to relaunch the company as an electric-only car manufacturer. The unit will be for the display of their electric vehicles and it is not a conventional showroom with no test driving or driving off the forecourt. It will house approximately 2-4 electric vehicles (including a super car). Vehicles will be retained for long periods potentially up to a year with switchovers of cars being very rare.

The unit would be open to visiting members of the public with no booking required. The ground floor (and potentially the basement) would contain the cars on display, a range of merchandise for sale, a large screen and touch screen consoles to stand at.

The car 'selection' via the touch screens is where the consumer can view augmented images of their selected car/colour/finish combination on screen. Physical samples of the car material finishes (paint, leather, metals, timbers) will be located in-store. Any purchases would not normally be processed at the site, rather customers would generally be invited to return home and purchase cars online.

The site is in the Central Activities Zone and is within the West End Retail and Leisure Special Policy Area (WERLSPA). This aspect of the application needs to be assessed against City Plan policy 14 (Town centre, high streets and the CAZ). The policy aims to enhance existing town centres and high streets and requires uses that provide an active frontage and serve visiting members of the public to be provided at ground floor level throughout the town centre hierarchy. The aim of the policy is to ensure that the WERLSPA provides a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy.

The proposal accords with the land use policy, providing highly active frontages, serving visiting members of the public, reflecting the role of the prominent WERLSPA location, and contributing to the visitor economy through attracting visitors to the West End.

The impact of the car showroom use on the highway are discussed in section 8.4 (Transportation/Parking) of this report.

Retail Kiosk

The scheme also includes the provision of a small retail kiosk on Berkeley Street at the entrance to Dover Yard. This would also be compliant with City Plan policy 14 and is acceptable in land use terms.

8.2 Townscape and Design

Introductory Text

Legislation

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."*

Furthermore 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, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Green Walls and landscaping to Dover Yard

The most significant change in design terms is the expansion of the green wall element on Berkeley Street and the provision of a green wall in Dover Yard and additional landscaping. The additional greening is welcomed. It would be an attractive feature on Berkeley Street and significantly improve the character of Dover Yard. The provision of green walls accords with London Plan Policy G5 and City Plan policies 7(E) and 34 which state that developments should contribute to greening of the City.

Substantial additional planting is proposed within Dover Yard which would compliment the green

walls. A glazed canopy is proposed adjacent to the hotel's restaurant on the southern side of the yard. The public right of way through Dover Yard linking Berkeley Street and Dover Street will be retained either side of the resurfaced walkway the soft landscaping will improve the aesthetics of the yard. This significant pedestrian route previously went through a back of house area with poor townscape value. By removing service vehicles from Dover Yard and increasing the greening together with the proposed new annex building and hard landscaping the area will be dramatically enhanced. The design improvements in Dover Yard are welcomed. As already stated the impact of these changes on servicing arrangements are discussed in section 8.4 (Transportation/Parking) of this report below.

Other works

In other respects the proposed amendments amount to relatively minor detailed design changes that would not dilute or diminish the quality of the approved development.

The introduction of a retail kiosk to the Berkeley Street frontage of Dover Yard is acceptable. An additional canopy is proposed on Berkeley Street which will aid in defining the hotel entrance without any harm to the appearance of the building.

It is necessary to increase the size of a lift overrun on Dover Street to accommodate technical operational requirements. The overrun is to be clad in Portland Stone to match the adjacent cladding panel directly underneath and is set back from the face of the building. This will not be unduly prominent as it only be visible in relatively limited street level views. Given the location and the proposed cladding material the extension is considered acceptable. Additional plant screens are below the height of approved roof level plant screens and would have no material impact in design terms.

Minor changes are proposed to the annex building within Dover Yard. The amendments are:

- a change to the spandrel panel on the façade from GRC to a vertical ribbed metal panel;
- extension of balustrade and 1st floor terrace
- new infill roof to provide cover to cycle entrance

These changes are all considered to be acceptable.

The proposal is considered acceptable in design and townscape terms in accordance with policies 38, 39 and 40 of Westminster's City Plan (2019-2040); and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Daylight/Sunlight Sense of enclosure

The City Council places high priority on protecting residential amenity, with City Plan Policy 7(A) stating 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'.

As already stated the only increase in bulk and mass proposed is a small extension to a lift core

on the Dover Street frontage of the site. Given that the addition is minimal and is set back from the frontage it would have no material impact on the amenity of the occupants of any of the surrounding properties.

Overlooking

The application proposes no changes to the fenestration arrangement of the buildings. The small extension to the 1st floor terrace of the annex building raises no new privacy issues.

8.4 Transportation/Parking

Servicing

City Plan Policy 29 requires off-street servicing and freight consolidation

Dover Yard has in the past operated as a service yard for the Holiday Inn Hotel and Arts Club at 40 Dover Street. There was a vehicular loop at the entrance to Dover Yard from Berkeley Street, and within Dover Yard there was a ramped vehicular access to basement car parking, bin storage, parking for the hotel, and an area for deliveries/ servicing. It is also a public right of way via Dover passage linking Dover Street and Berkeley Street. Consequently, previously Dover Yard has been busy with both pedestrian and vehicular activity.

The approved scheme included a ground floor extension which would infill the existing vehicular exit from Dover Yard onto Berkeley Street. The approval included relocating the hotel entrance from within Dover Yard onto Berkeley Street and repaving and landscaping the yard. The changes would allow for the location of tables and chairs at the southern and northern ends immediately in-front of the annex building and hotel.

The approved scheme leaves a single vehicular and pedestrian shared surface access into Dover Yard from Berkeley Street. This would be 4.7m wide. The ground floor extension to the hotel infilling the existing vehicular exit and closing off the loop meant that any vehicles entering Dover Yard would be need to reverse within the Yard to be able to leave in a forward gear.

The applicants servicing strategy seeks to restrict servicing to between two periods of the day:

- i) 00:00 hours to 07:00 hours (overnight) and
- ii) 09:00 hours to 13:00 hours
- iii) No deliveries would be permitted between 07:00 and 09:00 hours in order to avoid peak pedestrian flows through Dover Yard.

The landscaping proposals part of this scheme would prevent servicing from taking place with Dover Yard. Vehicular access would be for emergency vehicles only.

The Highways Planning Manager has objected to the loss of off street servicing commenting that it would place an increased demand on the public highway and public realm and that the proposal does not represent an improved situation compared to the existing consented scheme.

The applicant has provided the table below which shows the servicing position for the site pre-the 2020 permission

Location	Hotel	Arts Club	Office	Retail	Total
Dover Yard	8	22	0	0	30
Berkeley Street	1	0	6	1	8
Piccadilly	0	0	0	5	5
Dover Street	1	0	0	2	3
Total	10	22	6	8	46

The table shows that there were 30 deliveries accommodated within Dover Yard and 8 deliveries on Berkeley Street by all users (inclusive of the hotel, arts club, office and retail units).

If Dover Yard was unavailable for use (as per the proposals) there would be a total of 38 servicing visits accommodated on Berkeley Street over the course of a typical day. The hotel attracted 8 servicing visits within Dover Yard, of which 5 were deliveries by light goods vehicle and 3 were refuse vehicle visits. The approved permission confirmed as part of the SMP that all refuse collections would take place on-street from Berkeley Street. Servicing of the office and retail units would be unaffected as they were not previously serviced from Dover Yard.

The approved SMP stipulates that in the daytime, all deliveries are to be carried out on Berkeley Street, whilst reasonable endeavours will be made for any overnight deliveries (between 00:00 and 07:00) to be accommodated within Dover Yard.

Servicing before 07.00 (overnight)

	Hotel	Arts Club	Office	Retail	Total
Total	1	7	0	4	12

The table above indicates that there was a single hotel-related service vehicle visit prior to 7am. This would be the only vehicle displaced to Berkeley Street as a result of the current proposals. A further 7 Arts Club deliveries were observed prior to 7am however, the Arts Club is not party to the S106 agreement and hence has no formal requirement to (nor any right to) service from Dover Yard. The approved SMP confirms that deliveries to the retail units would continue to occur as existing from Piccadilly.

The proposals are not anticipated to materially alter the overall level of delivery and servicing activity, the frequencies of which would remain as previously observed within the survey. This has been established as part of the existing planning permission.

The objection from the Highways Planning Manager to the loss of Dover Yard as an off-street servicing facility is understood. Preventing the loss of off-street servicing is an established, well-founded policy. However, in this instance the data provided by the applicant indicates that post permission there were 8 daily deliveries on Berkeley Street. This would increase to 37 daily visits as part of the approved scheme which will increase by a single further delivery to 38 under the current application without use of Dover Yard. Based on this data despite the breach in policy with regards to the loss of an existing off-street servicing facility it is considered that permission could not reasonably be withheld on this basis.

The landscaping proposals and removal of servicing vehicles from Dover Yard would result in the Yard being used solely by pedestrians rather than a shared surface with vehicles. This improvement to the pedestrian environment is welcomed.

Refuse Holding Area

The application as initially submitted included a security office behind a retail kiosk leading from Berkeley Street into Dover Yard. The Highways Planning Manager objected that this would result in the loss of an off- street holding area for servicing including refuse. Further to this objection the application has been amended reducing the size of the security office and increasing the holding area.

Car Showroom

The Highways Planning Manager has objected that the application doesn't demonstrate that the car showroom use could be serviced without adverse impact on highway users. A technical note provide by the applicant stated that vehicle movements being limited to an anticipation maximum of bimonthly changeover of display vehicles which would enter and exit from a shopfront bay on Berkeley Street. Given the infrequency, the applicant has not proposed a dropped kerb and the intention is that temporary ramps are used when changeovers occur.

The applicant has subsequently advised that vehicle changeovers could be as infrequent as annual occurrences. It is recommended that the servicing management plan which will again be secured as part of the legal agreement is updated to detail servicing of the car showroom. This can specify enter and exit times and preclude large car transporters if this is deemed necessary.

8.5 Economic Considerations

The economic benefits generated by this application are welcomed

8.6 Access

No changes are proposed to the approved access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Biodiversity

Policy 34 of the City Plan states that developments should achieve biodiversity net gain, wherever feasible and appropriate. The scheme incorporates a full living wall within Dover Yard and an increased green wall on the Berkeley Street front façade. This offers an excellent opportunity to enhance the biodiversity value on-site and further improve the proposal's sustainability credentials.

Sustainability

This S73 application raises no new sustainability issues.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. 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 Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

This application raises no strategic issues.

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 2021 unless stated otherwise.

8.12 Planning Obligations

- The original permission (dated 4 March 2020) was subject to a S106 legal agreement which secured the following:
- A financial contribution towards employment, training and skills of £88,188 (index linked); payable on commencement of development;
- A servicing management plan;
- A walkways agreement;
- Stopping up the highway;
- The costs of monitoring the S106 legal agreement;

The financial contribution towards employment, training and skills was paid prior to the commencement of works implementing the planning permission. A deed of variation is required to ensure that all the other planning obligations remain binding on the amended development.

8.13 Environmental Impact Assessment

The development is of insufficient scale to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

(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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

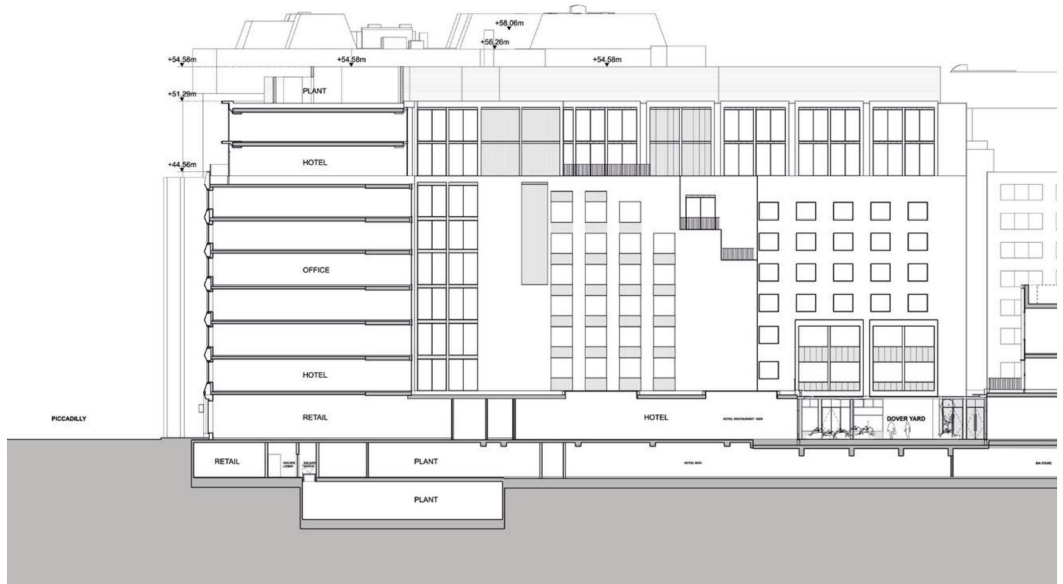
KEY DRAWINGS



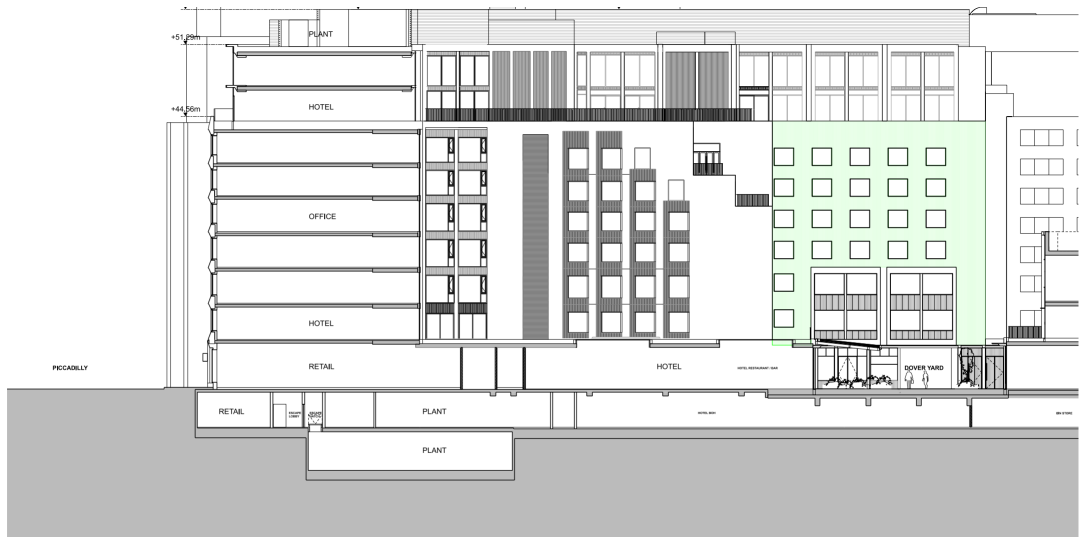
● Current approved green wall scope



● Proposed green wall scope



● Current approved green wall scope



● Proposed green wall scope


Dover Yard Elevation
As consented

Indicative view of the consented landscape design for Dover Yard.



- A** Large Stone planks
- B** Stone Setts
- C** Cobble Bands
- D** Raised Planters / Plant Pots
- E** Decorative Feature

As approved

 Pedestrian Route

Dover Yard Elevation
Proposed


An design update is proposed to the landscape of Dover Yard to more clearly define zones for movement and dwell spaces, as well as an enhanced approach to soft landscaping.



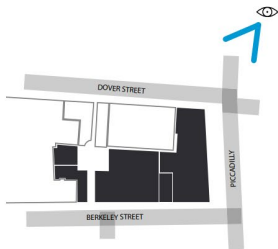
Proposed Amendments

- A** Large Stone planks
- B** Stone Setts
- C** Cobble Bands
- D** Raised Planters / Plant Pots
- E** Decorative Feature
- F** Glazed Canopy

Current Proposed

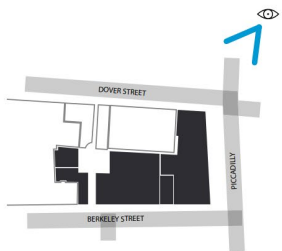
 Pedestrian Route

View from Piccadilly
Plant Screen As consented



As Consented

View from Piccadilly
Proposed

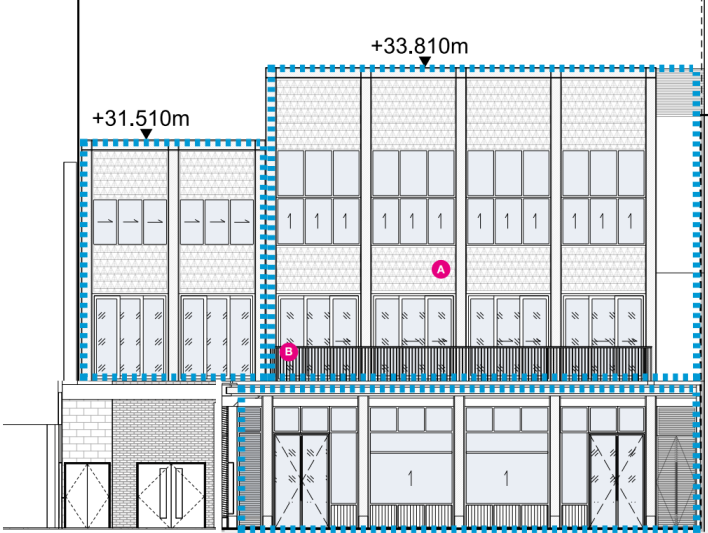


Additional Plant Screen Proposal + Core D Overrun



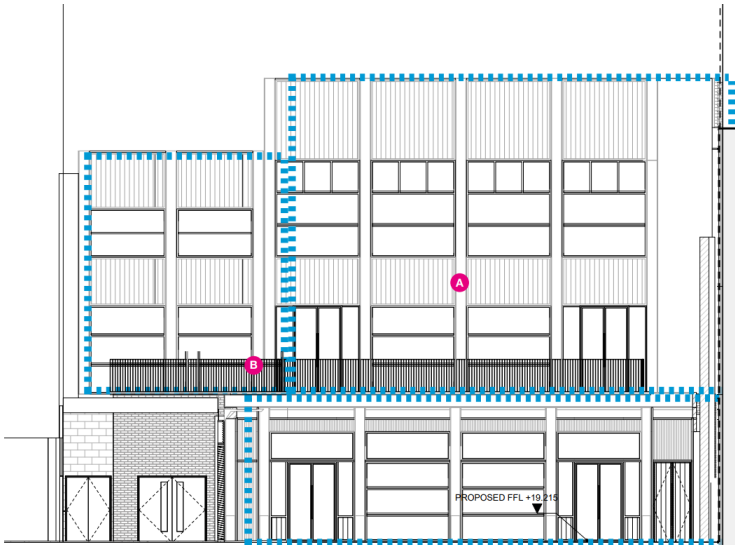
Proposed Amendments

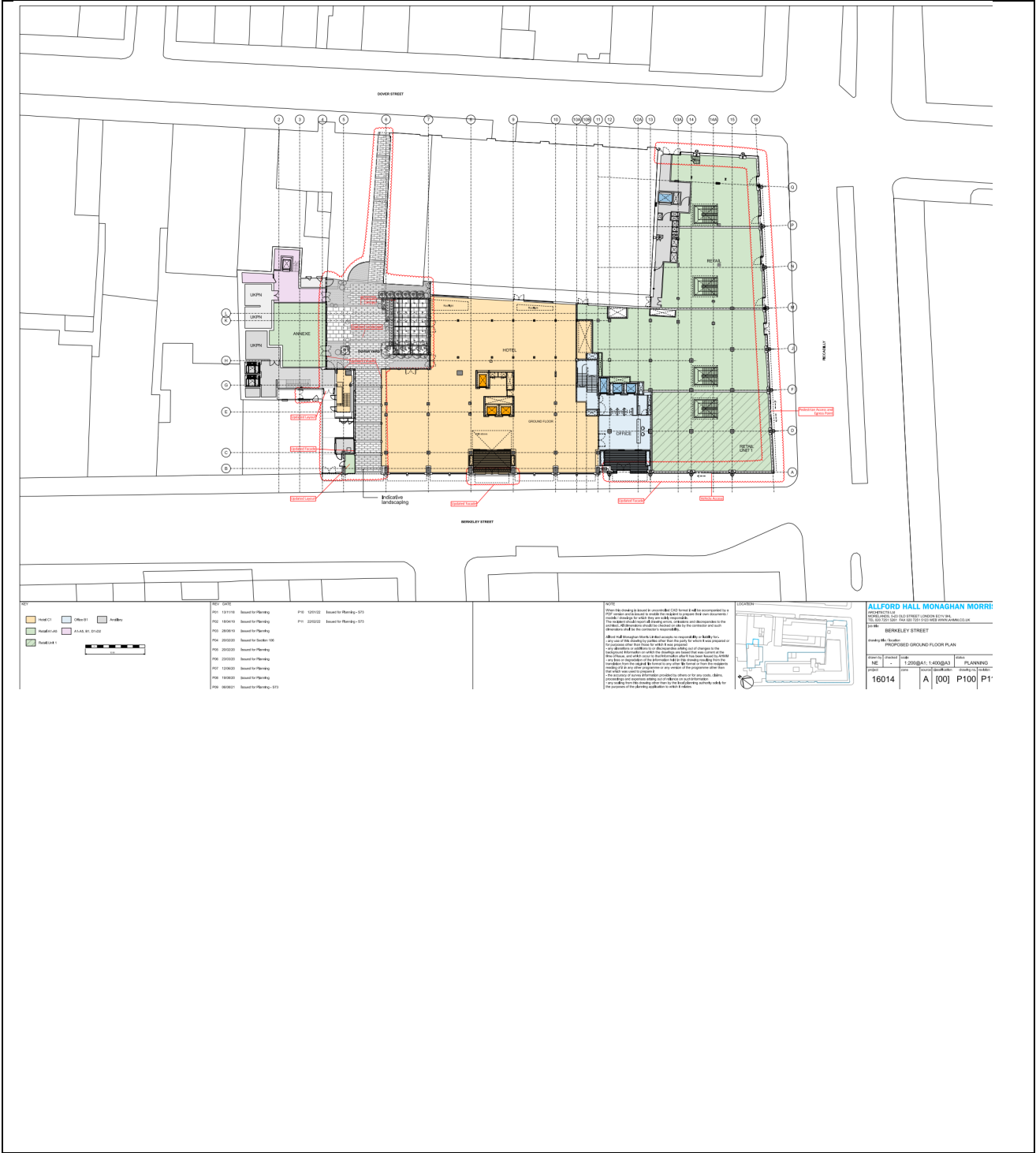
- A** Spandrel panel change from GRC to vertical ribbed metal panel
- B** Extension of balustrade and usable space to L01 terrace
- C** New infill roof to provide cover to cycle entrance



Proposed Amendments

- A** Spandrel panel change from GRC to vertical ribbed metal panel
- B** Extension of balustrade and usable space to L01 terrace
- C** New infill roof to provide cover to cycle entrance





DRAFT DECISION LETTER

Address: 70 - 72 Piccadilly, London, W1J 8HP

Proposal: Variation of Conditions 1, 11 and 15 of planning permission dated 4 March 2020 (RN: 18/10021/FULL) for, 'Part demolition of, and extensions to, the existing buildings, including a 2 storey roof extension; the refurbishment of the existing and creation of new office (Class B), hotel (Class C1), retail (Class A1 - A5) and Leisure and non-residential institutions (Class D1 - D2) floorspace with ancillary functions; basement refurbishment works; the erection of a 5 storey pavilion on the corner of Piccadilly and Dover Street; Installation of plant at roof level; hard and soft landscaping works as part of an improved public realm offering at Dover Yard and pedestrian route between Dover Street and Berkeley Street, including the creation of additional retail outlets; and other ancillary works. (Site includes 1 - 7 Berkeley Street)'; Namely: to amend approved drawings to deliver a contractable canopy to the east side of Dover Yard, addition of a canopy to the hotel entrance at Berkeley Street, expansion of the green wall to Berkeley Street and Dover Yard, revised landscaping scheme for Dover Yard, introduction of a small retail kiosk at Dover Yard Passage, amendments to lift overrun and plant screen, and minor façade amendments to the Annex Building (all amendments to drawings approved under Condition 1); to support the allowance of an experiential car retail showroom use (sui generis) within the commercial units (amendments to Condition 11); and, to allow the placement of furniture in Dover Yard to be subject to a Management Plan (amendments to Condition 15).

Reference: 20/06991/FULL

Plan Nos: Plan Nos: Application ref 18/10021/FULL dated 4 March 2020, 16014_a(00)_P001 P01,16014_a(00)_P002 P01,16014_a(00)_P098, P01,16014_a(00)_P099 P02,16014_a(00)_P100 P03,16014_a(00)_P102, P02,16014_a(00)_P103 P02,16014_a(00)_P104 P02,16014_a(00)_P105, P02,16014_a(00)_P106 P02,16014_a(00)_P107 P02,16014_a(00)_P108, P02,16014_a(00)_P109 P02, 16014_a(00)_P110 P02,16014_a(00)_P150 P03,16014_a(00)_P151, P01,16014_a(00)_P201 P02,16014_a(00)_P202 P02,16014_a(00)_P203, P02,16014_a(00)_P205 P02,16014_a(00)_P301 P02,16014_a(00)_P303, P02,16014_a(00)_P305 P02,16014_a(00)_P307 P02., As amended by:, Application RN 20/02050/NMA dated 28 April 2020, 16014_A_00)P099, P100, P101, P102, P103, P104, P105, P106, P107, P108,, P109, P201,P 202, P203, P205, P301, P303, P305, P307., As amended by:, Application RN 20/04397/NMA dated 25 August 2020, 16014 A (00)_P201 P05, 16014 A (00)_P202 P05., Application 20/07512/ADFULL dated 22/12/2020, Bronze Anodized aluminium Analok - 545, 547; Ultra clear double glazed unit low, iron; ; Ultra clear acoustic glazing low iron; ; Single glazed shopfront ; Grove, Whitbed, Portland Stone; Glas balustrade low iron ; Stainless steel handrail, Polyester Powder Coated (PPC) RAL 9005; Charnwood dovetail pre cast extruded, wirecut brick (red; black/dark grey); Charnwood dovetail standard bricks ; Annex, spandrel panel Jesmonite AC730; Emperador Gold Marble,Dark Brown; Steel, curtain wall Jansen PPC metallic steel ; Plant screen - Seamless Joints Acoustic, Screen galvanised steel panel with Polyester Powder Coating. Light grey colour;,, Jordans Whitbed portland stone; Jordans Basebed

Item No.
4

portland stone; Patinated bronze, sheets Bronze with hairline texture Furumi Rns HL S3.

Application ref 20/06991/FULL , 16014_a(00)_P001 P01,16014_a(00)_P002
P01,16014_a(00)_P098, P01,16014_a(00)_P099 P04,16014_a(00)_P100
P11,16014_a(00)P101 P04, 16014_a(00)_P102 P03,16014_a(00)_P103
P03,16014_a(00)_P104 P03,16014_a(00)_P105 P03,16014_a(00)_P106
P03,16014_a(00)_P107 P03,16014_a(00),

Case Officer: Mike Walton

Direct Tel. No. 020 7641
07866039922

Recommended Conditions and Reasons

- 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 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. For facing materials approved under partial discharge application ref 20/07512/ADFULL and 21/01699/ADFULL, you may choose to carry out the work in accordance with those facing materials already approved, or submit revised details. If submitting revised details, 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.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 3 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building and would not meet Policies

38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 4 You must apply to us for approval of detailed drawings (Scales 1:20 and 1:5) of the following parts of the development: 1. New extensions - typical facade details at all levels, 2. New Shopfronts, 3. New Windows, You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 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: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours 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 people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 6 (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 Environmental Supplementary Planning Document (May 2021), 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)

- 7 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 Environmental Supplementary Planning Document (May 2021). (R48AB)

- 8 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) 6 and 7 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 Environmental Supplementary Planning Document (May 2021), 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)

- 9 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. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the hotel (Class C1) and office (Class E). (C14EC)

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)

- 10 The accommodation at basement and ground floors fronting onto Piccadilly and Berkeley Street and Dover Street shaded green on drawings numbered 16014_a(00)_P099 P03, and 16014_a(00)_P100 P09 hereby approved shall be used for retail/commercial use (Class E(a), E(b), E(c), sui generis drinking establishment or car showroom Sui Generis purposes only as defined by the Town and Country Planning (Use Classes) Order 1987 provided that at least 930 sqm (GIA) of combined Class A1 E(a) or sui generis car retail showroom floorspace is provided at any one time. , , The car showroom use shall be limited to unit 1 as shown on drawings P100 P11 and P099 P04. ,

Reason:

To prevent a use which would not be acceptable because of the character and function of the Central Activities Zone and the West End Special Policy Area (WERSPA). This is to meet policy S14 of Westminster's City Plan 2019 - 2040 (April 2021).

- 11 You must apply to us for a management plan to show how the ancillary facilities for the hotel will be used, including the number of covers and opening hours of a restaurant. You must not occupy the extension to the hotel hereby approved until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the extended hotel is in use. (C05JB)

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 12 Prior to the extended hotel use or annex building in Dover Yard being used for restaurant purposes you must apply to us for approval of details of the ventilation

system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the restaurant use allowed by this permission or ancillary restaurant to the hotel use until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

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)

- 13 You must apply to us for a management plan to show how the annex building in Dover Yard will be used. You must not occupy this building until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the building is in use.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 14 A Management Plan for Dover Yard must be submitted setting out how planters, furniture and moveable features will be arranged in Dover Yard. You must not occupy the development until we have approved the Management Plan. Thereafter, you must operate Dover Yard in accordance with the Management Plan unless otherwise agreed in writing by the Local Planning Authority

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 15 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme amendment to the infill on the corner of Berkeley Street and Piccadilly and Berkeley Street and Dover Yard. 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:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 16 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, signage awnings and canopies.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 18 Prior to occupation of the extensions hereby approved as part of the development cycle parking (minimum of 72 spaces for the office Class E,, 14 for the retail Class E uses and 10 for the hotel (Class C1) and short stay in Dover Yard area) shall be provided prior to occupation and thereafter be maintained for the life of the development.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 19 You must apply to us for a management plan to show how the terrace located on the pavilion on drawing number 16014_a(00)_P105 P02 will be used and managed to ensure clutter does not accumulate in this space.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 20 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., , Roof mounted solar electric PV modules, , 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)

- 21 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green walls 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. (C43GA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

Informatives:

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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: i) A financial contribution towards employment, training and skills of £88,188 (index linked); payable on commencement of development; iii) A servicing management plan; vi) The costs of monitoring the S106 legal agreement, v) Stopping up the highway.
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 5 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)

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.