



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 20th September, 2022

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Ruth Bush (Chair)
Mark Shearer
Robert Rigby

Paul Fisher
Jason Williams
Nafsika Butler-Thalassis



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 hybrid planning committee meeting.

To register to speak and for guidance please visit:

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

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

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

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link.

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

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

(Pages 5 - 16)

1. 217- 221 HARROW ROAD LONDON W2 5EH

**(Pages 19 -
116)**

**2. SITE AT 2-8 TREBECK STREET, 2-5 HERTFORD STREET, 35
SHEPHERD MARKET AND 20 SHEPHERD STREET LONDON
W1J 7JQ**

**(Pages 117 -
126)**

**Stuart Love
Chief Executive
9 September 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 9th August, 2022**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Nafsika Butler-Thalassis, Paul Fisher, Robert Rigby, Mark Shearer and Jason Williams

Also Present: Councillor Louise Hyams (Item 1)

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Ruth Bush 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 would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Williams declared that in respect of Item 1 he knew one of the objectors and was also a former Trustee of the Covent Garden Area Trust, but he had not entered into any discussions regarding the application with any parties.

2.3 Councillor Fisher declared that in respect of Item 2 the site was located within his ward and he knew some of the objectors but he had held no discussions regarding the application with any parties. In respect of Item 1 he was a

former Trustee of the Covent Garden Area Trust, but he had not entered into any discussions regarding the application with any parties.

- 2.4 Councillor Shearer declared that in respect of Items 1 and 3 the sites were located within his ward. With regard to Item 1 he was a Trustee of the Covent Garden Area Trust, had attended a presentation on the proposals and attended a site visit but he had offered no opinion on the applications and held no discussions regarding it with any parties.
- 2.5 Councillors Bush and Rigby both declared in respect of Item 1 that they had both attended a sit visit the application site.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 14 June 2022 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 OLD BREWER'S YARD, 28-32 SHELTON STREET, 15A NEAL STREET, 5 & 7 LANGLEY STREET, 1 & 3 MERCERS WALK AND 107-115 LONG ACRE

Application 1: Mixed-use development at Old Brewer's Yard including: at 28-32 Shelton Street, the erection of two-storey roof extension and other external alterations (including shopfront alterations, new rear access to the Yard, and plant) in connection with the use of the building as a restaurant (Class E(b)); at 1 Mercer Walk, the installation of ancillary plant & servicing equipment, external alterations including opening up of blind windows on east elevation, installation of PV panels at main roof level and the placement of external tables and chairs on Mercer Walk, all in connection with the use of the building as a microbrewery and visitor attraction with ancillary retail, bar and training space (Sui Generis); at 15A Neal Street (ground floor only), external alterations including installation of full-height glazed rear wall and installation of a new shopfront; at 5 Langley Street (basement, partground floor and part-roof only) alterations to north and west facade and installation of new plant, all in connection with the flexible mixed-use of the basement and part-ground floor as entertainment/events/community space with ancillary storage areas (Sui Generis); at the rear of 7 Langley Street, installation of plant at roof level and the use of the former bin store as a bar area servicing the Yard (Sui Generis); at Old Brewer's Yard, the erection of a new high-level glazed canopy structure and semi-permanent external seating, installation of new entrance gates fronting Shelton Street, placement of planters and associated street furniture, for use of the Yard as a flexible entertainment/dining/events/community outdoor space (Sui Generis).

Application 2: Works to rear-part of 7 Langley Street comprising the part-demolition of external walls and construction of new walls, openings, and associated fixtures including canopy fixtures pertaining to the Yard, the complete demolition of internal structures and installation of new internal structures including replacement staircase and new mezzanine level for use as a bar and ancillary storage, and installation of plant at roof level; together with works at 28-32 Shelton Street comprising the installation of entrance gates fronting the under croft shared with listed building 34 Shelton Street. [Addresses include 7-8 Langley Street and 34 Shelton Street].

Additional representations were received from Jones Lang LaSalle Ltd (04.08.22), The Seven Dials Trust (02.08.22) and the Covent Garden Community Association (03.08.22).

Late representations were received from The Seven Dials Trust (05.08.22), Bloomsbury Conservation Areas (04.08.22) and the Covent Garden Community Association (05.08.22).

The presenting officer tabled the following amendments to the conditions:

Condition 10 - No amplified sound shall be played in the entrance and exit or any of the premises hereby approved or within the sixth floor terrace at 28-32 Shelton Street.

Condition 11 - You must not play any amplified sound which is audible outside the site premises (which for the avoidance of doubt includes Old Brewer's Yard).

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).

Condition 24 (Reason): To ensure the full benefits of the scheme are realised by ensuring that after 10.00 hours the public are able to access freely the Langley Passage and Old Brewer's Yard. This is as set out in Policies 25 and 39 of the City Plan 2019 - 2040 (April 2021).

Additional condition 35: You must not use any part of the approved roof extension at 29-32 Shelton Street until the following elements of the proposed development, which are considered to be public benefits of the scheme, have been provided:

- A public route through Old Brewer's Yard in accordance with the terms set out in the Walkways Agreement.
- The use of the basement of 5 Langley Street as a community space in accordance with details secured as part of a s106 agreement.
- Provision of the micro-brewery.

Thereafter these parts of the development shall be maintained in accordance with the approved development.

Tom Johnson addressed the Sub-Committee in support of the application.

Blythe Dunk addressed the Sub-Committee in support of the application.

Alison Oswald addressed the Sub-Committee in objection to the application.

Eric Stuart addressed the Sub-Committee in objection to the application.
Amanda Rigby, representing the Covent Garden Community Association, addressed the Sub-Committee in objection to the application.

Paul Velluet, representing the Covent Garden Area Trust, addressed the Sub-Committee in objection to the application.

Kathy Pimlott, representing The Seven Dials Trust, addressed the Sub-Committee in objection to the application.

Councillor Louise Hyams, in her capacity as Ward Councillor, addressed the Sub-Committee and requested the application be deferred for further consideration.

Application 1:

RESOLVED (Grant: Councillors Butler Thalassis, Rigby and Shearer; Defer: Councillor Bush and Williams; Refuse: Councillor Fisher):

- 1) That conditional permission, as amended, be granted subject to:
 - a) A S106 legal agreement to secure the following:
 - i. The residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street to have been relocated as part of a land use swap with the City Council. The applicant not to commence development until planning applications had been submitted for the land use swap and not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.
 - ii. Details of a community strategy.
 - iii. Walkways Agreement to secure access to Langley Passage and Old Brewer's Yard.
 - iv. Monitoring costs.
 - b) The operational management plan being developed in consultation with the Covent Garden Community Association, the Covent

Garden Area Trust and The Seven Dials Trust before returning to the Sub-Committee for approval.

- c) The opening hours of the external terrace located on Shelton Street be reduced to between 10:00 to 21:00 hours.
 - d) The opening hours for Old Brewers Yard be reduced to between 10:00 to 23:00 hours Monday to Saturday and 10:00 to 22:30 hours on Sundays.
 - e) The opening hours for 1 Mercer Walk be reduced to between 10:00 and 22:30 hours Monday to Sunday.
 - f) Egress from Old Brewers Yard via Shelton Street be restricted after 22:30 hours.
 - g) The capacity for the Old Brewers Yard be reduced to a maximum of 100 customers seated and 50 standing.
- 2) That if the S106 legal agreement had not been completed within six weeks of the Committee resolution then:
- a) The Director of Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this was possible and appropriate, the Executive Director for Growth, Planning and Housing was authorised to determine and issue such a decision under Delegated Powers, however, if not
 - b) The Director of Town Planning should consider whether permission be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale, and the proposal was unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing was authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

Application 2:

RESOLVED UNANIMOUSLY:

- 1) That listed building consent be granted.
- 2) That the reasons for granting listed building consent as set out in Informative 1 be agreed.

2 DEVELOPMENT SITE AT 8-10 GRAFTON STREET, 11-14 GRAFTON STREET, 163-164 NEW BOND STREET, 22-24 BRUTON LANE AND BARLOW PLACE, LONDON, W1S 43N

1. Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street ("Building 1") comprising flexible retail/commercial floorspace (Class E) and a further seven storey building (plus three storey basement, plant mezzanine and roof top plant) on Grafton Street ("Building 2") linked to a 12 storey building (plus two storey and part three storey basement) on Barlow Place ("Building 3") comprising up to six flexible residential/aparthotel units (Class C3/C1), a hotel and associated facilities (Class C1), flexible hotel/restaurant/bar floorspace (Class C1/E/Sui Generis), flexible hotel/spa (Class C1/E); and associated provision of open space and landscaping.
2. The temporary dismantling of the Grade II listed shopfront at 14 Grafton Street and its reinstatement in Barlow Place following the wider redevelopment of 8-14 Grafton Street, 22-24 Bruton Lane and 163-164 New Bond Street.

The presenting officer tabled the following amendments to the report:

Corrected description of proposal *[the description on the report is the original proposal, before amendments were made]:*

Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street ('Building 1') comprising flexible retail/commercial floorspace (Class E) and retail floorspace (Class E), and a further seven storey building (plus three storey basement, plant mezzanine and roof top plant) on Grafton Street ('Building 2') linked to a 12 storey building (plus two storey and part three storey basement) on Barlow Place ('Building 3') comprising up to six residential units (Class C3), a hotel and associated facilities (Class C1), flexible hotel/restaurant/bar floorspace (Class C1/E/Sui Generis) and retail floorspace (Class E), and associated provision of open space and landscaping.

Amended Recommendation:

- f) Highway works to renew the footways around the site, including adjustments to the motorcycle bay in Bruton Lane and works to relocate vehicle parking spaces in Grafton Street.
4. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there are no unresolved

objections to the draft orders. The applicant will be required to cover all costs of the Council in progressing the stopping up orders.

Revised conditions:

4. You must apply to us for approval of detailed drawings of the following parts of the development –
 - (1) a typical example of each different window and external door type.
 - (2) The gates at either end of the undercroft on the Bruton Lane and Barlow Place frontages.

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

30. ~~Pre-Commencement Condition.~~

~~“a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of each phase of the development prior to completion of superstructure within 6 months of commencement of works on site of each respective phase of the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment showing 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 not remove any of these features.~~

~~You must not start work on each respective phase of development until we have approved what you have sent us for that phase.~~

35. ~~Prior to~~ Within 6 months of commencement of construction of each phase of the development details of a system of mechanical ventilation for the relevant phase, shall be submitted to and approved in writing by the Local Planning Authority...
50. The development must be carried out in accordance with the Construction Logistics Plan dated November 2021, unless otherwise agreed in writing with the local planning authority.

Additional conditions:

53. You must apply to us for approval of the following, in consultation with the Designing Out Crime Officer:
 - a) detailed drawings showing the following alteration to the scheme - amendments to the exact location of the gates at either end of the undercroft on the Bruton Lane and Barlow Place frontages to

minimize any recesses created by the placement of these gates and ensuring that there is as good a line of sight as possible from all angles when approaching the gates. The detailed drawings must be annotated to show that the gates include a fob access control system with audio/visual capabilities for residents in each dwelling and the hotel concierge. They should be tested and certified to LPS1175 B3.

- b) details demonstrating that the gates and the whole undercroft area, including the entrance to the residential accommodation, and the residential areas within Building 3, including the entrance doors to the individual flats, have achieved a Secured By Design accreditation. If this is not achievable you must provide justification for this.

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/details in full prior to the occupation of the residential and hotel uses and permanently retain them unless otherwise agreed in writing with the City Council as local planning authority.

Reason

To reduce crime in accordance with Policies 38 and 43 of the City Plan 2019 – 2040 (April 2021).

Additional representations were received from the Metropolitan Police (04.08.22), the Health and Safety Executive (02.08.22), Westminster City Council Highways (05.08.22) and O&H Grafton Developments Ltd (undated).

Peter Edgar addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission, as amended, be granted subject to the views of the Mayor of London and subject to a S106 legal agreement to secure the following:
 - a) An Employment and Skills Plan and a contribution of £203,941.45 [or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Complete financial contribution payable prior to the commencement of development.
 - b) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be off-set through a financial contribution to the City

- Council's carbon offset fund (payable prior to commencement of development);
- c) Be seen Energy Monitoring in consultation with the GLA;
 - d) Submission of a Travel Plan prior to occupation of any phase of the development;
 - e) To provide the six residential flats within five years of the commencement of demolition of Phase 1;
 - f) Highway works to renew the footways around the site, including adjustments to the motorcycle bay in Bruton Lane and works to relocate vehicle parking spaces in Grafton Street.
 - g) Dismantling and re-erection in Barlow Place of the listed 'Wartski' shopfront
 - h) Demolition clauses
 - i) The costs of monitoring the S106 legal agreement.
- 2) That if the S106 legal agreement had not been completed within 3 MONTHS from the date of the Committee's resolution then:
- a) The Director of Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) That conditional listed building consent be granted.
- 4) That the reason for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.
- 5) That the Committee authorised the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable the development to take place. That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all

necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there were no unresolved objections to the draft orders. The applicant would be required to cover all costs of the Council in progressing the stopping up orders.

3 GROSVENOR GARDENS HOUSE, 35-37 GROSVENOR GARDENS, LONDON, SW1W OBS

Variation of conditions 1, 22, 29 and 30 of planning permission dated 03 July 2013 (RN: 12/07764/FULL) for the: 'Demolition and rebuilding of rear section of building, excavation to create a two storey basement, extensions and associated refurbishment of Grosvenor Gardens House, to provide 42 residential units (Class C3) on first to seventh floors; reconfiguration at ground floor level to provide mixed retail use (Class A1 and/or Class A3); wellness facility, residential storage, plant, car and cycle parking at basement levels; and public realm works to Eaton Lane (23-47 Grosvenor Gardens and 44-52 Buckingham Palace Road)'. Namely, to amend the housing mix, basement excavation, building entrances, reduction of retail units and car parking provision, additional plant equipment and revised energy strategy.

Late representations were received from CIT Group (03.08.22) and one local resident (05.08.22).

Steve Riddell addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission and conditional listed building consent be granted, subject to the completion of a Deed of Variation to the S106 legal agreement dated 03 July 2013 (RN: 12/07764/FULL) to secure the following in addition to the previously secured planning obligations:
 - i) Financial contribution of £5,985 towards the Council's Carbon offset fund (Index linked and payable on commencement of construction works).

- 2) That if the deed of variation to the original s106 legal agreement had not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within

the appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

- 3) That conditional listed building consent be granted.
- 5) That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

The Meeting ended at 10.40pm.

CHAIRMAN: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th September 2022
 MAJOR SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 21/06475/FULL Westbourne	217-221 Harrow Road London W2 5EH	Demolition of the existing building to redevelop the site to provide a part-20 storey and part-9 storey mixed use building comprising residential (Class C3), a commercial unit (Class E), homeless accommodation and facilities (Sui Generis) and associated move-on units (Class C3), landscaping, public realm and other associated works.	Stories (217HR) Limited and St Mungo's Community
<p>Recommendation</p> <p>1) Subject to the concurrence of the Mayor of London, grant conditional permission, subject to the completion of a S.106 legal agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> a) Provision of 11 move on units and 14 affordable units on site. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships. b) Provision of an early-stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayors Affordable Housing and Viability SPG. c) A financial contribution of £144,677 (index linked) to the carbon off-set fund. d) Provision of highways works in Harrow Road and Torquay Street to facilitate the development. e) A financial contribution of £88,516.47 (index linked) to the Westminster Employment Service (WES). f) Provision of car club membership for each residential unit for a period of 25 years. g) The cost of monitoring the s106 agreement <p>1. If the S106 agreement has not been completed within three months of the committee resolution then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning & Building Control 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 Town Planning & Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not; b) The Director of Town Planning & Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an undertaking 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 Town Planning & Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				

Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 20/03698/MOD10 6	Site At 2-8 Trebeck Street, 2-5 Hertford Street, 35 Shepherd Market And 20 Shepherd Street London W1J 7JQ	Variation to the terms of the Section 106 Agreement in connection with the planning permission of 3 March 2016 (Ref: 14/12430/FULL and as subsequently varied): Namely to require 8 residential units comprising 917 m2 to be provided at 217-222 Harrow Road by October 2024, or continue to make payments towards the City Council's affordable housing fund in accordance with the completed legal agreement.	5 Hertford Street Ltd

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 20th September 2022
MAJOR SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Recommendation

Agree to complete a deed of variation to the original legal agreement dated 3 March 2016 to secure the following varied planning obligations:

- i. The provision of 8 residential units comprising 917m² at 217-222 Harrow Road by October 2024;
- ii) In the event that (i) is not delivered, to require the applicant to continue to make annual payments to the Affordable Housing Fund commencing in November 2024.

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 September 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Westbourne	
Subject of Report	217-221 Harrow Road, London, W2 5EH		
Proposal	Demolition of the existing building to redevelop the site to provide a part-20 storey and part-9 storey mixed use building comprising residential (Class C3), a commercial unit (Class E), homeless accommodation and facilities (Sui Generis) and associated move-on units (Class C3), landscaping, public realm and other associated works.		
Agent	Gerald Eve		
On behalf of	Stories (217HR) Limited and St Mungo's Community		
Registered Number	21/06475/FULL	Date amended/ completed	8 August 2022
Date Application Received	17 September 2021		
Historic Building Grade	Unlisted		
Conservation Area	No		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

- 1) Subject to the concurrence of the Mayor of London, grant conditional permission, subject to the completion of a S.106 legal agreement to secure the following planning obligations:
 - a) Provision of 11 move on units and 14 affordable units on site. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.
 - b) Provision of an early-stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayors Affordable Housing and Viability SPG.
 - c) A financial contribution of £144,677 (index linked) to the carbon off-set fund.
 - d) Provision of highways works in Harrow Road and Torquay Street to facilitate the development.
 - e) A financial contribution of £88,516.47 (index linked) to the Westminster Employment Service (WES).
 - f) Provision of car club membership for each residential unit for a period of 25 years.
 - g) The cost of monitoring the s106 agreement

2. If the S106 agreement has not been completed within three months of the committee resolution then:
 - a) The Director of Town Planning & Building Control 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 Town Planning & Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not;

 - b) The Director of Town Planning & Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an undertaking 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 Town Planning & Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

The site currently houses St Mungo's hostel in a part three/ part four storey building. The site lies on the south side of Harrow Road. To the south of the site is a skateboard park and sports pitch which lie beneath the elevated A40 Westway, beyond which lies the mainline railway line from Paddington. To the west of the site is 1 Torquay Street which comprises a part five and part thirteen storey tower contained 150+ hostel rooms, operated by London Hostels Association (LHA). To the east of the site at 209 Harrow Road is a health centre and a drug and alcohol clinic. At 211 Harrow Road is the Harrow Road Municipal Services Depot, operated by Veolia on behalf of the City Council. The site is located in a mixed use area with a variety of residential, educational, leisure and health uses, including the Westminster Academy.

The site does not include any listed buildings and is located outside of any conservation area. The

site falls within the designated North Westminster Economic Development Area (NWEDA). The site lies within the Westbourne Grove Surface Water Flooding Hotspot. There are no other site designations.

The application proposes the complete redevelopment of the site, demolishing the existing building and erecting a new pair of attached buildings containing a mixed-use development comprising 98 residential units (Class C3), homeless accommodation consisting of 45 bed spaces and facilities (Sui Generis) and 11 move-on units (Class C3) and a commercial unit (Class E).

The two buildings would consist of a lower 9-storey building fronting Harrow Road, and a 20 storey tower to the southern part of the site adjacent to the Westway. The buildings would occupy the western part of the site, leaving a narrow gated area of communal private open space at ground level. Originally the buildings were to be interlinked internally, however given the concerns raised by the Health and Safety Executive (HSE) they are now separate buildings.

The application has attracted 18 objections and three representations in support. The objectors are primarily concerned with the replacement St Mungo's hostel facility due to anti-social behaviour in the area; height of the buildings proposed and their impact on the character of the area and resulting light loss; the developments impact on local amenities, the road network and public transport; and noise, traffic and dust during construction.

The key considerations in this case are:

- Provision of a significant level of residential accommodation.
- The acceptability of the proposed on-site affordable housing provision in terms of the quantum, mix and tenure of the units proposed.
- The acceptability of the proposed residential accommodation in terms of its, size, mix and accessibility.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the adjacent conservation area's.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the energy performance of the proposed building.
- Whether the development has delivered sufficient biodiversity net gain.

The proposed development would result in less than substantial harm to the following heritage assets:

- Maida Vale CA
 - View from Blomfield Road, at the junction with Westbourne Terrace Road
 - British Waterways Board Canal Office (Grade II LB)
- Pembridge Conservation Area (RBKC)
 - Pembridge Villas, at the junction with Chepstow Crescent
- Queensway Conservation Area
 - View from Queensway, near the junction with Westbourne Grove
 - View from Porchester Road, adjacent to Porchester Square Gardens
 - Porchester Centre (Grade II* LB)
- Bayswater Conservation Area
 - View from Porchester Road, adjacent to Porchester Square Gardens
- Westbourne Conservation Area

- View from Porchester Road, adjacent to Porchester Square Gardens
- View from Porchester Road, southern end of Lords Hill Bridge
- Westbourne Gardens, western side – north
- View from Talbot Road and St Stephen's Crescent
- View from St Stephen's Gardens – western end, southern footway
- View from Westbourne Park Road, near junction with Aldridge Road Villas
- View from Westbourne Park Road, near junction with Chepstow Road
- Lords Hill Bridge and lineside walls (non-designated heritage assets)
- Church of St Stephen (Grade II LB)

Accordingly, special regard must be had to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets when deciding this application. By reason of this harm, the proposed development does not meet policies HC1 and HC3 of the London Plan (March 2021) and policies 39 and 40 of the City Plan (April 2021).

The application site is located outside a site considered suitable for a Tall Building (the locational principles) and therefore the proposed development is also not entirely consistent with policies D9 of the London Plan and 41 of the City Plan. The main residential building is of a similar height to the 6 neighbouring tall buildings of the Brindley Estate and is taller than the adjacent 1 Torquay Street and the proposed development would cause harm to the setting of several heritage assets as identified above, and discussed in detail below and does not include a publicly accessible viewing platform.

However, the proposed development comes with numerous public benefits. These include, but are not limited to:

- The re-provision of a hostel facility and specialists housing for the operations of St Mungo's, who in part provide a commissioning service to Westminster Council. This is a public benefit of substantial weight;
- a significant contribution to the City Council's overall housing provision. This is a public benefit of substantial weight;
- a level and mix of affordable housing, as agreed by viability consultants. This is also a public benefit of substantial weight;
- job creation and career opportunities for local residents;
- replacement of an architecturally harmful building with a well-designed and high quality replacement;
- significant highway improvements to Torquay Street;
- a 552.93% biodiversity net gain on-site and a significant increase in on-site greening;
- encouragement of sustainable travel;
- a 62% reduction in carbon emissions on-site and a significant carbon offset payment that can be used to reduce carbon emissions elsewhere within Westminster; and
- a CIL contribution of over £1.8 million that that would improve infrastructure throughout Westminster but particularly in the local area.

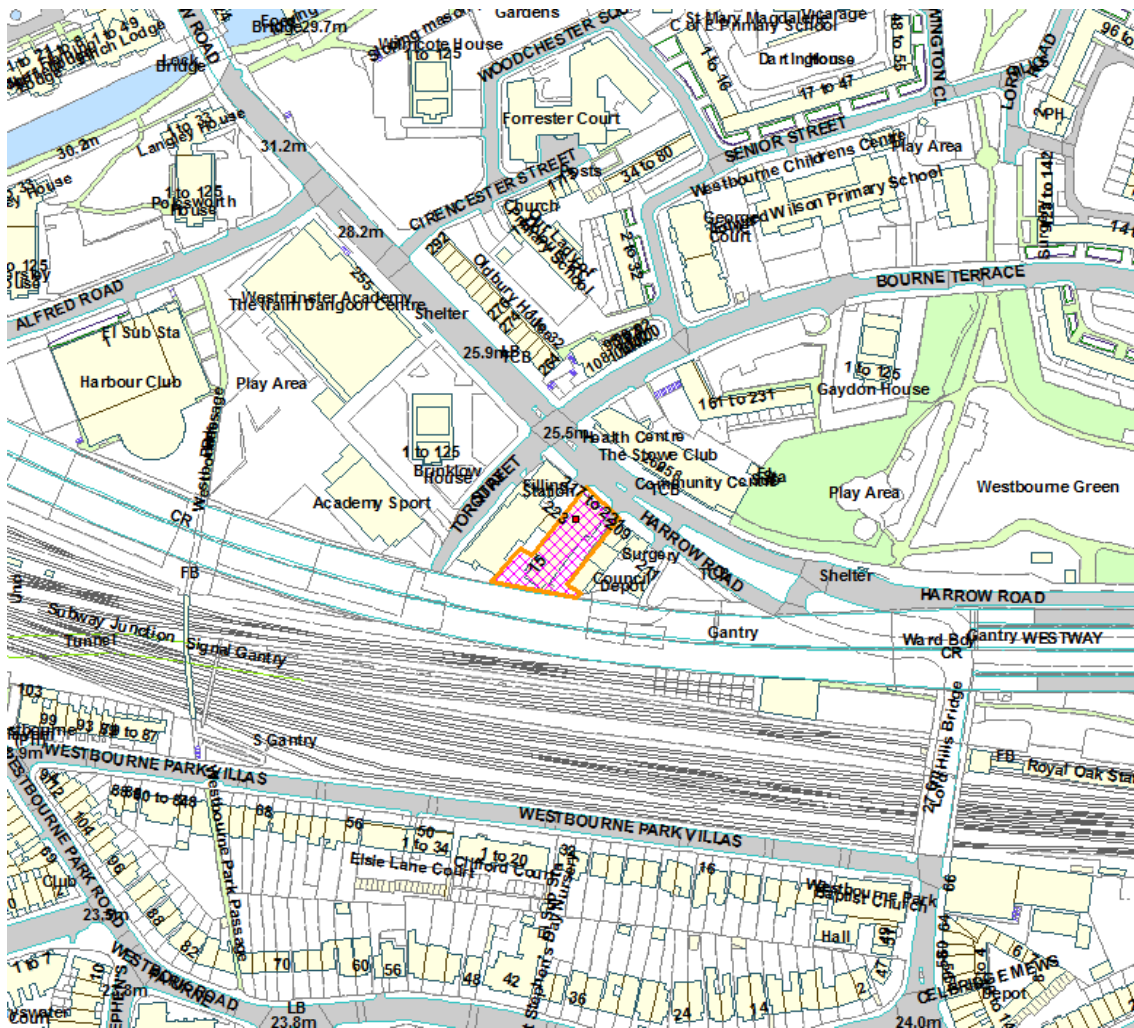
Although the proposed development would cause less than substantial harm to the heritage assets listed above, the package of public benefits arising from the development are considered to be very substantial. Whilst great weight and special regard has been given to the desirability of preserving or enhancing heritage assets when deciding this application, the proposal is considered acceptable in terms of its impact on the heritage assets listed above. Therefore, granting permission would be is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed

Buildings and Conservation Areas) Act 1990.

The package of public benefits would also be significant in terms of the development plans strategic aims, in particular policies GG1, GG2, GG3, GG4 and GG5 of the London Plan (March 2021) and policies 1, 5, and 7 of the City Plan (April 2021). Subject to conditions, the proposed development also meets or largely meets all other relevant development plan policies, including policies D3, D4; D5, D6, D12, H1, H4, H5, H10, H11, H12, G1, G5, G6, G7, SI1, SI2, SI13, T2, T4, T5, T6 and T7 of the London Plan (March 2021) and policies 8, 9, 10, 12, 18, 25, 28, 33, 34, 35, 36, 37, 38 and 43 of the City Plan (April 2021). Overall, the proposed development is in accordance with the development plan when read as a whole.

Therefore, it is recommended that permission is granted subject to conditions (a decision notice will be tabled prior to the committee) and a section 106 agreement to secure the planning obligations listed above.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front of Application Site



Application site, Grand Union Health Centre and 1 Torquay Street



Application Site – Photo from 1962



5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS – WESTBOURNE

Councillor Hug forwarded on concerns from Director of Public Health regarding access to Turning Point, a drug and alcohol clinic at 209 Harrow Road.

WARD COUNCILLORS – BAYSWATER

Any response to be reported verbally.

WARD COUNCILLORS – HARROW ROAD

Any response to be reported verbally.

WARD COUNCILLORS – HYDE PARK

Any response to be reported verbally.

WARD COUNCILLORS – LITTLE VENICE

Any response to be reported verbally.

GREATER LONDON AUTHORITY

In the Stage 1 response the GLA advise that, whilst the proposals is supported in principle, the application does not currently comply with the London Plan.

Land use principles

The proposed re-provision and expansion of specialist homeless accommodation with new residential and commercial uses on this brownfield site with good access to public transport is acceptable in principle in accordance with Policies H1, H8, and H12 of the London Plan.

Housing: The scheme proposes between 16 and 21% net additional affordable housing by floorspace. This does not accord with the Fast Track Route which sets a 50% threshold for publicly owned land and, therefore, must follow the viability tested route. Further viability discussions are required to determine the maximum reasonable amount of affordable housing. Affordability levels and review mechanisms should be secured within a S106 agreement.

Urban Design:

The site is not identified in the development plan as suitable for tall buildings. Subject to addressing the criteria in Policy D9(C), the proposed tall buildings could be acceptable, on balance. Further information is required to demonstrate that the internal space standards are met. The tenure split of the proposed wheelchair accessible units, and a revised fire statement should be provided.

Sustainable infrastructure: Further information on whole life-cycle carbon, circular economy, and the energy strategy is required.

Green infrastructure and natural environment:

Further information on the proposed trees, UGF calculation, and biodiversity net gain should be provided. Drainage matters do not appropriately respond to policy and must

be addressed.

Transport:

A review of the proposed access is required. Future residents should be prevented from obtaining CPZ permits. A detailed Travel Plan, DSP and CLP should be secured.

Further information was provided by the applicant and the GLA responded further stating there are outstanding issues on:

Energy
Circular Economy

The GLA confirmed there were no outstanding issues on:

Whole Life Carbon
Biodiversity Net Gain
Urban Greening
SuDS/Water Efficiency

The applicant has provided additional information and any further response from the GLA will be presented prior to or at the committee.

TRANSPORT FOR LONDON

Although supported in principle, the site is within an area with a degraded footway network and does not successfully meet the aspirations of London Plan Policy T2 Healthy Streets. The proposed design provides permeability through active frontages which would improve the street environment. However, the creation of a gated south-north residents only/St Mungo's staff/residents limits public pedestrian access through the site.

To improve pedestrian experience and incentivise public transport use, real time bus timetables should be provided at the two closest bus stops along Harrow Road (Royal Oak Station stops RD and RC). It is strongly recommended that the Council secures financial contributions or works in kind to delivering the scheme in line with policy T2 Healthy Streets.

The Active Travel Zone (ATZ) assessment highlights that the site is highly accessible to a range of amenities, services, and public transport. The proposed design supports pedestrian and cycle accessibility over car use. The public realm should be improved as detailed above to encourage and enable active travel.

Given the mix of cycle parking to be provided for St Mungo's residents and the adequate levels of cycle parking to be provided for the residential units no further cycle parking revisions will be required.

One blue badge parking space for visitors will be accessed via Torquay Street will be provided which does not meet London Plan Policy T6. However, throughout the pre-application proposed it was found that to provide seven blue badge spaces a very large vehicle crossover would be required and would result in a degraded pedestrian environment. One vehicle crossover is still required to accommodate the blue badge space and the loading bay access however this will accommodate a lower number of vehicle movements to minimise impacts on pedestrians. The applicant states that

residents within the mixed-use or St Mungo's buildings would be able to apply to WCC for a 'White Badge' disabled parking permit, which would allow them to park in any available spaces within the borough free of charge. There are existing bays in the close vicinity along Torquay Street, some of which could be converted to disabled parking bays should there be demand in the future for these spaces. It is for the Council as highway authority to confirm the acceptability of this, provided the on-street capacity can accommodate the development's blue badge requirements, within 50m of the development. The final design and delivery of the vehicle crossover will be to be secured via a s278 agreement with WCC as highway authority.

The crossover will also provide 24/7 unrestricted access from the highway to the substation this is a requirement of the electricity network operator.

QUEEN'S PARK COMMUNITY COUNCIL

No objection.

BRENT COUNCIL

No objection.

ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection

HEALTH AND SAFETY EXECUTIVE (HSE)

Further to the submission of revised drawings (to the HSE on 2 September) in response to earlier HSE objections, HSE are now content with the proposals.

LONDON FIRE SERVICES

No response received.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

No response received.

HISTORIC ENGLAND

No comment.

QUEENS PARK COMMUNITY COUNCIL

No objection

SOUTH EAST BAYWATER RESIDENTS ASSOCIATION

Objection on the height of the residential building and that it fails to preserve and enhance the character and appearance of the Bayswater, Hallfield Estate, Queensway and Westbourne Conservation Areas and that it damages the setting of the listed Porchester Centre and buildings in Westbourne Park Road and Westbourne Park Villas.

MAIDA HILL NEIGHBOURHOOD FORUM

No response received

NOTTING HILL EAST NEIGHBOURHOOD FORUM

No response received

WESTBOURNE NEIGHBOURHOOD ASSOCIATION

No response received

BAYSWATER RESIDENTS ASSOCIATION

No response received

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No response received

NORTH PADDINGTON SOCIETY

No response received

HEAD OF AFFORDABLE HOUSING AND PARTNERSHIPS

In principle support given to the proposals for 45 short stay homes in the hostel facility; 11 move on units and residential flats in the tower building.

Housing has advised St Mungo's that its support for the homeless facility that includes 45 short stay homes is conditional upon this facility being fully fitted out to include all the consumerables, and IT necessary and other furniture and fittings required to ensure a high standard operating model and that the funds to achieve this must be in place by St Mungo's. Not all the costs of providing these items are currently accounted for in the reported development costs of the scheme These additional costs are estimated to be in the region of £500k.

The applicant has set out that in addition to the 11 move on units that will have rents set at London Affordable Rents (LAR) (*similar to social rents*) that either an additional 14 (Option 1) or 8 (Option 2) DMR homes can be provided depending upon whether the rents are capped at GLA London Living Rent (LLR) levels with the maximum qualifying household income cap set at £60k , Or rents can be set at levels higher than LLR but with the maximum qualifying household income cap income still set at £60k. Housing supports option 1 over option 2 due to the increased level of affordable homes provided under option 1.

DIRECTOR OF PUBLIC HEALTH

Comment made that Turning Point, a drug and alcohol clinic at 209 Harrow Road must retain access from the back of the building. Another option would be to offer an alternative site to Turning Point, however, it is very challenging to find suitable premises for such services.

CORPORATE PROPERTY

Objection made to the initial application on the grounds that the development will prohibit access to Turning Point (the drug and alcohol clinic at 209 Harrow Road) and impede emergency access from the Grand Union Health Clinic.

Following discussions with the applicant and with various options proposed as to how access to Turning Point can be re-provided, no objections are raised in principle. Some concerns are raised as to who is liable for any associated costs/ legal agreements with any alterations to provide a new access.

DESIGNING OUT CRIME OFFICER

The development is unviable and an objection to the application is made. The main concern is the residential block and the safety of its residents. The orientation of the proposed building leaves them having to walk under the underpass through a dimly lit corridor with no natural surveillance. In addition, there are concerns as to the design of the site with many shared facilities between the residential building and St Mungo's. The two buildings should be completely sperate from one another along with the commercial side.

WCC ECONOMY TEAM

No objection, based on the total net uplift, the scheme should provide a financial contribution of £88,516.47

HIGHWAYS PLANNING MANAGER

Further to the revised scheme, there are no objections to the proposals.

ENVIRONMENTAL SCIENCES

No objection raised to the proposals in terms of air quality (for Construction and Operational Phase); air quality neutral; overheating; mechanical ventilation (to prevent overheating when windows need to be close because of environmental conditions) subject to conditions and noise and vibration.

ARBORICULTURAL OFFICER

Street Tree

There is a field maple in the pavement directly outside site. The tree is owned and managed by the City Council, and its safe retention is important. Originally an objection was raised on the impact to this tree. Further to revised information and given the proposed building line does not extend beyond the existing building line, the arboricultural officer does not maintain this objection subject to conditions and informatives.

Site Trees

The applicant proposed 10 silver birch tree within the site as part of the landscaping proposals. The arboricultural officers considers that the trees would be uncomfortably close to the adjacent property and are too closely spaced to be able to develop to maturity. In addition, they remain of the opinion that silver birch trees are rather over specified in landscaping schemes in Westminster and consider that a single, ultimately large growing, specimen tree would be preferable in order to maximise canopy cover, whilst still ensuring a reasonable separation between the tree and the properties, such that the tree and the building would not be in conflict.

The current proposals do not show the proposed landscape arrangement at ground floor. Westminster's Environment SPD says the information required to accompany a planning application includes 'strategic hard and soft landscape design, including species and location of new tree planting.' And as such it is considered that these details should be supplied for approval at this stage.

Other Landscaping/ Greening

A small green roof is proposed at level 8 of the link between the two buildings, a larger green roof at level 19, and another green roof at level 20. Accessible terraces are proposed at level 8 (St Mungo's) and level 18 (rear block).

In response to requests for definite commitments to other greening proposals, the applicant has illustrated the space allocated for greening in the DAS but not on the planning issue drawings. In order that the applicant can demonstrate their commitment to the extent of greening proposed, if it is intended to recommend planning permission is granted, the minimum areas and soil depths/ volumes should be available for us to approve formally at this stage, noting both that the DAS is not normally an approved document.

Green roofs are proposed to have a soil depth of 60/80mm depth or 150mm depth (p100 of DAS), which contradicts the statement at p101 of the DAS which says all roofs will have a minimum soil depth of 150mm. The Westminster Environment SPD advises 'an intensive green roof usually has more than 200mm depth of substrate'. As such soil depths are unlikely to be adequate.

On the terraces, the depth of planters is 'indicative' as described in the DAS. Soil volumes are not described. The Environment SPD says, 'Details of the design and construction and a management plan will be required for green roof developments at full application stage. These should include details of the depth and specification of the substrate, the number, size, species and density of the proposed planting, and details of maintenance regime (frequency of operations, timing of operations and who is responsible), and irrigation.'

The details are insufficient to demonstrate the commitment to greening, not do they comply with the Westminster Environment SPD.

Other

Further details are required at application stage regarding permeable paving and irrigation.

Suggested conditions and informatives are provided should permission be recommended to be approved.

WASTE PROJECTS OFFICER

No objections raised to the siting of the waste stores for the residential facility and the St Mungo's facility. The bins are not labelled as required by the Council's Waste Storage Requirements and this should be conditioned.

As a result of a late revised drawing there is also a query over the size of the refuse door.

ADULT & COMMUNITY SERVICES

No response received

BUILDING CONTROL - DEVELOPMENT PLANNING

No response received

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1727

Total No. of replies: 21

No. of objections: 18 (4 of these responses received from 2 properties)

No. in support: 3

Three letters of support have been received to the proposals.

Objections have been received on some or all of the following grounds:

Land Use:

- Whilst the need for homeless accommodation is appreciated, the current residents of St Mungo's cause many anti-social issues which is having a negative impact on neighbouring residents and businesses.
- Any increase in 'homeless accommodation will cause more anxiety to members of the community.
- Has the City Council looked into the reported incident numbers with the MET police as the police are called on a regular basis.
- The charity should find a new location outside of London.
- A facility of this nature in close proximity to schools is a worry.
- Concern that the flats will not be for sale but for let at affordable rents.
- The viability of the scheme is questioned.
- Condition regarding public realm improvements when Torquay House was built have not been fulfilled.
- Any business relationship between Westminster Council and St Mungo's should have no bearing on this planning application. And that the application should be treated by the Westminster Council planning process as though it had been made by a private property developer.
- Imbalance of infrastructure in this small area.

Design:

- Whilst the need for homeless accommodation is appreciated the proposed height is excessive.
- The Brindley Estate and 1 Torquay Street do not justify this proposed height.
- The relationship to the St Mungo's facility does not justify the proposed height.
- Skyline blocked because of height.
- Add to the canyon of high rise buildings which are encroaching on either side of the Westway.
- The height if approved will set a precedent for more tall buildings.
- The building should not exceed the height of Torquay Street.
- Impact on surrounding conservation areas.
- The submission does not take into consideration Westbourne Conservation Area.
- Aesthetically unpleasing.
- Security implications to the medical uses at 209 Harrow Road; and that the scheme has been objected to by the Designing Out Crime Officer of the MET Police.

Amenity:

- Loss of daylight to the adjacent medical uses at 209 Harrow Road.
- Lack of proper assessment of the impact to the medical uses at 209 Harrow Road.
- Loss of daylight to residential properties.

Highways:

- Concerns that the size of the building and increase in residential occupiers in the area upon the already busy area, where students from the school use Torquay

Street.

- Access to the Grand Union Health Centre car park will be affected.
- Increase in additional traffic and parking pressure.

Other:

- Loss of access to adjacent building, 209 Harrow Road and Turning Point (a drug and alcohol clinic).
- As a result of loss of light to 209 Harrow Road medical uses, this in turn will increase energy consumption.
- The development would hinder the ability to develop 209 Harrow Road given windows in the side elevations.
- Fire Safety Implications to future residents of the tall building.
- Fire Safety and access implications to the medical uses at 209 Harrow Road
- Noise and disruption during the course of works.
- Cumulative impact of works in the area.
- Unable to refuel when works are taking place.
- The owner of the adjacent building request

PRESS NOTICE/ SITE NOTICE:

Yes (multiple site notices)

REVISED SCHEME JUNE 2022

The scheme was amended to include:

- an increase from 94 to 98 residential units in the tower building (no changes to the height, bulk and massing as originally proposed);
- changes to the mix of units and removal of 3x family sized units;
- design changes notably to the western elevation;
- omission of accessible parking bay on Torquay Street due to highways concerns;
- revisions to waste strategy;

Given the amendments proposed, further consultation was carried out with ward councillors; and the local amenity societies who had commented on the original proposals, and given that the height, bulk and massing was not being altered it was not considered necessary to consult neighbours on the increase in 4 residential units and changes.

A further letter of objection however was received from the owner's of the adjacent building at 209 Harrow Road (where the medical uses Grand Union Health Centre and Turning Point are located), reiterating the following concerns:

- loss of daylight;
- security; access,
- fire safety;
- impact on future development opportunities.

More detailed comments were made that the owners of 209 Harrow Road met with the applicant and this was primarily to discuss the access arrangements. The objector's additional correspondence states:

We welcome the retention of the means of escape from the two doors in the northern

façade of 209 Harrow Road which provide egress from the upper floors of the building and confirm that this will subject to a separate agreement with Standard Securities. However, ... we are frustrated that two small changes requested by Standard Securities prior to the submission of the planning application and as discussed with the applicant on site have not been responded to.

- The position of the proposed front gate to Harrow Road and the proposed swing inward of these gates will impact on the access to the escape door and staff entrance to the Grand Union Health Centre. By bringing the gates into the courtyard by a couple of metres this issue would be resolved.
- The proposed landscaping to the courtyard will obstruct access to the door to Turning Point's accommodation which also serves as means of escape from the upper floors.

REVISED SCHEME SEPTEMBER 2022

The proposed scheme was amended to reflect the HSE's concerns of August 2022 and to include:

- one stair address to provide access/escape to the ancillary plant room on level 1;
- one stair address to provide access/ escape to the ancillary staff room on level 1;
- doors connecting ancillary spaces to St Mungo's accommodation have been removed.

HSE:

Substantive response issued – 'content' with proposals.

WASTE:

No in principle objection, comment made that the door to the refuse are now appears to be single width.

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the applicant's table (copied below):

DATE	EVENT	NO. OF PARTICIPANTS	INFO
March	3x Zoom sessions	12	Free online booking via website. Link and passcode were shared privately via email.
01/06/21	Skateboard coaching session	20	Free online booking via website. Limited number of families. Three hourly sessions from 1-4pm.
02/06/21	Site walkaround	2	Free online booking via website. Limited number of participants. Two hourly sessions from 4-5pm.
05/06/21	Family event: Mural painting workshop	15	Free online booking via website. Limited number of families. Three hourly sessions from 10-2pm.
12/06/21	Family event: Mural painting workshop	60	Free online booking via website. Limited number of families. Three hourly sessions from 10-2pm.
12/06/21	Stakeholder site walkaround	1	Via appointment
28/06/21	Community Champion Pop-up	10	On street, open to public
17/07/21	Westbourne Summer Festival	30	Free entry public event

In addition, on street engagement sessions took place during May and June 2021; six socially distanced conversations/ site walk around were carried during May, June and July 2021; a website was created where local residents/ workers could sign up to receive updates and further information; social media platforms (Twitter and Facebook) were used from January 2021 to reach out to the community; an email mailing list was created and two community letters were sent out to over 13,000 household.

A timeline of all events has been provided within the Statement of Community involvement.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were the re-provision of a St Mungo's facility as there have been numerous complaints of anti-social behaviour from the residents of the hostel and the height of the residential building.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- Clearer and further information as to the role of St Mungo's;
- Further views of the proposed scheme have been assessed and provided within the Townscape Heritage Visual Impact Assessment.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

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.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site currently houses St Mungo's hostel in a part three/ part four storey building. The site lies on the south side of Harrow Road. To the south of the site is a skateboard park and sports pitch which lie beneath the elevated A40 Westway, beyond which lies the mainline railway line from Paddington. To the west of the site is 1 Torquay Street which comprises a part five and part thirteen storey tower contained 150+ hostel rooms, operated by London Hostels Association (LHA). Directly to the east of the site is a health centre and drug and alcohol clinic in a three storey building. The site is located in a mixed use area with a variety of residential, educational, leisure and health uses, including the Westminster Academy to the west.

The site does not include any listed buildings and is located outside of any conservation area. The site falls within the designated North Westminster Economic Development Area (NWEDA). The site lies within the Westbourne Grove Surface Water Flooding Hotspot. There are no other site designations.

The existing building on the site is considered to be of no real architectural merit. It dates from the 1950s and was built originally as an office extension to an adjacent taller hospital building which was itself demolished to make way for the Westway in the 1960s. The current building is built of brick, metal spandrels and glazing, over two and three storeys in three main wings, with a small plant room on the roof of the front wing. The building features flat roofs across all three wings. Its height is consistent with that of the adjacent block to the east (the Grand Union Health Centre, 209 Harrow Road).

7.2 Recent Relevant History

7.2.1 Application Site

84/02558/FULL

In 1985, permission was granted for change of use from existing clinic to workshop, 30 bed hostel, offices & 1 s/c flat.

92/00570/FULL

Permission was then granted on 28 May 1992 for the "Change of use of 2nd floor from office use to hostel use".

21/02132/EIASC (22 April 2021) & 22/03741/EIASC (9 June 2021)

Request for an Environmental Impact Assessment (EIA) Screening Opinion in relation to the proposed redevelopment of 217 Harrow Road, London.

Screening Opinion issued, with Environmental Impact Assessment not being required.

7.2.2 Neighbouring Buildings

1 Torquay Street - 11/04855/FULL

Permission granted in June 2021 for the redevelopment to provide a new building of part 5 and part 13 storeys comprising 157 hostel rooms (sui generis) with communal facilities.

209 Harrow Road - 10/01626/FULL

Permission granted in May 2010 for the use of the rear ground (access core), first and second floors as an addiction counselling centre (Class D1), including external alterations to improve accessibility.

8. THE PROPOSAL

The application proposes the complete redevelopment of the site, demolishing all existing buildings and erecting a new pair of buildings containing a mixed-use development comprising 98 residential units (Class C3), homeless accommodation consisting of 45 bed spaces and facilities (Sui Generis) and 11 move-on units (Class C3) and a commercial unit (Class E),

The two buildings consist of a lower 9-storey building fronting Harrow Road, and a 20 storey tower to the southern part of the site adjacent to the Westway. The buildings would occupy the western part of the site, leaving a narrow gated area of communal private open space at ground level.

Landscaping, public realm and other associated works are also proposed.

The buildings have been designed with cantilevered sections at lower levels, and with a stepped back pattern to the southern elevation of the St Mungo's building and to the southern and northern elevations of the residential building. An internal courtyard is designed, separating the buildings although there is a link to the western boundary. Internal winter gardens and balconies are proposed to the residential building, and communal terraces are proposed to both buildings. A buff brick is proposed to be used on the bulk of the building with pigmented concrete to the base of the building. To the inset window surround a darker brick is proposed. The design elements of the proposals are described and discussed in full in part 9.4 of this report.

At ground floor level of the residential building, fronting Torquay Street a substation is proposed. In addition, at ground floor level of the residential building, a class E unit is proposed facing the southern elevation.

Amendments to the Application

During the course of the application there have been some amendments to the scheme. This was to increase the number of residential units in the main building from 94 to 98; reduce the number of family sized units from three to zero; a slight change to the mix of one and two bed units; changes to the detailed design notably the western elevation; changes to some of the access arrangements to 209 Harrow Road including retaining means of escape from two doors in the northern west and internal changes primarily to address fire safety concerns.

Table 1: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hostel Facility (Sui Generis)	1452m ²	1436.34m ²	-15.6m ²
Move on Units (C3)	0m ²	845.41m ²	+845.41m ²
Residential Units (C3)	0m ²	7464.88m ²	+7464.88m ²
Class E unit	0m ²	49.59m ²	+49.59m ²
Total	1452m²	9796.2m²	+8343.4m²

The replacement hostel facility will be sited in the 9 storey building fronting Harrow Road and will comprise 45 hostel rooms and ancillary spaces for the running of the hostel. These units are all circa 13m²- 16m² and are self-contained. 11 move-on units, longer terms residential units to help move people out of homelessness are proposed. These units are all circa 37m²-53m², with three of these units being duplex and more capable of being occupied by a couple. In the 20-storey building, adjacent the Westway, 98 residential units (amended during the course of the application from 94) are proposed and these will be built to rent units, let on the open market with affordable rent levels. The two buildings will have independent amenity roof terraces but will share a communal servicing arrangement and waste storage at ground floor level.

Table 2: Housing Mix

Unit Type	No
Studio	35 (private) + 11 'move on' (42.2%)
1 bed	34 (31.1%)
2 bed	29 (26.6%)
3 bed	0
Total	98 (private) + 11 'move on' 109

Table 3: Housing Mix of Affordable Housing

Unit Type	Option 1	Option 2
Studio	6	3
1bed	6	4
2 bed	2	1
Total	14	8

Referral to the Mayor of London

Pursuant to the Town and Country Planning (Mayor of London) Order 2008 (as amended) ("the Order") this application is referable to the Mayor of London as it is a

development that includes buildings exceeding 30 metres in height, outside the City of London. Accordingly, this application must be referred back to the Mayor of London, following the committee's resolution, for a final decision.

9. DETAILED CONSIDERATIONS

9.1 Land Use

9.1.1 Replacement St Mungo's Facility

As noted above a number of objections from residents have been received objecting to the re- provision of the hostel accommodation in this location on the grounds of anti-social behavioural issues.

Policy H8 of the London Plan sets out that the loss of hostels and supported accommodation that meet an identified housing need should be satisfactorily re-provided to an equivalent or better standard

Policy H12 of the London Plan states the delivery, retention and refurbishment of supported and specialised housing which meets an identified need should be supported. The form this takes will vary, and it should be designed to satisfy the requirements of the specific use or group it is intended for, whilst providing options within the accommodation offer for the diversity of London's population, including disabled Londoners within a wider inclusive community setting. Boroughs should undertake assessments of the need for short-term, medium-term and permanent supported and specialised accommodation within their borough. Supported and specialised accommodation could include:

- 1) accommodation for people leaving hostels, refuges and other supported housing, as well as care leavers and people leaving prison to enable them to live independently;
- 2) accommodation for young people with support needs;
- 3) reablement accommodation (intensive short-term) for people who are ready to be discharged from hospital but who require additional support to be able to return safely to live independently at home, or to move into appropriate long-term accommodation;
- 4) accommodation for disabled people (including people with physical and sensory impairments and learning difficulties) who require additional support or for whom living independently is not possible;
- 5) accommodation (short-term or long-term) for people with mental health issues who require intensive support;
- 6) accommodation for rough sleepers;
- 7) accommodation for victims of domestic abuse; and
- 8) accommodation for victims of violence against women and girls.

City Council Policy 10, D states that:

The council supports the provision of well-managed new housing which meets an identified specialist housing need. That all existing specialist and supported housing floorspace will be protected from changing to non-specialist or supported residential use except where it is demonstrated that: 1. the accommodation is of poor quality, does not meet contemporary requirements and is not capable of being upgraded; or 2. the use has a demonstrable and significant adverse effect on residential amenity; or 3. it is surplus to requirements as any form of specialist or supported housing; or 4. the accommodation is being adapted or altered to better meet specialist need or to enable residents to remain in their existing property.

Homelessness is a growing problem nationally, but is particularly acute in Westminster, which, according to the applicant, has the highest number of rough sleepers in the country. The existing building and facility has come to the end of its natural life. St Mungo's, as charity leaders in the supporting and aiding of the homeless community, want to significantly improve the facility at Harrow Road and the services which it offers. The hostel will continue to be operated and managed by St Mungo's as charity leaders and a registered housing association. The self-contained units are commissioned through Westminster City Council with the St Mungo's commissioning contracts from Westminster City Council generally being for 3-5 years and funding the staffing costs of the St Mungo's self-contained units and keyworker / client services. Clients are referred to 217 Harrow Road via Westminster City Council pathway. The service is for anyone rough sleeping in the borough and focuses on providing a 28 day stay with the aim of finding a long term move on option in an area where that individual has a local connection

The new replacement hostel facility will contain 45 self-contained rooms (at first to fifth floors of the building fronting Harrow Road), each measuring approximately 13sqm-16 sqm (GIA) and will contain a bed, desk, kitchenette and shower room/ WC. These hostel rooms are intended for use by short stay clients for an initial 28 day stay before being reallocated to more permanent accommodation. The facility will measure 1436m², a slight reduction on the size of the existing facility however the room numbers are increased by 4 and the quality of the accommodation provided is far superior. At ground floor level of this building shared support spaces are to be provided, which will provide a flexible space that will be used for a variety of functions, including meeting lounge, training space, counselling space and recovery college courses etc. The design of ground floor will enable St Mungo's to adapt the space to different needs. The frequency and type of groups that will meet here is yet to be determined and will be dependent on the local need at the time of building occupation. At first floor level a staff Hub providing hot desking, a kitchenette and small meeting space is proposed. This first floor staff room provides a visual surveillance of the high dependency hostel rooms located at this floor. An area of external amenity space is also proposed at first floor level in the form of a semi enclosed winter garden.

The 45 self-contained rooms are provided to clients on an excluded license agreement, which means that they are responsible for contributing towards the building service charge using income from employment and benefits.

The re-provision of the hostel is strongly supported and complies with Policy H12 of the London Plan and Policy 10 of the City Plan. Whilst the hostel is not changing to provide 'non-specialist housing' the aims of the policy in terms of providing quality accommodation; accommodation that does not have a demonstrable impact on neighbours and adaptable accommodation to better meet specialist need or enable residents to remain in this facility are still relevant and met with the proposals. Whilst the re-provided hostel is slightly smaller in floorspace terms than that of the existing, the space is better used, providing four additional rooms and the overall standard of accommodation is also improved.

A number of objections have been received from local residents on the grounds that the existing St Mungo's residents are noisy, are often under the influence of drugs and

alcohol and this results in significant antisocial behaviour detrimental to the area; with the police being called regularly. The Metropolitan (MET) Police Designing Our Crime Officer in their response to the application does state that there are high levels of crime in the immediate area, but they do not provide any evidence or conclude that these are committed solely by users of the St Mungo's facility. However, they also state that they have spoken to the local Policing Team who share their concerns and have advised that they are often called to St Mungo's to deal with crime and arrest warrants.

In land use terms, the principle of re-providing the hostel facility to a better standard is acceptable and given the fall-back position of the existing hostel on this site, the proposals would be difficult to resist.

Whilst the concerns with respect to anti-social behaviour are noted, for the above reasons, they are not sustainable in land use terms. There are significant benefits to the operation of the hostel in a new purpose built building; a far better internal layout, the creation of a sense of 'place' to the clients and the ability to operate a far better facility than the existing one, offering a contemporary and safe living environment which hopefully will allow the clients to embark on their recovery journey from homelessness. The creation of the new hub spaces to allow for counselling, meeting spaces, courses to be operated, somewhere where living/independence/ emotional resilience skills can be offered etc can only be seen as an improvement and provides a far better place that supports, enables and empowers the clients. In addition, it is hoped that a more modern, fit for purpose facility would help create a calmer environment for their client, which would in turn hopefully transpire externally and onto their clients external behaviour.

For the reasons set out above, the proposed hostel is considered to comply with City Plan and London Plan policies.

The Greater London Authority (GLA) requested the applicant should submit further information on the relocation strategy to ensure satisfactory solutions are achieved during the construction period. The applicant provided a response which said that whilst the decant strategy is not a planning consideration for this application, St Mungo's are giving continued consideration to this strategy to minimise disruption to both staff and persons using the services. They confirmed that St Mungo's Community Housing Association is currently working with Westminster City Council commissioners to identify appropriate accommodation to move the service to and that it is St Mungo's overall intention is to deliver the same level of support within the borough whilst works are undertaken on the Harrow Road Site. Finally, they confirmed that the overall timescales for the decant strategy cannot be confirmed at this stage as it depends, in part, due to shifting timescales for the determination of the pending planning application.

9.1.2 Proposed Residential Use

London Plan Policy H1 sets Westminster a housing completion target of 9,580 between 2019/20 and 2028/29 equivalent to 985 new homes per year, and requires Councils to optimise the potential for housing delivery on all suitable and available brownfield sites. This includes sites with high public transport access levels close to station.

Policy 1 of the City Plan "Westminster's spatial strategy" is of 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 the regeneration of the NWEDA with major redevelopment meeting the councils' objectives in terms of new homes (35% of which should be affordable) 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 5 of the City Plan is of particular importance given it relates to the NWEDA to which site is located within. It has similar goals to Policy 1, with the additional priorities of securing development that will provide a greener and more walkable environment that addresses issues of severance caused by the railway, canal, Harrow Road and the Westway; provide enhancements to Harrow Road District Centre to provide a greater range of activity and a more attractive physical environment; and provide for new or improved social and community infrastructure.

Policy 8 of the City Plan support the principle of new residential units throughout Westminster, particularly on brownfield sites like the application site. Policy 9 sets out the approach the City Council takes to affordable housing and the thresholds for when this should be provided.

Policy 10 of the City Plan - Specialist Housing, as described above, encourages well managed new housing that meets an identified specialist housing need.

Policy 12 of the City Plan seeks to ensure that the quality of newly proposed residential accommodation is acceptable.

Move-on Units

11 move on residential units are proposed and to be located at the upper floors of the St Mungo's Building. The move-on units will have their own separate access from the internal courtyard and are designed as semi-independent training flats to allow those who have been homeless to live independently but access support to start rebuilding their lives. Three of the 11 rooms are duplex and to contain a double bed and therefore capable of being occupied by a couple. The move-on units will be offered at low rents to residents moving on from homelessness accommodation and are therefore meeting a need equivalent to social/affordable rent (issues of affordability will be discussed below). The occupiers of these move on units will benefit from the use of the multifunctional space at ground floor for recovery courses, training and key worker interventions as required. After two years, it is intended that clients will be ready to access more conventional housing services.

There are 3 types of Move-on units:

- 7 x Single level units, designed as dual aspect or benefitting from large windows onto Harrow Road or the courtyard
- 3 x Duplex units that overlook the courtyard (more capable of being occupied by couples)
- 1 xM4(3) unit for wheelchair users located close to the lift and overlooking the courtyard.

The units range in size from 37m²-53m² and a communal terrace is also proposed.

The move on units are funded through the GLA Move-On Programme. The staffing and keyworker / client services for the Move on accommodation are funded by a revenue contract agreed through the GLA.

The proposed residential units are supported in principle by the development plan.

Private Market Housing

As noted above policy 8 of the City Plan and policy H1 of the London Plan supports the principle of new residential units throughout Westminster. The 98 private residential units proposed would make a significant contribution to the City Council's housing target of 985 homes per year as set out in policies 8 and H1.

Given the sites location within the NWEDA, the provision of new residential units is also strongly supported in principle in this location by policy 5 of the City Plan. This is considered a significant public benefit of the proposed development.

The units are to be built as a Build to Rent Scheme (BtR). Policy H11 of the London Plan sets out the criteria that must be met to qualify as a BtR scheme. The GLA in their initial Stage 1 response asked for further information from the applicant as to how the scheme qualifies as a BtR scheme. This was provided to the GLA in a response in June 2022 and the applicant confirms the following:

- The scheme being at least 50 units of Build to Rent tenure;
- The Build to Rent homes are subject to a covenant for at least 15 years;
- A clawback mechanism is in place that ensures there is not financial incentive to break the covenant;
- All the units are self-contained and let separately;
- There is unified ownership and unified management of the Build to Rent;
- Longer tenancies (three or more years) will be available to all tenants with certainty on rent and service charges for the period of the tenancy;
- There will be on-site management, noting that this does not necessarily mean full-time dedicated onsite staff, and have systems for prompt resolution of issues and some daily onsite presence and a complaints procedure will be in place and will be a member of a recognised ombudsman scheme; and
- There will be no charge of up-front fees of any kind to tenants or prospective tenants, other than deposits and rent in advance.

No further response from the GLA was received on this point. The S106 will reflect these requirements.

Policy 8 of the City Plan limits the size of new residential units to no more than 200 sqm GIA to ensure that site capacities are optimised. None of the proposed flats exceed 200 sqm, in accordance with policy 8 of the City Plan.

Given the above, the proposed residential units are supported in principle by the development plan.

The MET Police Designing Our Crime Officer raises an objection to the principle of the development, in so far as a residential building in this location in close proximity to the St Mungo's hostel and by virtue of its location to the underpass areas of the Westway and the surrounding areas. They also raise objections to the shared entrance from Harrow

Road between the Health centre, residents and St Mungo's Court Yard, the corridor linking St Mungo's to the residential and the linkage between the three bin stores.

Whilst the 'in principle' objections by the Police are noted, it appears that any use or development would be objectionable to them given the sites location. The principle of a significant provision of housing from this development, built on brownfield land and with access to excellent public transport links, provided that the scheme is designed properly and managed effectively (discussed further below) is considered to strike a balance between the need for more housing in the borough and the wider London area, and is not considered a sustainable reason for refusal.

One of the objections received from a nearby resident is that "any business relationship between Westminster Council and St Mungo's should have no bearing on this planning application, and that the application should be treated by the Westminster Council planning process as though it had been made by a private property developer". Whilst the application has been submitted as a joint venture project between Stories and St Mungo's, and the residential accommodation cross-subsidises the re-provision of the hostel accommodation, this is a material planning consideration, which requires an assessment of all aspects of the application against London Plan and City Council policies and a planning balance assessment on the development as a whole.

Affordable Housing

Objections have been received on the grounds that the units are not truly affordable, that there are not enough affordable units and queries are raised as to whether the viability of the scheme has been tested properly before submission.

Policies H4 and H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG (August 2017) ("the Affordable Housing SPG") seek to maximise the delivery of affordable housing, setting a strategic target of 50% across London, With Part B stating the threshold level of affordable housing on gross residential development is initially set at a minimum of 35 per cent. Where this threshold is not met and not dealt with as a 'fast track application', the application and proposals must follow the viability tested route. London Plan policy H6 states the following split of affordable products should be applied to residential development:-

- minimum of 30 per cent low-cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes;
- a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership; and
- the remaining 40 per cent to be determined by the borough as low-cost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need.

London Plan Policy H11 states where a build to rent development meets the criteria, the affordable housing offer can be solely Discounted Market Rent (DMR) at a genuinely affordable rent, preferably London Living Rent level. DMR homes must be secured in perpetuity.

Policy 9 of the City Plan requires that at least 35% of new homes will be affordable within Westminster. The policy goes onto state where the provision of affordable housing off-site (Part C) or when a payment in lieu (part D) may be acceptable. Policy 9 goes onto state in Part E that 60% of the affordable units will be 'intermediate' affordable housing

for rent or sale and 40% will be social rent or London Affordable Rent. City Plan Policy 11 Part B states qualifying Build to Rent and large-scale purpose-built shared living proposals will be required to provide a proportion of the accommodation as affordable housing in accordance with the London Plan.

In this instance, in addition to the re-provision of the hostel facility and the 11 move on units, the applicant advises that the application can only viably provide either of the following options:

Option 1 - where rents are allowed to be set at levels higher than LLR (London Living Rents) and where qualifying household income is capped at £60k, **14 units** (Discounted Market Rents - DMR) can be provided; or

Option 2 - where DMR is capped at LLR, in which case **8** (DMR) homes can be provided, with a household income cap of £60k being applied to eligible households.

Option 1 provides for an overall provision (including the 11 move-on units) of 22.5% affordable housing and Option 2 (including the 11 move on units) provides 17.3% of affordable housing.

The applicant's preference is Option 2.

Both options fall short of the London Plan and the City Councils requirements of 35%. As the proposals do not meet the thresholds required for the fast track route, the applicant has submitted a viability assessment and this has been reviewed independently, by Aspinell Verdi on behalf of the Council. The applicant's viability assessment undertaken by Quod demonstrates that this is the maximum achievable by the scheme having regard to the cross subsidy from the 5 Hertford Street scheme (a land use swap related to residential accommodation, also being reported to this committee) and in the absence of GLA grant funding for the Discount Market Rent homes. The build to rent housing is enabling the delivery of the St Mungo's accommodation including the 11 move on units.

In addition, the applicant argues that taking into account the re-provision of the St Mungo's hostel accommodation, the affordable housing offer would exceed 35%. Whilst it is acknowledged that without the build to rent housing, the re-provision of the hostel accommodation would unlikely come forward as an independent proposal, the City Council has to assess the affordable housing on offer, aside from the St Mungo's hostel re-provision and rigorously test this through an independent viability review.

The viability assessment, by Quod was revised during the course of the application to take into consideration the amended proposals of 98 residential units, rather than 94 to reflect the re-pricing of the £per square foot value and to reflect certain increases since the initial viability assessment was carried out. There has been a number of reviews from both the City Council's independent assessors Aspinell Verdi and the GLA's Viability Team and the appraisal has been amended on a number of inputs.

Whilst the changes to the number of units have improved the viability of the proposed scheme compared to the original assessment, despite the applicants offer of either 8 or 14 units, the City Council's independent assessors consider the scheme unviable. The GLA also concur that the scheme is unviable although they argue that the deficit of the amended scheme is less than the originally submitted scheme and therefore there may be scope for additional units or to improvement the affordability of the units proposed.

Both Aspinell Verdi and the GLA recommend that early and late stage reviews are secured through the S106 legal agreement to ascertain whether any uplift can be secure towards affordable housing.

The Council's Head of Affordable Housing and Partnerships originally commented that "While the DMR units provided under option 2 are more affordable than those provided under option 1, Housing supports option 1 over option 2 due to the increased level of affordable homes provided under option 1, 14 compared to 8. There are currently around 2,000 applicants registered for intermedite housing in the City that includes opportunities for DMR and there are a sufficient number of applicants currently registered for intermediate housing in the City with incomes required to afford those rents set out under option 1".

Following recent discussions with the GLA, they have confirmed that they cannot support proposals for rents on the 14 units that exceed London Living Rents.

Therefore, Housing is recommending that the scheme should include a minimum of 14 units provided as 6xstudios, 6 x1beds and 2x2beds and where these rents should be set at or below LLR levels and to be made available to households eligible for London Living Rent.

Further, in respect of the 11 move on units, the requirement to provide ongoing support services to clients while occupying these units should be set out in the planning conditions.

Whilst the applicant's preferred option is the provision of 8 units (Option 2), given that the scheme is unviable in terms for either option, officers recommend that option 1 (14 units), in line with the Council's Head of Affordable Housing and Partnerships request, is secured, and this will be reflected in the legal agreement.

Residential Mix & Size

With regards to the residential accommodation (Class C3) (the move on units and those in the 98 units in the tall building), Policy 10 of the City Plan requires that 25% of all new homes across Westminster be 'family sized' (i.e. with 3 bedrooms or more) and limits studio flats to no more than 10% of new homes. 42% of the development are studio units, 31% are 1 beds and 26% are 2 beds. There are no 3 bed family sized units proposed.

The lack of family sized homes in this instance is acceptable given the nature and tenure of the development as a whole and its location. Whilst this is a fairly large development in Westminster, the proposals are not considered to negatively impact on the Council's strategic target of 25% of new homes being family sized. In terms of the large proportion of studio units, whilst the percentage proposed is higher than the policy, 10% of the studio units are the move-on units, specifically required by St Mungo's and a significant part of the vision of the operation of this facility. The remaining 32% of the studio units, again are acceptable given the particular circumstances of this application and the build to rent tenure proposed. The Council's Head of Affordable Housing and Partnerships has confirmed that the housing mix of studios, one and two bedroom units are acceptable from a strategic perspective.

The unit mix within the affordable units, as noted in table 3 above comprises:

Option 1: 6 x studio, 6 x 1 bed, 2 x 2 bed; or
Option 2: 3 x studio, 4 x 1 bed, 1 x 2 bed.

This is considered acceptable by the Head of Affordable Housing and Partnerships and aligns with the Council's needs in this location.

The proposals are considered to be consistent with the aims of policy H4 and H10 of the London Plan and policy 10 of the City Plan

Standard of accommodation

All 11 move-on units and 98 flats exceed the Nationally Described Space Standards, including 2.5 m floor to ceiling heights and the requirements of individual room sizes as set out in part F of policy D6 of the London Plan and policy 12 of the City Plan.

Policy D6 F(9) of the London Plan and City Plan Policy 12 Part D States all new-build homes will provide at least five sqm of private external amenity space for each dwelling designed for one-two persons or more and, where practicable, a further one sqm for each additional person the dwelling is designed to accommodate. Where it is not considered practicable or appropriate to provide private external amenity space for all or some home, the following, measures will be required:

1. Provision of communal external amenity space; or
2. provision of additional and/or higher quality public open space.

Given the sites narrow nature and location, sandwiched between the Westway and Harrow Road, careful consideration has been given to the layout and overall design of the residential units and all units have been designed to meet the nationally described minimum space standards with the addition of appropriate amenity areas for each unit in form of either balconies, winter gardens, or additional internal amenity space.

London Plan Policy S4 seeks to ensure that development proposals include suitable provision for play and recreation, and incorporate good-quality, accessible play provision for all ages, of at least 10m². per child that is not segregated by tenure. Policy 34 D of the City Plan states that 'major developments will be required to provide new or improved public open space and space for children's active play, particularly in areas of open space or play space deficiency'. The site is not in an area of deficiency. A total of 79 m². of play space is proposed, with play equipment installed to demarcate play areas for 0-4 years. The play space would be provided on the 19th floor residential amenity roof terrace, with parapets and railings enclosing the area ranging from 98.5 centimetres to 2.375 metres high. It would be accessed via the building's lift and stair core, which should provide a safe and direct route to the play areas.

The play space provision is above the calculated requirement based on the development's child yield from the Shaping Neighbourhoods: Play and Informal Recreation SPG for this PTAL 4 site in Inner London, which would require a total of 57m². of dedicated play space and this is welcomed. However, the GLA state that on an age group basis, the proposed breakdown varies from the calculated requirements which identify a need of 27m². for 0-4 years, 19m². for 5-11 years, and 11m². for 12+ year olds and that the detailed design of the play space should therefore better reflect

these requirements. Given the make up of the units primarily of studio and one bed units, and that there are outdoor spaces at Sports Courts; the skatepark and the basketball court under the Westway and the Westbourne Green Open Space across the road, space provision is considered acceptable.

The Studio units maximises daylight on the north east facing elevation and avoids balconies overlooking the St Mungo's facility.

10% of the units would be wheelchair accessible with the remaining 90% of units being wheelchair adaptable, consistent with policy 12 of the City Plan and policy D5 of the London Plan. Should permission be granted, a condition is recommended to secure this.

The same standards of accommodation have been used for flats of all tenures and given that the social and intermediate units have the same external appearance as the market units. The entrances to all tenures are also well integrated into the two buildings and effectively located next to each other. The tenure mix would be consistent with policy D6 of the London Plan.

In addition to the Police response which says that any development in this location would be unacceptable, they go on to voice concern regarding the design of the site, with the orientation of the proposed building leaving residents to having to walk under the underpass through a dimly lit corridor with no natural surveillance. They consider there are too many shared facilities between the residential block and St Mungo's, including the shared entrance from Harrow Road between the Health centre, residents and St Mungo's; the Court Yard; the corridor linking St Mungo's to the residential and; the linkage between the three bin stores. The in principle objection and security concerns of St Mungo's residents and future occupiers in the courtyard, are reiterated by the objection from the freeholder of 209 Harrow Road, the adjacent building with the Grand Union Health Centre and Turning Point, the drug and alcohol clinic.

The applicant submitted a Crime Prevention Statement with the application, and this included a Security Risk Assessment (SRA) was conducted at an early stage of the design. The SRA included a detailed analysis of the site, existing and proposed uses, and a review of the prevailing crime statistics. This, combined with local feedback on the perception of crime and anti-social behaviour in the area has made safety and security a key consideration when developing the proposals for 217 Harrow Road.

The Crime Prevention Statement contains a range of strategies which demonstrate how the development is compatible with its location. The introduction of residential uses will provide increased footfall and passive natural surveillance on site. Furthermore, the proposed St Mungo's facility, designed as a psychologically informed environment, will be an improvement on the current premises. It will allow staff to pro-actively manage client behaviour, and will ultimately lead to a reduction in anti-social behaviour both within, and outside of, the St Mungo's accommodation.

In response to the detailed objections by the police, if approaching the main residential building from Torquay Street the presence of a vehicular and pedestrian barrier on Torquay Street does force pedestrians to take the "dimly lit corridor" south of the basketball courts. Changes to this area under the Westway and the removal of the

barrier to allow people to walk directly from Harrow Road to Torquay Street, whilst a desire of the applicant, fall outside of the application red line and therefore no changes can be made to this arrangement (this is discussed in more detail in the highway section of the report). However, residents will always have the option of entering the building from Harrow Road via the courtyard, and this is considered to be the primary entrance to the building, therefore, there will always be a safe way for residents to access the Site and the design is considered appropriate by officers. The shared access from Harrow Road between the application site and the health centre and the courtyard is for occupiers of the move on units and the occupiers in the residential main building. This is not accessible to the residents of the hostel facility. The occupiers of the move on units are low risk, stable and living semi-permanently and the arrangement is therefore not considered a concern to officers. As a result of revisions to the scheme to take into consideration HSE fire concerns, the buildings are no longer linked via corridors. The occupiers of the move on units have their own entrance and lift and this is lobbied at each floor. These are all access controlled and will be managed properly through a management plan. The bin stores again are linked but all of St Mungo's hostel refuse will be taken to the bin stores by staff rather than the occupiers. It is believed that the occupiers of the move on units will have access to their own access to the refuse stores by exiting the building and re-entering.

In response to the objection from 209 Harrow Road, whilst the courtyard would be more heavily used by occupiers of the move-on units and residential building, the new gated/controlled access is considered to provide a greater level of security than currently exists. Officers have visited the site a number of times and whilst the main vehicular gates to the side of St Mungo's on Harrow Road have been locked, the pedestrian entrance, used for the Turning Point has always been open.

A management plan setting out the access arrangements will be secured by condition.

In order to provide more direct channels of communications between the St Mungo's element of development and the future residents a condition to include a direct telephone number & email would be recommended so that any issues can be reported straight away and investigated.

Daylight

With regards to daylight and sunlight for the proposed units, the applicant submitted an Internal Light Study that assesses the development against Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight'. The BRE Guidance was updated (June 2022) and alters the way in which new residential accommodation is assessed and therefore an updated assessment has also been submitted as part of this application.

The new BRE Guide set out the methods for assessing daylight within a proposed building. This is based on the methods detailed in the BS EN 17037 and suggests two possible methodologies for appraising daylight across a room's working plane: the Illuminance Method and the Daylight Factor Method

Whilst the Vertical Sky Component (VSC) is no longer directly used to calculate the levels of daylight indoors, this is still referenced within the BRE guidance as a metric to appraise the level of obstruction faced by a building and the potential for good daylight

indoors. The VSC may also be used to appraise the daylight quality in the early stages of the design, when room layouts or window locations are still undecided. The BRE stress 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 an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant's submission states 95% (64 out of 67) of all proposed habitable rooms within the St Mungo block will meet or exceed the target Illuminance levels (Spatial Daylight Autonomy) recommended for each room use. 200 lux has been used as a target for those Studio units with a kitchen. The three rooms falling slightly short of the targets would however all exceed the 150 lux recommended for living areas, bringing the compliance to 100% in this instance.

The residential building sees 93% of all proposed habitable rooms meeting or exceeding the recommended illuminance target levels. Of the 12 rooms falling short of guidance, only 6 Living/kitchen/dining rooms fall short of the 200Lux target, however, 2 of them achieve 150Lux for 50% of their area, which is the recommended target for a living room. When measuring against the target level for living areas (150 lux) the overall compliance would therefore increase to 94%. 6 Bedrooms fall short of the 100 Lux target however, they are all located within units with very well-lit Living/kitchen/dining rooms.

Given the very high level of compliance and marginal shortfalls, officers consider that the development as a whole has been designed to optimise the delivery of daylight and coupled with a good degree of outlook, as discussed below, the proposals are acceptable.

Outlook

There are no concerns with the outlook from the St Mungo's facility overlooking the wide expanse of Harrow Road. Similarly, the largely uninterrupted outlook from the east facing windows, over and above 209 Harrow Road to the east is acceptable.

It is recognised that the outlook from the southern elevation windows, notably those at lower levels, will be towards the Westway and the Paddington mainline. The development has been designed with this in mind, with ground to second floors (the height of the Westway) serving the substations, refuse stores, plant rooms and cycle storage rooms. At third, fourth and fifth floor level, the flats have windows primarily serving living rooms and wintergardens accessed of bedrooms. These look down onto the Westway and are approximately 3m, 6m and 9m above it respectively. Whilst the view downward would be onto passing traffic on the Westway, at eye level and to the south the outlook would be uninterrupted. From floor six upwards, the flats have balconies and will have oblique views of the Westway and trainline.

The outlook from the proposed flats is considered acceptable.

Overheating

With regards to passive ventilation and overheating, the north facing single aspect units would not be subject to direct sunlight for much of the year and therefore would not

experience high levels of solar gain. This would allow for some passive ventilation and solar shading, although it is recognised that this would not generate the levels of cross ventilation that a dual aspect flat would enjoy.

It should also be noted that the application site is located next to heavy traffic volumes on the Westway and Harrow Road to the north which generate high noise and pollution levels and which may make passive ventilation undesirable, particularly on the southern and eastern elevations. To ensure satisfactory internal noise and air quality levels, all flats include Mechanical Ventilation with Heat Recovery (MVHR) systems to ensure comfortable temperatures and ventilation whilst preventing noise and poor air quality. The City Council's Environmental Health officer has assessed the overheating analysis and the provisional details of the MVHR details and considers that the flats would not be subject to excessive heat levels and would be adequately ventilated despite the orientation and high proportion of single aspect flats.

Conclusion

Overall the standard of accommodation proposed in the residential building is acceptable and would comply with London Plan and City Plan policies.

9.1.3 Class E unit

The proposed Class E unit would measure circa 50 sqm, single storey and at ground floor in the southern elevation of the residential building. It is currently proposed for the Class E unit to be operated as a café. The principle of a Class E use is supported in general by Policy 5 of the City Plan, development in the NWEDA and Policy 14 of the City Plan supports the principle of these uses at ground floor within the CAZ, provided they maintain active frontages and are open to visiting members of the public

A commercial unit and more importantly a café is supported and would provide much needed improvement to Torquay Street and would act as a positive contributor to the area. It would provide an active frontages which can help to minimise the opportunities for crime, anti-social behaviour and reduce the fear of crime which many have raised as an issue in this location.

Due to the size of the unit any cooking facilities would be limited and could be carried out only utilising a recirculation scheme, and Environmental Health officers have no objection to this.

No hours are proposed by the applicant but it is considered that its operation hours should be limited to 07.00 to 22.00 to protect the amenity of future residents above.

To maintain a level of flexibility, the applicant is requesting that consideration is also given to the floorspace also being used as a commercial workspace, which would fall with Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). Whilst a café would be the Council's preference, a commercial workspace would also be supportable, however Class E does allow for several other uses that would not be suitable in this location due to highways, air quality and/or noise impacts. A condition is recommended that limits the Class E uses to only a café/ commercial workspace.

9.2 Environment & Sustainability

Sustainable Design

Policy 38(D) (Design Principles) of the City Plan seeks to ensure 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.

Whilst the proposals seeks the demolition of the existing building, this building is very much at the end of its life span. A BREEAM Pre-Assessment has been carried out for the proposed development. The current pre-assessment estimates provide a targeted score of approximately 75 %. The applicants do however propose that the new building targeting a BREEAM rating of 'Excellent' demonstrating it incorporates exemplary standards of sustainable and inclusive urban design and architecture.

The Sustainability Statement notes that the proposed dwellings will target a maximum indoor water consumption of 105 l/person/day, in line with the optional standard in Part G of the Building Regulations, and compliant with London Plan Policy SI5.

The Sustainability Statement notes that two Wat 01 credits are targeted for the non-residential uses on site, with water consumption reduced by 25% in line with London Plan Policy SI5. 122. Water efficient fittings, water meters, flow control devices, and leak detection systems are proposed, which is welcomed.

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. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough's carbon offset fund, or 2) off-site.

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 provided an Energy Statement with their application. This follows the principles of the Mayor of London's energy hierarchy. The table below shows there will be a 62% reduction in regulated carbon dioxide savings. This is welcome in policy terms.

Table: 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	20.2	15%
Be Clean: Savings from heat network	63.8	47%
Be Green: Savings from renewable energy	0	0%
Cumulative on-site savings	84.1	62%
Carbon shortfall	1,522.9	-
	Tonnes CO2	
Cash-in-lieu contribution	£144,677	

London Plan and City Plan policies state developments are required to offset all remaining regulated CO2 emissions associated with the building through a financial contribution. The GLA's Energy Assessment Guidance (April 2020) states a figure of £95/tonne will be used over a 30-year period. The CO2 emissions offset rate is therefore set at £2,850/tCO2 over a 30-year period. The total carbon offset payment is £144,677.00.

The GLA in their response has asked for further information on overheating; different types of heat networks for different elements and PV is not being considered. A response to the GLA has been carried and the committee will be updated at a later date.

Officers considers the proposals acceptable in energy terms, subject to the carbon-off set payment and energy monitoring conditions.

Whole Life Carbon

The applicant has submitted a Whole Life-Cycle Carbon Assessment (WLCA), as required by Policy S12 of the London Plan. In the GLA's stage 1 response, further information on whole life carbon was required, and in the GLA's WLC Template. This was provided and the GLA has no further comments to make and are satisfied.

Given the above, the proposed development is considered consistent with policies S12 of the London Plan and policy 36 of the City Plan.

Circular Economy

Policies S17 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.

The applicant has submitted a Circular Economy Statement (CES), as required by policies 37 of the City Plan and S17 of the London Plan. In the GLA's stage 1 response, further information was requested on demolition of existing building, key commitments, bill of materials; recycling and waste reporting, operational waste and plans for

implementation. The applicant provided a response however the GLA still required additional information.

This has been provided to the GLA and at the time of writing the case officer was awaiting a response. The committee will be updated of the GLA's latest position prior to or at the committee. Should permission be granted, appropriate conditions will be recommended to ensure waste is reduced. Subject to this the proposed development would be consistent with policy 37 of the City Plan and policy SI7 of the London Plan.

Air Quality

Policy SI1 of the London Plan and Policy 32 of the City Plan states that major developments should be at least Air Quality Neutral.

An air quality assessment by ENSAFE has been submitted. The assessment presents an assessment of the likely air quality effects of the proposed development associated with its construction and operation.

Construction Phase

It has been anticipated that there will be up to 15 heavy duty peak vehicles movements associated with the demolition and construction phase. As such, HDV vehicle movements generated during the construction fall below the EPUK and IAQM screening criteria and can therefore be considered not significant.

The Mayor of London SPG, the control of dust and emission from construction and demolition site has been referenced in making these conclusions. A dust risk assessment has been completed where it has been concluded that there is a Medium Risk of construction dust impacts. Table 19 of the applicant's report sets out the proposed mitigation measures. Assuming the relevant mitigation measures outlined within the Table 19 are implemented, the residual effect from all dust generating activities is predicted to be negligible and therefore not significant in accordance with the Mayors Guidance.

Developments of this scale will be required to sign up the councils code of construction practice (CoCP), where these mitigation measures will be set out and approved within a site-specific Site Environmental Management Plan (SEMP). It is therefore recommended that CoCP condition C11CD is applied should permission be granted.

Operational Phase

Traffic

Traffic data has indicated that the proposed development is anticipated to generate a maximum AADT flow of 12 AADT on the local road network. As such, it is considered that the operational phase of the site will not result in a change of AADT flows of more than 100 LDV produce over 25 HDV movements per day or significantly affect average speeds on the local road network. In addition, it has been anticipated that scheme will generate up to 32 daily trips associated with delivery and servicing vehicles: 31 daily trips for the residential units (C3 residential and Sui Generis) and 1 daily trip for the café (A1 Retail). These predicted movements are below the screening criteria set out in the IQQM, EPUK guidance, subsequently, potential air quality impacts associated with operational phase road vehicle exhaust emissions are predicted to be not significant.

Combustion Sources

It has been confirmed that the scheme will utilise Air Source/Water Source Heat Pumps

throughout the scheme design. Given electrically driven nature of these systems there is no associated combustion processes and there are no associated air quality impacts. The scheme does provide life safety equipment, and to avoid the use of backup generators the scheme will supply the life safety equipment from the building electrical intake upstream from the main LV panel so again there no associated air quality impacts.

Future occupiers Exposure

The site is bound by two major roads of differing elevations; Harrow Road (A404) to the north modelled at ground level (0m) and Westway (A40) to the south modelled at a height of 7.9m. both of these roads have significant traffic and are the make source of local pollution.

A modelling study has been undertaken to predict the future air quality concentrations, which have been compared against the London Councils air quality and planning guidance. The ground floor areas are classified as APEC-C, with first, second, third and fourth Floor areas classified as APEC B. As such, mitigation measures are required to reduce potential exposure to future residents from elevated annual mean NO₂ concentrations across ground, first, third and fourth floor levels.

A ventilation strategy using Mechanical Ventilation with Heat Recovery (MVHR) has therefore been recommended for all façades of the Proposed Development with concentrations above 38 µg/m³, which extends up to 4th floor level on both St Mungo's Building and the Mixed-Use Building facades. The intakes for the air handling units are required to draw air in from an area where annual mean concentrations are predicted to be below 38 µg/m³ (APEC A) as a minimum and it is recommended that for the added benefit include PM10/2.5 filtration as current guidance issued by the WHO demonstrates that there is no safe level of PM10/2.5. Where this standard cannot be met for the inlets then specialist air filtering techniques will be required.

Balconies are proposed at the 4th Floor level where it has been proposed that these will be in the form of winter gardens to protect future occupiers from the impacts of poor air quality.

Subject to conditions, the proposed development will not lead to adverse impacts on existing air quality.

Air Quality Neutral

The development has determined to be air quality neutral.

The development is compliant with London Plan and City Plan policies.

Flood Risk & Sustainable Drainage

Although not located within a flood zone, the application site is located in the Westbourne Grove Surface Water Flooding Hotspot and therefore the applicant has submitted a flood risk assessment.

Surface water flooding can occur during intense rainfall events where the rainwater is unable to soak into the ground or enter the drainage system. This type of flooding is usually associated with a short duration storm with heavy downpours or a failure or blockage within the drainage system.

As part of the proposed development a new surface water drainage network will collect and manage all surface water runoff that falls on the site. The proposed below ground surface water drainage will be designed to manage a 1 in 100 year storm event + 40% climate change and therefore will protect the proposed development from the risk of surface water flooding. Therefore, the risk of surface water flooding will be managed onsite and is considered to be low risk.

City Plan policy C35 (J) says 'New development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

Sustainable Urban Drainage (SUDs) are proposed in the green roofs and these are welcomed. The applicant has also advised that permeable paving at ground floor level is proposed, provided that any detailed site investigations are required to confirm the ground conditions are suitable for permeable paving. Given the nature of the scheme and that significant changes are proposed to the ground floor to create the courtyard environment it is unclear as to why permeable paving cannot be installed and therefore this is to be conditioned.

On the matter of rainwater harvesting, the applicant has set out that this cannot be provided due to the urban and constrained nature of the site. Whilst regrettable, it is not considered reasonable to refuse the application on this basis.

Land Contamination

The site is located in an area that has had a potentially contaminated past. The ESO originally recommended that a pre commencement contaminated land condition (all four parts) is included in any permission. At the applicant's request, it is recommended that demolition is allowed prior to the submission of the desktop study, site investigation and remediation strategy. The ESO has verbally confirmed that this is acceptable.

Light Pollution

It is recommended that details for the lighting of the courtyard are secured by condition. This will be to minimise the detrimental impact of glare and light spill on local amenity as required by Policy 33(B) of the City Plan

9.3 Biodiversity & Greening

Policy G5 of the London Plan states that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments and tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential.

Although no UGF is set within the City Plan, policy 34 requires that developments will, wherever possible, 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. Policy 34 also states that developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats.

Policy G7 of the London Plan states that development proposals should ensure that, wherever possible, existing trees of value are retained. If trees are removed, adequate replacement should be provided. Policy 34 of the City Plan also seeks to protect trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected. The planting of trees will also be encouraged.

Whilst the existing site is not located within an area of nature deficiency, with the exception of one street tree, the application site itself is devoid of vegetation and habitat and has a UGF close to 0. The street tree is a field maple and is owned and managed by the City Council. Green roofs and soft landscaping to the communal terraces/play areas are proposed to the St Mungo's building and the residential building. Green walls/ climbing planters are proposed from ground floor. The tree is sought to be retained and this is welcomed, however the arboricultural report submitted with the application contains limited information to demonstrate the tree could be successfully retained in relation to the site specific enabling, demolition and construction requirements. As the proposed building line does not extend beyond the existing building line and no basement works are proposed the Council's arboricultural officer raises no objection to lack of information but advises that a condition to secure tree protection measures is sought.

The proposed development would significantly increase soft landscaping on-site. The applicant proposes the provision of 10 silver birch trees at ground floor level within the courtyard, however the arboricultural officer objects to the number and species type, stating that "a single, ultimately large growing, specimen tree would be preferable in order to maximise canopy cover, whilst still ensuring a reasonable separation between the tree and the properties" and this supports the GLA's comments that the application should consider larger canopied trees to target urban heat island (UHI). A condition securing a revised landscaping plan is suggested.

As noted, green roofs and soft landscaping to the communal terraces/play areas and green wall/ climbing planters are proposed to the St Mungo's building and the residential building. Whilst there is some concern over the depth of the substrate of the green roof soil levels, these are welcomed and further details of soil levels can be secured by condition.

As proposed there would be a 552.93% biodiversity net gain and the applicant has calculated the Urban Greening Factor (UGF) of the proposed development as 0.3 (this score has increased since the GLA's Stage 1 initial response, which is below the target set by Policy G5 of the London Plan. Whilst this is below the target of 0.4 set by Policy G5 of the London Plan, the applicant outlines a number of constraints including safety and fire regulations. Given this and the significant uplift in greening and biodiversity net gain taking place in comparison to the existing site and the efforts that have been made to increase the score the UGF proposed is acceptable to the GLA and City Council. This

UGF score should be treated as a minimum and increased where possible as the application moves through the planning system.

Overall, the proposed development is consistent with policies G1, G5 and G7 of the London Plan and policy 34 of the City Plan.

9.4 Townscape, Design & Heritage Impact

9.4.1 Site description

The site occupies a narrow plot between Harrow Road and Torquay Street and the Westway. The site contains no heritage assets, whether designated or otherwise. The site is also not within or immediately close to a conservation area. The site is within the North West Economic Development Area (NWEDA).

The existing building on the site is considered to be of no real architectural merit. It dates from the 1950s and was built originally as an office extension to an adjacent taller hospital building which was itself demolished to make way for the Westway in the 1960s.

The current building is built of brick, metal spandrels and glazing, over two and three storeys in three main wings, with a small plant room on the roof of the front wing. The building features flat roofs across all three wings. Its height is consistent with that of the adjacent block to the east (the Grand Union Health Centre, 209 Harrow Road).

The site currently contains no trees or other substantive greening, although a small tree sits in the footway immediately in front of it. The site is contained by tall walls and vehicular access gates to both Harrow Road and Torquay Street.

9.4.2 Area description

The application site is situated in an area north of the Westway and south of the Canal which consists largely of postwar housing, much of it built by the City Council as social housing, including six 21 storey towers.

The site shares immediate boundaries east and west with the Health Centre, Torquay House and the Petrol Filling Station. The Health Centre is a building of similar height and arrangement across its narrow site, and is of no real architectural value and no historic value. Torquay House is a relatively recent residential tower of 6 and 13 storeys. The Petrol Station has an essentially open space character when compared to the rest of the block, with the exception of its canopy, totems and shop. On the opposite side of Harrow Road is another Health and Community Centre of two and three storeys in a long linear brick block.

Immediately south of the site running partly over Torquay Street is the elevated section of the Westway which also over sails a small corner of the site's southern boundary, sitting extremely close to the existing two-storey rear wing. Beneath the Westway is a large area of semi-public space in the form of the skate park. This area is aesthetically quite hostile with a rough and neglected character, dominated by the architectural brutality of the underside and piers of the Westway structure.

The impact of the scale and proximity of the Westway on the site should not be underestimated, forming a substantial and immediate physical and spatial barrier

hemming the site in from the south at the human level. This is then reinforced further by the extensive east-west trainlines which run west out of Paddington. Together, these form a major east-west infrastructure barrier between the modern and low-grade character of the application site from the older and higher character areas of Westbourne and Bayswater to the south.

However, and significantly in relation to the tall-building proposed by this application, this separating effect is absent at higher levels, with sky views between the two areas being significant.

Beneath the Westway is the Royal Oak Skatepark. Forming a small rectangle to the east of the Grand Union Health Centre is a small area of green open space, which sits opposite the larger and more mature landscaped open spaced of Westbourne Green.

To the north of the site and covering a larger area between the Westway and the canal is the Brindley Estate, built in the 1960s with flats contained within a mixture of low-rise linear blocks and six 21 storey towers. Notably, all six of the estate towers and Torquay House are, due to their significant heights, regularly visible from various parts of the Westbourne, Queensway, Bayswater and Maida Vale Conservation Areas. This is assessed further later in this report under 'Views'.

Historically this area was cleared after the war due to a combination of bomb damage and regeneration, with only the Church of St Mary Magdalene (Grade I listed) retained on this south of the canal as evidence of its former history.

The wider townscape of the city becomes ever more varied as it radiates out from the application site, and incorporates modern housing estates and infrastructure, historically planned and older streets, public and private open spaces. The character of these places in relation to the site are discussed further later in this report under 'Views'.

9.4.3 Affected heritage assets

Whilst there are no heritage assets within or in immediate proximity to the application site, there are a 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 visibility of the main 20-storey tower which is proposed.

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 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 small 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, Heritage and Visual Assessment (THVIA), includes an analysis of those assets which the applicant's consultants have identified; it is considered that the scoping of these is sound and has taken into account the advice of officers such that it 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 (paragraph 195) it is necessary to identify and assess the significance of affected assets when considering the potential impact of development proposals upon them.

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. This list does not seek to identify all assets within a set radius, but those which officers consider are affected in some way by the proposals. Designation grades or types, and approximate distances from the application site are given in brackets.

Conservation Areas

- Maida Vale (385m to E, and 260m to NE, and 350m to NNW)
- Queensway (325m to SSE)
- Bayswater (220m to SE)
- Westbourne (125m to S)
- Hallfield Estate (0.5km to SE)
- Aldridge Road & Leamington Road Villas (0.5km to W)
- Pembridge Conservation Area (RBKC)

Listed buildings

- Porchester Centre (Grade II*) (325m to SSE, within Queensway CA)
- Church of Stephen (Grade II) (270m to SW, within Westbourne CA)
- 14 & 16, 22-24, and 26-28 Westbourne Park Road (Grade II) (210m to SSE, within Westbourne CA)
- Church of St Mary Magdalene (Grade I) (300m to NE, within Maida Vale CA)

Registered Parks and Gardens

- Brunel Estate Gardens (Grade II) (260m to W)

Non-designated heritage assets

- Grand Union Canal, Paddington Branch (321m to NE, and 243m to NW)

9.4.4 Legislation, Policy and Guidance

The application proposals could affect the setting of a number of listed buildings, conservation areas and registered parks and gardens. Therefore there are a number of key legislative and policy 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 or Registered Park, Policy 39 of the Westminster City Plan 2019-2040 requires development to protect their settings 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 to Registered Parks and Gardens, 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 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 spatial strategy policy 5 (NWEDA) influences 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
 - Part F of this policy relates to views, including both strategic and local / metropolitan views.
- Policy 41 – Building height
 - This policy does not specifically identify the application site as being suitable for a tall building. The policy does however give advice on the acceptance of 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 for each of the Westbourne, Aldridge and Leamington Road Villas, Queensway, Bayswater and Hallfield Estate 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. There is currently no Audit for the Maida Vale Conservation Area.

9.4.5 Proposed Development

The application proposes the complete redevelopment of the site, demolishing all existing buildings and erecting a new pair of buildings containing a mixed-use development of 98 affordable and market housing units, 45 short-term studios and 11 move-on (longer-term) residential units operated by St Mungo's, and 1 commercial unit at ground floor.

The two buildings would be separate and would consist of a lower 9-storey building fronting Harrow Road, and a 20 storey tower to the southern part of the site adjacent to the Westway. A number of objections from the South East Bayswater Residents Association and neighbours/ residents in the area have been received to the height of the taller building

The buildings would occupy the western part of the site, leaving a narrow gated area of communal private open space at ground level.

Entrances to the building would be in four locations, with the entrance to the St Mungo's short-term units fronting onto Harrow Way. Within the gated area would be two entrances, one to the longer-term move-on St Mungo's units at the central 'fulcrum' between the two buildings, and one to the base of the tower for the market and affordable units. The entrance to the commercial unit would be to the rear onto Torquay Street. A loading bay and substation entrances would also be located on the Torquay Street elevation, with an escape door to the side (west) elevation.

As already mentioned, the new building would consist of two parts, a lower 9 storey block facing Harrow Road, and a taller 20 storey tower to the south. The 9 storey block would stand at 56.8m AOD to its tallest point, whilst the tower would stand at 93.9m AOD, dropping to 88.3m at its lowest shoulder.

The form of the two blocks is dictated by the shape of the site and the provision of the courtyard between the two buildings. This forms the tower into a roughly trapezoidal planform which immediately breaks up its potential mass when viewed from the south,

and east. This is further reduced by the stepped form of the top of the tower, with three tiers reducing its vertical mass. This is helpful to longer-distance views, but is also softened further at closer range by smaller chamfers to the tops of the parapets.

The formation of the courtyard at low level requires that both blocks cantilever out from a narrower base; this does create a slightly oppressive form at lower level in the case of the tower, although the function of this, of forming the courtyard's connection to the rear, is evidently necessary and desirable.

The mass of the buildings is broken down further by a heavily chamfered and shaped form which becomes the main characteristic of the building. This is used legibly in combination with the positioning of windows and balconies, and relates well to the carefully recessed shape of window openings. The north elevation of the building, facing Torquay House, has been revised significantly during the course of the application to translate this motif of vertical chamfers and cuts onto this otherwise much more blank elevation (due to the layout of the interior and the facing relationship with Torquay House). This has been successful in substantial part due to the legibility of these cuts and chamfers relating directly to the internal layout of the building rather than being simply applied façade features.

The development would be built primarily of a light buff coloured brick. This is both characteristic to the area and wider city, and aids the reduction in long-distance visual impacts (when compared with darker materials). The softness of the brickwork would add character and interest to the building throughout, and creates a comfortably solid building, characteristic of its residential use. The brick would be supplemented by a darker brick for some points of vertical emphasis, and a red-pigmented concrete used to form the base of the building, and key entrance features around the front and main residential entrances. Windows would be powder-coated aluminium (and glass) and doors to the main entrances metal and timber.

The windows and doors would be set back from the main façade line in heavily chamfered reveals. For the windows this would aid solar shading, and for the doors it would provide good legibility of access.

The courtyard at ground level, whilst gated, would provide visual permeability between Harrow Road, the courtyard and Torquay Street at the rear, marking a strong improvement upon the existing walled off character of the site's existing yard. The courtyard would be paved, but would include planters with trees and low-level planting. Further planting would be included to all flat roofs, including those at high level. This would include a substantive garden area to the lower level of the tower, and another to the Harrow Road block, for use by residents.

The application includes suggestions for opportunities on the building or in the courtyard for public art. A development of this scale is expected by the City Plan to include this and as such a condition is recommended to be included on the permission, if the council were minded to approve.

9.4.6 Effects and Impacts

Direct townscape effects and architectural design

The overall result of the design measures set out above is an attractive and high quality

building which moderates its own impacts well. It is considered to be a high quality and intelligent design, characteristic of its neighbourhood.

The positioning of the tower to the rear (south) of the site allows the front building at nine storeys to relate better to how the local area features lower-storey development fronting Harrow Road, with taller blocks set back into the estate. Whilst at 9 storeys the front block is taller than the adjacent buildings fronting Harrow Road, it is considered to be appropriate to its context and function, and would not be unduly aggressive to the street. It also serves a valuable function in acting as a moderator to the much taller tower to the rear, and also with Torquay House to the west.

The tower, at 20 storeys is of course very tall and will be regularly visible across a moderate extent of the local area (see 'Views and Wider Townscape' below). Whilst not in a location identified suitable for a tall building, it is consistent in height to the 21-storey estate towers to the west and north of the site. Subject to the impacts it would have on the wider townscape and heritage assets, the detailed architectural quality of the development, function and environmental impacts, it is considered to an appropriate location for a taller building, in line with the principles of the City Plan policy 41 and D9 (C) of the London Plan and therefore the objections on height grounds cannot be sustained. The GLA raise no objection to the principle of a building of this height in this location.

The cut-through formed by the site's courtyard and front and rear entrances are, whilst gated, a notable enhancement to the site, providing a visual and functional connection between Harrow Road and Torquay Street. Placing the commercial unit to the rear introduces a new activity onto Torquay Street which, subject to the end-user, should interact well with the use of the skate park beneath the Westway, improving activity levels and positive uses on Torquay Street.

Views and Wider Townscape and Heritage Impacts

The applicant has submitted with their application a Townscape, Heritage and Visual Impact Assessment (THVIA) which identifies a number of viewpoints in the surrounding and wider area, providing a accurate visual representations of the impact the proposed new building would have on the local townscape, including heritage assets. It is considered by officers 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 well west (to the right of) the LVMF's London panorama incorporating protected vistas from the Summit of Primrose Hill and has not therefore been considered in this assessment.

View 1 – Grand Union Towpath

Heritage Assets: Church of St Mary Magdalene (Grade I listed building)
Grand Union Canal (non-designated heritage asset)

Townscape Quality: Low to medium

Impact summary: Neutral

Comments: The proposal would add an additional tower of the same apparent scale as the estate towers, but slightly closer to the backdrop of the listed Church. The high quality of the building's architecture would be evident in this view. Overall this effect would be neutral on the general townscape and on the setting of the listed Church building.

View 2 – Footbridge over the Grand Union Canal

Heritage Assets: Church of St Mary Magdalene (Grade I listed building)
Grand Union Canal (non-designated heritage asset)

Townscape Quality: Low to medium

Impact summary: Neutral

Comments: The proposal would add an additional tower of lower visible scale when compared with the visible estate towers, and would be set behind tree the lining of the canal. This would cause no real additional impact on backdrop of listed church. Overall this effect would be neutral on the general townscape and setting of the listed Church building.

View 3 – Blomfield Road, at the junction with Westbourne Terrace Road

Heritage Assets: Within the Maida Vale CA
British Waterways Board Canal Office (Grade II LB)
Bridge House PH & associated terraced housing (Grade II LBs)

Townscape Quality: Medium

Impact summary: Slightly negative

Comments: The proposal would add an additional tower at lower visible scale, just to the right of the Canal Officer building within a small gap before the tree canopies and the first of the state towers (Gaydon House). Overall this would have a very slightly negative impact on the townscape value of the location, and setting of the MVCA and of the Canal Office as a listed building.

View 4 – Westbourne Green Open Space

Heritage Assets: None

Townscape Quality: Low townscape value, medium landscape value.

Impact summary: Neutral

Comments: The proposal would add a prominent additional tower at closer range and higher in view than the existing estate towers. The new tower would project above the further-distant trees which line the park, sitting within a gap in the canopy. Overall this would have a slightly positive impact on the townscape value of the area, given the architectural quality of the proposal, and a slightly negative to neutral impact on the landscape quality of the park, given that it is by nature a modern estate park.

View 5 – Harrow Road, near to The Stowe Centre looking west

Heritage Assets: None

Townscape Quality: Low

Impact summary: Neutral

Comments: This position would afford a direct view of the proposal at quite

close range. From here it would have a significant and dominant impact on the local townscape. This would be somewhat mitigated by the clear visibility of the building's high architectural quality, and must be seen in light of the locally low value townscape context.

View 6 – Harrow Road, at the junction with Cirencester Street

Heritage Assets: None
 Townscape Quality: Low
 Impact summary: Neutral
 Comments: This view would feature the new building rising prominently from behind the Shell garage and Torquay House, and with Brinklow House in the right-hand foreground looming much taller in the view. The appearance and architectural quality of the development proposal in this view has been notably improved by the revisions secured through negotiation to the north-ward elevation of the building.

View 7 – Westway, eastbound

Heritage Assets: None
 Townscape Quality: Low
 Impact summary: Neutral to positive
 Comments: This is a view from a moving vehicle travelling eastbound on the northern carriageway of the Westway. In this location vehicles would typically be travelling at up to 30mph. From this position, the new building would rise significantly above the height of the Westway deck, adding an additional tower to the righthand most (western-most) extent of the existing estate cluster. The apparent proximity of the tower to the Westway may seem to some purposes a little uncomfortable, but this is not unusual on such elevated sections of dual carriageway. This would have a negligible additional impact, and would arguably be positive given the high architectural quality of the proposed new building.

View 8 – Pembridge Villas, at the junction with Chepstow Crescent

Heritage Assets: Taken from within the Pembridge Conservation Area (RBKC)
 • Key view (as defined by RBKC CA Appraisal)
 Townscape Quality: High
 Impact summary: Slightly harmful (less than substantial harm to setting of CA)
 Comments: From this location, which is noted in RBKC's Conservation Area Appraisal as being a key view, the top five storeys of the proposed new tower would be visible rising above the roofline of the villas which currently terminate the view. The impact of the view in summer would be lessened by leaf growth. The position is close enough to appreciate the architectural quality and stepping of the roofline of the building, which at this angle would roughly follow the line of the affected roofline.

View 9A – Queensway, near the junction with Westbourne Grove

Heritage Assets: Within the Queensway Conservation Area

- Local View (as defined by Queensway CA Audit)
Setting of Porchester Centre (Grade II* listed building)

Townscape Quality: High

Impact summary: Moderately harmful (less than substantial harm to setting of CA and LB)

Comments: In this view, one is looking up Queensway from close to the junction with Westbourne Grove, the view terminated at the end of the road by the Grade II* listed Porchester Centre which at this point is a relatively low building, but with a prominent symmetrical entrance frontage topped by a dome, evidently designed to formally address the linear street of Queensway. Above its roofline can be seen the tops of the rear elevations of the four / five storey townhouses which front the southern side of Westbourne Gardens.

The top two or three storeys of the proposed new tower would project above the existing skyline and would cause some interruption to the experience of the Porchester Centre's design frontage. However, from this position the roofline is already not in its intended pure form due to the Westbourne Gardens rooftops. From a closer position those rooftops would not be visible, but it would be equally if not more likely that the proposal would also disappear from view, leaving the Porchester Centre's façade visible as intended. This is demonstrated by View 9B (see below).

View 9B – Queensway, looking north

Heritage Assets: Within the Queensway Conservation Area
Setting of Porchester Centre (Grade II* listed building)

Townscape Quality: High

Impact summary: None.

Comments: This is a closer version of View 9A, but taken from the lefthand (western) footway of the road. From this position the proposed new building would be entirely screened by the buildings to the left of the image. It is however also expected that the tower would sit below the visible roofline of Porchester Gardens from this close range if a position on the other side of the road were to be taken instead.

View 10 – Porchester Road, adjacent to Porchester Square Gardens

Heritage Assets: Within the Bayswater Conservation Area

- Local View (as defined by Bayswater CA Audit)
Setting of Queensway Conservation Area
- Local View (as defined by Queensway CA Audit)

Setting of Westbourne Conservation Area
 Setting of Porchester Centre (Grade II* listed building)

Townscape Quality: High

Impact summary: Moderately harmful (less than substantial harm to setting of 3x CAs and LB)

Comments: In this view the Grade II* listed Porchester Centre dominates the location, which is at a confluence of three separate adjoining conservation areas. Whilst taken from within the Bayswater Conservation the boundary with the Queensway Conservation Area (within which sits the Porchester Centre) runs down the middle of the road, and then gives way to the boundary with the Westbourne Conservation Area, which contains the pair of detached villas which terminate the view.

The existing estate towers can be seen behind the single tree which sits centrally in the image.

The proposed new tower would sit centrally in this view, again behind the tree but notably closer and slightly projecting out from the canopy both above and to the right, and below the canopy. The canopy can be expected to provide some filtering of the visual impact of the tower in summer, but it would likely still be visible to a degree. It is just the one mature tree, and so if / when it were to die, its filtering effect would be wholly lost. Visibility of the tower would increase as one walked up the road, with the building moving further to the right of the tree to the point of limited if any screening, although by this point the Porchester Centre would have moved out of your line of sight. This kinetic experience would culminate with View 11 (see below).

The development would be a notable new element on the skyline, with approximately half of the building visible, and this would impact on setting of all three conservation areas, and on the setting of the Porchester Centre.

View 11 – Porchester Road, southern end of Lords Hill Bridge

Heritage Assets: Within Bayswater Conservation Area
 Setting of Westbourne Conservation Area
 Lords Hill Bridge and lineside walls (non-designated heritage asset)

Townscape Quality: Medium

Impact summary: Moderately harmful (less than substantial harm to setting of 2x CAs)

Comments: In this view, six existing estate towers including Torquay House are visible and punctuate the view over the railway line and bridge from this junction with Westbourne Park Road. Whilst taken from within the Bayswater Conservation Area, the impact is primarily on

the setting of the Westbourne Conservation Area the boundary of which follows the lineside walls west along Westbourne Park Road. Mature trees punctuate the northern footway of WPRd. The horizontal line (and sound) of the decksides of the Westway is slightly visible above the lineside walls.

The proposed development would be substantially visible to the left of the bridge, and slightly to the right of the first tree. Almost all of the tower and also the frontage block could be visible rising above the lineside walls and standing directly in front of, and largely obscuring from view, Torquay House. From this position, the architectural quality of the building and its stepped top would have a positive mitigating effect, and would be seen in the context of the rest of the estate north of the railway (and Westway). However, the shock of the scale of the building would remain evident and as such the impact is considered to remain slightly harmful to the setting of the conservation area.

View 12 – Westbourne Gardens, western side - north

Heritage Assets: Westbourne Conservation Area

- Not a defined 'Local View' in CA Audit.

Townscape Quality: High

Impact summary: Significant but briefly harmful (less than substantial harm to setting of CA)

Comments: This view, approximately 290m south of the application site, makes a brief but positive contribution to the character and appearance of the Westbourne Conservation Area. It is a brief view and so is not noted in the WCA Audit as being a 'Local View'. Looking north from the western footway on Westbourne Gardens, the gap between the northern range of terraced stucco housing which encloses the northern side of the garden square frames a view to the lower-scale villas which line the northern side of Westbourne Park Road. Beyond the roofline of the villas one can see the existing Torquay House and Brinklow House (21 storeys) already rising significantly above and causing some diminishment of the existing quality of this view.

The proposed main tower of the development would appear in front of Torquay House, completely concealing it from view and rising significantly higher in the view. The top of the tower would appear equal in height in this view to the rear elevation of the villa which currently sits on the corner of Westbourne Gardens and Westbourne Park Road. Because of its sheer scale and intrusive and dramatic contrast in character, the new tower would be dominant in this view despite the otherwise preeminent character of the historic houses which make up this part of the conservation area. Providing some mitigation to this impact would be the previously acknowledge high quality architecture and shaped form of the new building, which would be fully appreciable in this view.

The view is also brief and isolated to just this location

View 13A – Talbot Road, at the junction with Kildare Terrace

Heritage Assets:	Westbourne Conservation Area
	<ul style="list-style-type: none"> Defined as a 'Local View' by the WCA Audit
Townscape Quality:	Church of St Stephen (Grade II listed)
Impact summary:	High
Comments:	Seasonally harmful (less than substantial harm to setting of listed church and CA)
	This view is one of a series of noted 'Local Views' noted by the CA Audit which, with the centrepiece of St Stephen's Church (Grade II Listed), forms the focal area of the conservation area. Three of these views are submitted in the TVHIA, this view (13A) from immediately beside the eastern side of the Church, 13B slightly further east (see below), and View 14 from the western side of the Church.

It is a significant and key location to the conservation area. It is approximately 265m to the south-west of the application site. In the left foreground of the view is the Church which gives way to a small group of mature deciduous trees growing in the eastern part of the church yard overhanging the junction of Talbot Road and Westbourne Park Road. Beyond at low scale (three storeys) are the historic (unlisted) villas which line the northern side of Westbourne Park Road, and which are partly screened by further mature street trees. The skyline over these villas and the view to the east (right) of the church is currently 'intact' with no intrusion from the existing towers north of the railway / Westway.

The proposed development would rise significantly (approximately its top 8-9 storeys) above the roofline of the villas but behind the mature churchyard trees. Two versions of the view (winter and summer) are included in the applicant's TVHIA. In winter, due to the thinning of the tree canopy the tower would be slightly visible through the trees. In summer, the tower would not be visible from this precise position.

View 13B – Talbot Road, near the junction with Westbourne Park Road

Heritage Assets:	Westbourne Conservation Area
	<ul style="list-style-type: none"> Defined as a 'Local View' by the WCA Audit
Townscape Quality:	Church of St Stephen (Grade II listed) (peripheral setting only)
Impact summary:	High
Comments:	Seasonally harmful (less than substantial harm to setting of listed church and CA)
	This view should be considered alongside 13A. It taken a few steps to the east (right) of 13A, with the listed Church yard walls just about still visible. In person, the Church remains very much present in one's peripheral view. From this position, the screening provided by trees is thinned down to just those in the

front gardens of the Westbourne Park Road villas. Brinklow House is slightly visible over the roof of one of those villas.

The top (approximately 4 storeys of the proposed tower would rise above the roofline of nos. 64 to 68 (unlisted buildings of merit). The submitted view was taken in spring, so shows a range of leaf cover on the varied tree types, but demonstrates that, in winter, the trees that screen the view thin considerably, whilst in summer little would be discernible through the tree canopy. This should be borne in mind – in winter the impact would be harmful, but in summer, the impact minimal. In combination with the kinetic experience of views around this key part of the conservation area, and given the significance of this locality to the conservation area, any intrusion over this roofline can be considered to cause some harm, despite the evident architectural quality of the proposal at this range, and the noted tree screening.

View 14 – St Stephen’s Crescent, near junction with Westbourne Park Road

Heritage Assets: Westbourne Conservation Area

- Defined as a ‘Local View’ by the WCA Audit

Townscape Quality: Church of St Stephen (Grade II listed) (peripheral setting only)
High

Impact summary: Seasonally harmful (less than substantial harm to setting of listed church and CA)

Comments: This is the last of the series of views set around St Stephen’s Church which are noted in the CA Audit as being significant ‘Local Views’. In this view to the west of the Church, one is looking north-east across the corner of St Stephen’s Crescent and Westbourne Park Road, with the view terminated by the low-scale Victorian villas which line the northern side of Westbourne Park Road. The western elevation of the north wing of the Church can be seen to the right (east) of the image. The very top of Brinklow House can be just about seen in winter time over one of the villa pair’s roofs. As with 13A and 13B, trees make a significant contribution to this view, providing significant screening in summer, but little in winter.

The proposed tower’s top four to five storeys would rise above the rooftops of the eastern-most pair of villas visible from this location, detracting from the purity of their roofline. This would be partly screen by the tree in the front garden of no.84 in winter, but substantially screened by it in summer. In summer, a small side flank of the new building could remain visible to the side of the tree’s canopy.

View 15 – St Stephen’s Gardens – western end

Heritage Assets: Westbourne Conservation Area

- Defined as a ‘Local View’ by the WCA Audit

Townscape Quality: High

Impact summary: No effect.
 Comments: This view is taken from within the public garden space of St Stephen's Gardens, looking east. The road and the gardens are one of the view streets in the Westbourne Conservation Area with a linear orientation towards the application site and so carries some risk of impact.

As demonstrated by the submitted view however, the tower would be fully screened by the buildings which form the northern side of St Stephen's Gardens, and would not be visible.

View 15A – St Stephen's Gardens – western end

Heritage Assets: Westbourne Conservation Area
 • Defined as a 'Local View' by the WCA Audit

Townscape Quality: High
 Impact summary: Seasonally slightly harmful (less than substantial harm to setting of CA)

Comments: This view was requested by officers due to the perceived risk of the proposed development becoming visible at a more southerly angle than is shown by View 15. The view is from the southern footway of St Stephens Gardens, looking approximately north-east diagonally across the square and end of the road. The trees within the gardens would provide some screening in winter, and full screening in summer.

The proposed tower would be visible in winter above the terrace (unlisted of merit) which forms the eastern end of the street, by approximately 6 storeys; during this time of the year, the proposal would be slightly harmful due to its intrusion into the skyline of the terraces which characterise this part of the conservation area. The roofline is otherwise currently unbroken by background developments. In summer, the proposal would not be visible.

View 16 – St Stephen's Gardens, at the junction with Chepstow Road

Heritage Assets: Westbourne Conservation Area (within)
 ○ Defined as a 'Local View' by the WCA Audit

Townscape Quality: High
 Impact summary: No effect.
 Comments: This view is a progression eastwards of Views 15 and 15A and is taken from the junction where Chepstow Road crosses St Stephen's Gardens, again looking roughly north-east. It demonstrates that the proposal would not be realistically discernible from this position. A slight sliver of the stepped profile of the tower might be visible to taller viewers, but this is very much a slight, almost indiscernible degree of visibility and very much demonstrates the mitigating effects of the proposal's stepped and cut form.

View 17 – Westbourne Park Road, near junction with Aldridge Road Villas

Heritage Assets: Aldridge Road and Leamington Villas Conservation Area (within)

Townscape Quality: Westbourne Conservation Area (distant view of)
 Medium to low
 Impact summary: Slight effect (less than substantial harm to setting of Westbourne Conservation Area)
 Comments: This view is taken from just within the southern boundary of the Aldridge Road and Leamington Villas Conservation Area, approximately 620m west of the application site. From this position, almost wholly looking away from the ARLV Conservation Area, one has only limited experience of the character of that area.

To the left of the image around 100m away on the left (northern) side of the road is the Brunel Estate, the gardens of which were designated as a Grade II Registered Garden by Historic England in 2020 (as part of a national thematic review of postwar landscapes).

Looking east towards the site, in the medium and further distance (approximately 130m to 360m away) one can see the northern edge of the Westbourne Conservation Area, on the southern side of Westbourne Park Road. At this distance, one can start to appreciate something of the character of the Westbourne Conservation Area, particularly where the road turns south at the junction with Westbourne Park Villas. A closer version of this same view can be seen in View 18, demonstrating what is a kinetic and emergent experience of approaching Westbourne. From this more distant position, the existing towers of Brinklow House and Torquay House already rise significantly above the roofline of the Westbourne Park Villas houses which terminate the view.

The proposed tower would sit slightly off the line of the road, rising above the roofline of the buildings which form the northern edge of the Westbourne Conservation Area to the southern side of the road. At this distance this impact is only slight given the limited discernability of the character of the conservation area, but it would progressively increase as one moves closer when travelling eastwards. See View 18 for more on this experience.

View 18 – Westbourne Park Road, near junction with Chepstow Road

Heritage Assets: Westbourne Conservation Area
 Townscape Quality: Medium
 Impact summary: Moderate effect (less than substantial harm to setting of conservation area)
 Comments: This view is a progression eastwards of View 17, and shows the experience of approaching and then entering the Westbourne Conservation Area, past the Brunel Estate (Grade II RP) on the left. From this position one can appreciate the turn in the road at the junction between Westbourne Park Road and Westbourne Park Villas. From here, one can already see Torquay House

rising above the skyline of those villas, although directly in line with the view, the skyline is clear.

The proposed new tower would rise substantially above that skyline, notably taller than Torquay House and becoming dominant in the view; approximately 12 to 13 of the tower's storeys would be visible. This would cause a considerable degree of harm for the duration of one's journey into the conservation from the west, and would in particular overwhelm the skyline of the Westbourne Park Villas houses.

From this position, the architectural quality of the proposal would be discernible, including the north elevation which was revised on officer advice during the course of the application. What would be seen would be a good building, but it would nevertheless significantly change and be in notable contrast with the traditional character of the view. Whilst not the most high townscape value part of the conservation area, it is a significant entry point and the duration of the view of the proposal would be the most prolonged of those assessed for this application.

9.4.7 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. Listed below are a summary of the architectural, townscape or heritage impacts of the scheme, both positive and negative:

Architectural or townscape benefits:

- Demolition of mostly negative existing buildings on-site;
- Creation of new high quality private realm space and visual connection between Harrow Road and Torquay Road;
- Creation of a high quality and highly individual new building, including public art.

Harmful views:

View 3 – Blomfield Road, at the junction with Westbourne Terrace Road

- Maida Vale CA
- British Waterways Board Canal Office (Grade II LB)

View 8 – Pembridge Villas, at the junction with Chepstow Crescent

- Pembridge Conservation Area (RBKC)

View 9A – Queensway, near the junction with Westbourne Grove

- Queensway Conservation Area
- Porchester Centre (Grade II* listed building)

View 10 – Porchester Road, adjacent to Porchester Square Gardens

- Bayswater Conservation Area
- Queensway Conservation Area
- Westbourne Conservation Area

- Porchester Centre (Grade II* listed building)
 - View 11 – Porchester Road, southern end of Lords Hill Bridge
- Bayswater Conservation Area
- Westbourne Conservation Area
- Lords Hill Bridge and lineside walls (non-designated heritage assets)
 - View 12 – Westbourne Gardens, western side - north
- Westbourne Conservation Area
 - Views 13A, 13B and 14 – Talbot Road and St Stephen’s Crescent
- Westbourne Conservation Area
- Church of St Stephen (Grade II listed)
 - View 15A – St Stephen’s Gardens – western end, southern footway
- Westbourne Conservation Area
 - View 17 – Westbourne Park Road, near junction with Aldridge Road Villas
- Westbourne Conservation Area
 - View 18 – Westbourne Park Road, near junction with Chepstow Road
- Westbourne Conservation Area

Individual impacts can be slight but when numerous or extensive, might add up to a much overall impact on the area as a whole. Equally, overall the effects may be considered to be only slight if harmful impacts are not so numerous, even if within that there might be quite 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, but where the rest of a conservation area is largely unaffected.

It is also necessary to consider the guidance and caselaw over the difference between substantial or less than substantial harm. The NPPG (paragraph 18a to 018) advises: *“Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.”*

The key legal caselaw for this matter is *Bedford BC v SSCLG38 (2013)*, in which the High Court found that in order for harm to designated assets to be considered substantial, *“the impact on significance was required to be serious such that very much, if not all, of the significance was drained away ... which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.”*

As a result of this guidance, nearly all heritage impacts, including those leading to

refusals, are found to be 'less than substantial'. Development impacts on area-based assets such as conservation areas however are normally more incremental, setting-related or constrained to smaller components of that area, and so it is reasonable to theorise that it should be all the more rare and exceptional that proposals would be found to cause 'substantial harm'.

In this case, all of the heritage impacts of the scheme are setting-related – there would be no direct impacts on either listed buildings or conservation areas (or registered parks). The new building would instead be visible in views which contribute to how the significance of the relevant asset(s) are experienced.

In every one of the individual views assessed above, it has been found that the harm caused to the affected heritage assets would be less than substantial. It is important as already stated however to consider cumulative or incremental impacts.

In the case of the Westbourne Conservation Area, there are a number of views which would be affected and so it is right to consider the cumulative impacts seen there. Still, it is considered that these views are on the whole brief and restricted and are not so numerous or ponderous that they cause more than a small degree of degradation to the conservation area's significance as a whole. The only view of any duration would be that from Westbourne Park Road (Views 17 and 18), where the tower would be continuously visible above the historic buildings at the turn in the road for much of the time taken to travel east along the road as one approaches the conservation area boundary.

Where visible the tower would be a significant visual impact, but in every case this would be moderated by the measures proposed to the building's stepped and chamfered and visually light-coloured design – one would be seeing a high quality, attractive building, rather than an ugly one.

Views in winter would be more significant due to leaf-fall and greater visual permeability through tree canopies, but those trees would still provide some mitigation, particularly in oblique views.

9.5 Residential Amenity

Several objections have been received in relation to potential loss of light from a building this tall. Other objections include impact upon neighbouring amenity from the users of the St Mungo's facility.

Policy H6 of the London Plan requires that the design of the development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

Policy D9 of the London Plan also requires that tall buildings address daylight, sunlight penetration and temperature conditions around the buildings and the neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces around the building.

Policy 7 of the City Plan promotes neighbourly development that protects and, where appropriate, enhances amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. Policy 33 seeks to ensure that developments are acceptable in terms of light pollution, noise and vibration, odour, land contamination and construction impacts to both existing residents and future occupiers. Policy 41 of the City Plan also requires that proposals for tall buildings mitigate negative impacts on the microclimate and amenity of the site and surrounding area.

9.5.1 Daylight

Although not specifically referred to in the above policies, the Building Research Establishment (BRE) Guide is widely recognised as the appropriate method for measuring light loss and appropriate light levels. The BRE Guidance has been updated (June 2022) and alters the way in which new residential accommodation is assessed. The applicant has submitted a Daylight and Sunlight Report by GIA to demonstrate compliance with the BRE Guide. An updated assessment has also been submitted as part of this application and now includes 2 rooms on the ground floor west elevation of the Health Centre at 209 Harrow Road. The BRE stress 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.

The Light Study considers the proposed development against the following residential properties:

- Brinklow House (west of the site)
- 264-274 Harrow Road (north west of the site)
- 92-98 Bourne Terrace (north of the site)
- 161-233 Bourne Terrace (north/ north-east of the site)
- 209 Harrow Road

In assessing the impact of a development on daylight levels to adjacent occupiers, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

In terms of loss of daylight, the BRE guidelines advise that diffuse daylighting to an existing building may be adversely affected if the VSC measured from the centre of the

window is less than 27% and a loss of 20% or more occurs or NSL losses are 20% or more.

Given the distance between the proposed buildings and the closest neighbouring residential uses, none of the assessed neighbouring properties are significantly affected by the proposed development. A reduction marginally above 20% is observed to a maisonette at first and second floor level on the corner of 264-274 Harrow Road. The building itself is made up of a front elevation with recesses and the losses appear to be to a door/ window leading on to a balcony from a living area (already partially overhang by a balcony above) and to a side elevation window of a 3 pane bay window fronting one of these recesses.

The original assessment did not assess the Health Centres at the adjacent building 209 Harrow Road, or the Health Centre opposite the site at Westbourne Green Surgery, or the hostel accommodation at 1 Torquay Street because these properties are not considered a residential building and the guidance states that “the guidelines *may* also be applied to any existing non-domestic building where occupants have a reasonable expectation of daylight’.

The freeholder of the property at 209 Harrow Road made an objection on the grounds that there are windows in the western façade that are directly opposite the development and that whilst some of these spaces serve toilets etc that a number of them serve consulting rooms and that these hadn’t been assessed. The case officer visited the site to establish the rooms to which these windows serve and these are listed below:

Grand Union Health Centre – front part of 209 Harrow Road and ground floor only of rear part of building:

Ground Floor - staff office & storage room and a consulting room.

First floor - storage room, consulting room and waiting room.

Second floor – toilet; records room.

Turning Point (1st and 2nd floors, to the rear part of 209 Harrow Road, with windows in the west and south facades)

Ground floor – no windows, door to the stair case leading to upper levels only,

First floor – server room; 2 windows serving a staff office, there is also a window in the southern façade serving another staff office.

Second floor – toilet and a waiting room, there is also a window in the southern façade serving this waiting room.

The applicant was asked to carry out an assessment of the useable rooms in this building and has assessed the three ground floor rooms of the Grand Union Health Centre. The assessment found that these windows would be affected by the proposed development with reduction in light which would exceed BRE’s recommendations. One of the rooms is a staff office/storage and already receives low levels of light in the existing condition (7.9% VSC) and which is likely to necessitate the use of supplementary electric lighting year round in any event. The second room is a consulting room, where the light reaching the window is measured at 13.8% VSC. On site, the case officer observed that these windows were served by fully closed blinds, as they look out onto the application site and that supplementary electric lighting was in use most of the time. It must be noted that there is an existing building on the application site and that

the elevations of the new building would only be marginally closer to the neighbouring properties at some points, and albeit taller (but the impact to existing windows in this instance comes from lower level of the proposed development) and whilst there are losses, it is not considered that these would be so harmful to render the clinic spaces unusable, noting there are a number of consulting/ useable rooms with windows in the other three facades. It is therefore not considered a refusal on this basis could not be sustained. Whilst it is acknowledged that the useable rooms of the first floor consulting room of the Grand Union Health Clinic and the first floor staff accommodation of Turning Point have not been assessed, any losses to these are likely to be, on balance acceptable.

The assessment has also not considered the hostel accommodation at 1 Torquay Street to the west of the site . 1 Torquay Street is a hostel, approved in this form in 2011 (under permission 11/04855/FULL). As noted in the committee report for this application the hostel accommodation is made up of single occupancy self contained units of accommodation with additional communal facilities. The rent is inclusive of bills and is occupied by students and workers, generally between the ages of 18-30 years. The building has no habitable rooms in the east facing elevation. All windows facing the application site in this building serve corridors and landings and are obscure glazed. There are windows serving bedrooms in the southern façade of the taller element of this building, and in the northern façade of the shorter part of this building and these comprise a slim full height window and a high level slot window set back within reveals. Whilst no assessment has been made of these windows, given the non-habitable use of some of the rooms and the slim line/ set back nature of the bedrooms windows in fairly deep reveals and the general short term arrangements of tenants, a refusal on the basis of loss of daylight to this accommodation could not be sustained.

9.5.2 Sunlight

In respect of sunlight, the BRE guidelines suggest that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90 degrees of due south and it receives at least a quarter of annual probable sunlight hours, including 5% of annual probable sunlight hours during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; and that reductions of over 20% over the whole year or during the winter months of existing sunlight levels are likely to be noticeable.

There are no immediate residential properties within 90 degrees of due south of the development site, and where there are windows of 1 Torquay Street or in the western façade of 209 Harrow Road that are south of the site, as discussed above none of these are considered to have 'a particular requirement for sunlight' (as required by the BRE) and therefore a sunlight assessment has not been considered necessary.

9.5.3 Impact to Solar Panels

There is a planning application under consideration for solar panels to be installed on the roof of the Stowe Centre at 258 Harrow Road. The new BRE provides a methodology to identify any significant impact occurring on a Solar PV array and states that "where a proposed development may result in loss of radiation to existing solar panels (either photovoltaic or solar thermal), an assessment should be carried out.". The applicant has undertaken an assessment of the proposed building against the productivity of these panels should permission be granted for them and if they were installed. The applicant

has viewed the drawings via the City Council's website and had 3d modelled and tested the impact in an existing v proposed scenario to quantify the potential light loss.

Following the guidance within the BRE guide, the Solar PV array was tested against the APSh metric first, revealing very minor exceedances where 21 panels out of a total of 109 tested recorded a loss beyond BRE's recommendations of 10% loss. The highest recorded loss was 12.09%. This triggered the need for a secondary and more complete test quantifying the loss of incoming solar radiation throughout the year. In this instance all panels complied with BRE's target values with the highest % loss being 7.8%, where 10% is the recommended maximum.

Whilst then the proposed building will have some impact should the solar panels be granted permission and installed, the ability to function properly is not affected.

9.5.4 Sense of Enclosure

Owing to the sites location, and the nature and make up of the surrounding properties; the proposed development in general is not considered to result in a harmful sense of enclosure. In regard to the impact to 1 Torquay Street, whilst the proposed building is tall and in close proximity, given that the eastern elevation windows of this property serve staircases/ corridors and are obscure glazed and that the windows serving the rooms in the southern façade of the taller element of this building, and in the northern façade of the shorter part of this building only have oblique views to the western elevation of the application site, the proposals are not considered to result in a harmful sense of enclosure to this hostel accommodation.

9.5.5 Privacy

Windows

The majority of the windows are in the northern and eastern facades. At lower levels there are windows in the front part of the building serving the St Mungo's facility (a multi functional space, and enclosed terrace and to the newly proposed hostel rooms). In the middle part of the building where the proposed 'move on rooms' are proposed there are windows facing outward but these are set back significantly. In the rear part of the building, the main residential building, there are windows proposed in the north-eastern chamfered corner and balconies facing south to the Westway.

Whilst the eastern elevation building line is substantially closer to the neighbouring property at 209 Harrow Road than the existing building, the proposed windows by the very nature of the rooms they serve or due to their detailed design are not considered to result in any significantly overlooking, compared to that that exists already from the current users of St Mungo's or in using the access road to parts of the application site or to the rear of 209 Harrow Road.

There are two windows per floor in the western façade of the proposed residential building. These are small and narrow windows and serve a communal corridor and a kitchen window and set within chamfered reveals, thereby affording only very oblique views. The proposed windows are not considered to result in overlooking to the occupiers of 1 Torquay Street.

The remainder of the development overlooks Harrow Road and the Westway and therefore raises no issues of overlooking.

Terraces & Open Spaces

A number of communal terraces and open spaces are proposed and these include:

- Ground floor courtyard between the St Mungo's building and the residential building;
- An enclosed/recessed terrace at 1st floor level to the St Mungo's building;
- A roof terrace at 8th floor to the St Mungo's building;
- Winter gardens up to 5th floor level and balconies from 7th floor level and above to the southern elevation of the residential building;
- A communal roof terrace to the 19th floor of the residential building.

The courtyard garden will primarily be used by those living in the move on units and the main residential building. Whilst it will be designed with appropriate landscaping it is not envisaged that this will be a heavily used 'garden' and it will be more used for access. It is considered therefore that there will be minimal overlooking to the windows of 209 Harrow Road.

The enclosed terrace at first floor level to St Mungo's is likely to be a controlled space and staff in attendance. It is therefore not envisaged that this terrace will have the same type of usage as a roof terrace. Whilst this terrace is in fairly close proximity to the windows (storage room, consulting room, waiting room, toilet and a records room) in the western elevation of the Grand Union Health Clinic at 209 Harrow Road, it is not considered that there will be any detrimental overlooking to these rooms.

The winter gardens/ balconies and the main roof terraces proposed are at a substantial height, above the neighbouring properties so as to not result in any undue overlooking.

9.5.6 Noise & Vibration

An acoustic report has been submitted with the application assessing the existing background noise levels. Given the nature of the application, at this stage the M&E details design has not been fully worked up and therefore there are no predicted noise levels available however it is proposed to install building services plant on the roof of the development. Plant and substations are also located at several positions throughout the development. The City Council's Environmental Sciences Officer is satisfied that any future plant selected will be able to comply with the City Council's noise policies. Conditions are recommended to ensure that noise from these sources does not cause unacceptable harm to residents surrounding the site. Subject to these conditions, the proposal would be consistent with policies 7 and 33 of the City Plan.

9.5.7 Residential Amenity Conclusion.

The sunlight and daylight; sense of enclosure, privacy and noise impacts of the development would be acceptable and consistent with development plan policy.

9.6 Transportation, Accessibility & Servicing

Objections have been received to the scheme on the grounds of the size of the building and the increase in residential occupiers in the area upon the already busy area, what is to happen to the access to the Grand Union Health Centre car park to the rear of 209 Harrow Road and that the development is likely to increase in additional traffic and parking pressure.

9.6.1 Parking

Policy 27 supports residential development without car parking provision. However, it is noted that increased residential units in the area will increase demand for on-street spaces. The applicant has agreed to provide Lifetime Car Club Membership for all residential units which would minimise the impact of the proposed development and reduce car ownership of future occupiers. This is to be secured by legal agreement.

The existing vehicle access on Harrow Road frontage would be redundant, if the planning permission were implemented, the applicant must be required to reinstate the redundant access as footway. This will improve the environment for pedestrians and other highway users, consistent with Policies 25, 28 and 43. Similarly, changes to the vehicle accesses on Torquay Street will necessitate alterations to the existing vehicle accesses. This will allow improvements to the pedestrian footway in this section, to ensure pedestrians have priority over vehicles crossing into the site.

The final design of the vehicle crossover and associated highway works in Torquay Street will be subject to the post planning detail highway design process. The intent will be to minimise the width of the crossover and reduce the conflict point for pedestrians and other highway users with vehicles crossing the footway. This will support the wider proposed improvements this scheme can deliver to the immediate public realm.

It is noted there are dispensations within the Westminster on-street permit system for White Badge holders should demand arise.

No car parking is provided for the proposed E class use.

9.6.2 Cycle Parking

Long stay cycle parking will support sustainable travel options by residents. Long term staff cycle parking must be secure, accessible and weather proof. Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy T5 requires 1 space per studio, 1.5 space per 1 bedroom unit and 2 spaces for all other residential units plus 1 space per 10 bedrooms for specialist housing (Specialist Older Persons Housing).

The residential units would therefore require 144 long term cycle parking spaces. The proposed scheme provides this level of cycle parking and this is welcomed.

The hostel units would require at least 16 spaces. The proposed scheme provides this level of cycle parking and this is welcomed.

Visitor short stay cycle parking is provided. This is welcomed

9.6.3 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. Off-street servicing is provided.

The proposed loading bay will have a maximum vertical clearance of 4.5 metres. Vehicle tracking and cross-sections for the servicing area demonstrate that a refuse vehicle will be able to collect waste from within the servicing bay. The design and layout of the loading bay is considered acceptable.

The applicant maintains that all servicing will be able to be accommodated within the servicing bay. Based on their own assessment, this is considered feasible and

welcomed. A condition that all servicing should occur from within the servicing bay and not from the highway should be added.

The applicant has supported the application with a Servicing Management Plan and whilst technical in nature and contains many overarching principles on how servicing will be managed and not a practical document for ongoing day to day use, as all servicing is to take place off street in this instance this is acceptable. A condition securing compliance with this is recommended.

The scheme would benefit from a rapid charge point within the loading bay. 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, City Plan 2040 policies and supports City for All and Climate Emergency Action Plan objectives Details of an Electric Vehicle Charge Point and provision should be secured by condition.

9.6.4 Waste

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 residential units and commercial unit. This is welcomed. This is further discussed in the report at 9.8.5.

9.6.5 Trip Generation

Limited information is provided to support the Class E unit, however the size of the unit at approximately 50m² is not considered to give rise to concern as to the servicing requirements.

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 (eg walking, cycling). No further travel plans are required given the sites proposed uses and location.

The GLA/ TFL considers that a financial contribution to install real time bus schedules on nearby bus stops should be provided, to a total of £18,500. This is not a City Plan policy requirement, however this has been put to the applicant and an update on this point will be provided prior to or at the committee.

9.6.6 Highway Works/Public Realm Improvements

Highways works are proposed and include the following:

- reinstatement of the existing vehicle crossover as footway in Torquay Street
- creation of a new vehicle crossover in Torquay Street for servicing bay
- reinstatement of the existing vehicle crossover as footway in Harrow Road
- alterations and improvements to the Harrow Road frontage including reinstatement of the area as footway.

These are very much welcomed and supported in highways terms and are to be secured via legal agreement.

A number of other aspirational and indicative highways improvements are set out within the Transport Assessment and include:

- Allow access through the barrier for pedestrians and cyclists. Proposed removal of TfL barrier on Torquay Street. In order that pedestrians don't have to walk around the basketball courts.
- Cut back shrubbery adjacent to cycle paths.
- Improve lighting and security cameras along the alleyways.
- Resurface areas of footway and implement drop kerb.
- Implement more lighting and security cameras along the towpath.
- Provide tactile paving and drop kerb.
- Implement signage warning cyclists to slow down/dismount before reaching the gate.

TfL (and officers) consider that given the site is within an area with a degraded footway network and does not successfully meet the aspirations of London Plan Policy T2 Healthy Streets the above works would improve pedestrian experience in the area and contribute to the Healthy Streets Approach which aims to improve air quality, reduce congestion, and make attractive places to live, work and do business.

The applicant has, in the early stages of the pre-application procedure investigated the possibility of these being provided with Westminster Council Place Shaping Team and with TfL. Funding for these works is not available and therefore they have not come forward as part of this application. The proposed changes, whilst desirable and supported in principle by the Council, are not considered to be required to implement the proposed development. However, the Council would welcome further discussions on separate third party funding for improvements within the area which accommodate all user's needs, as has been occurring. Any forthcoming works could be taken forward outside of the planning process via separate agreements with the Council.

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.

9.7 Economy including Employment & Skills

Policy 18 D of the City Plan states that major development will contribute to improved employment prospects for local residents. Policy 18D goes on to state that financial contributions and for larger scheme an Employment and Skills Plan will be secured, the details of which will be set out in a yet to be prepared Planning Obligations and Affordable Housing SPD.

The size and nature of the application does not warrant an Employment and Skills Plan. The scheme however does generate a financial contribution of £88,516.47 and this is to be secured via the S106 agreement.

9.8 Other Considerations

9.8.1 Fire Safety

From 1 August 2021, the Health and Safety Executive (HSE) needs to be consulted on certain applications. Policy D12 of the London Plan also states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to

the above, Policy D5 of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.

The applicant provided a fire statement, to which the HSE and the GLA raised a number of objections to. An objection from 209 Harrow Road was also raised on the grounds that the fire statement did not refer to the emergency access routes to 209 Harrow Road (the issue of access is dealt with below in 9.8.4). The proposals have been amended a number of times to try and overcome the concerns raised and reflect their requirements of a multiple stair development with separate access to ancillary facilities. The applicant has also confirmed that it is their intention to retain a means of escape from the doors in the north west façade, which serve the Health Centre and Turning Point. This has in part satisfied the objector. The HSE have now issued a response confirming they are satisfied that the proposals are acceptable in terms of fire safety from an internal layout/land use perspective as the St Mungo's facility and ancillary functions are now separate to the residential building. The GLA will confirm their acceptance of the buildings function and fire safety measures in their Stage 2 response.

9.8.2 Wind Microclimate

The applicant has carried out a wind microclimate assessment for the proposed development, as required by the Council's and GLA's tall building policy and Policy D8 of the London Plan.

The Lawson Comfort Criteria (LCC) has been used as a benchmark against which to determine the acceptability of wind conditions for a range of expected pedestrian activities in and around the site. The LCC defines five categories of pedestrian activity and defines thresholds where wind speed (measured in metres per second (m/s)) occurs for a frequency that would be unsuitable for the intended activity. It ranges from 'Sitting', where wind speed does not exceed 0-4 m/s (defined as light breezes desired for outdoor restaurants and seating areas where one can rear or comfortably sit for long periods) for less than 5% of the time to 'Uncomfortable' where wind speed exceeds 10 m/s (defined as wind considered a nuisance for most activities and wind mitigation typically recommended) for more than 5% of the time.

The assessment concludes that the wind conditions of the existing site are generally calm. Wind conditions range from suitable for sitting use to strolling use throughout the year. Thoroughfares around the Site and entrances to the existing developments in the vicinity of the Site have wind conditions suitable for sitting to strolling use during the windiest season. At the existing Site, there are no instances of occasional winds exceeding 15m/s for more than 2.2 hours per year.

During demolition and construction the impact on these receptors has been found to be negligible

With the completed development, the majority of assessed areas would have suitable wind conditions; however, there would be isolated areas with localised windier conditions than in the baseline scenario. Wind conditions during the windiest season would be one category windier than suitable for intended pedestrian thoroughfare use along the eastern elevation of the Proposed Development and on the pedestrian thoroughfare along Torquay Street.

The assessment was then carried out again having regard to the existing trees on Torquay Street. In this scenario there would be no instances of strong winds exceeding the safety threshold, which is welcomed. The street trees are not within the applicant's ownership and are Council owned street trees and therefore a condition ensuring their retention is not considered reasonable.

Given the above, the proposal would be consistent with policy D9 of the London Plan and policy 41 B of the City Plan insofar as they relate to wind microclimate.

9.8.3 Tall Buildings

The proposed development includes buildings defined as Tall Buildings in policies D9 of the London Plan and 41 of the City Plan.

Location

The application site is not located within a location deemed appropriate for a tall building, as per policy 41 C of the City Plan or policy D9 B of the London Plan. The proposed development would range in height from 9 to 20 storeys, with lower heights proposed along Harrow Road to the northeast. This responds to the site's existing local character when experiencing the building at street level. The proposed development would increase building heights along Harrow Road and the Westway; however, it would reflect the scale and height of existing development in the surrounding area notably 1 Torquay Street and the tall buildings of the Brindley Estate. The principle of a tall building is therefore acceptable and the approach to locating the bulk of the massing towards the southwest along the Westway is supported, and too by the GLA.

Part B of policy 41 and part C of D9 does however set out the principles that should be adhered to when assessing a tall building and these include visual impacts; functional impact; environmental impact and cumulative impacts. Policy 41 B, part 7 also states publicly accessible viewing platforms for any exceptionally tall buildings are required. These are discussed in more detail below.

Architectural Quality, Public Realm and Sustainability

As discussed in section 9.4, the proposed buildings would be of a high architectural standard and would provide hopefully a vastly improved public realm from Torquay Street and a well designed frontage to Harrow Road and an active frontage on Torquay Street. The proposed development also delivers a significant uplift in urban greening, biodiversity net gain and would be highly sustainable, as set out in section 9.2 above.

Impact on Views and Heritage Assets

As found in section 9.4 the building will be visible in long, mid-range and immediate views. In immediate views, the base of the building is of a high-quality design and relates directly to the street with active frontages on all elevations, unlike the existing police station. In most mid to long range views, the proposed development generally causes no harm. However, harm to the setting of several heritage assets has been identified in some views and this needs to be weighed against the public benefits of the development, as set out below.

Functional Impact

As set out in sections 9.6 and below the functional impact of the development would be

acceptable, subject to conditions. The tall buildings would provide significant regenerative benefits by re-providing and increasing quantum of specialist homeless accommodation, as well as providing 98 Build to Rent dwellings. In particular, there is sufficient capacity within the transport network to accommodate new residents and users of the development, the servicing requirements of the development can be managed on-site and the proposed development would have a positive impact in terms of the local environment. The proposals are now considered acceptable with regards to fire safety and building management.

Environmental Impact

As set out in section 9.5 above, the proposed development does not cause any detrimental loss of daylight and sunlight or unacceptable levels of sense of enclosure or overlooking to neighbouring properties. In terms of overshadowing to future solar panels at the Stowe Centre opposite the site the proposed development would not affect their function. Given the sites location, any overshadowing to Westbourne Green is likely to be minimal. Noise from the development can be mitigated by the recommended conditions. The proposed development would not have a negative impact on wind around the site as discussed above.

Cumulative Impact

As set out in this report, the cumulative impact of the development has been considered in the context of nearby tall buildings.

Public Access

As a tall building, policies 41 B (7) of the City Plan and D9 D of the London plan require the incorporation of publicly accessible viewing platforms at roof level. However, the largely residential nature of the building makes it unsuitable for publicly accessible spaces. The absence of this is considered against the public benefits of the development below.

On balance, whilst not in a location identified for a tall building, the proposed development meets many of the requirements of policies 41 of the City Plan and D9 of the London Plan but is not entirely consistent with them. This is considered further in the conclusion below.

9.8.4 Access

Policy D5 of the London Plan requires that all new development achieves the highest standard of accessible and inclusive design and can be used safely, easily and with dignity by all.

Policy 38 of the City Plan states that all development will place people at the heart of design, creating inclusive and accessible spaces and places.

All the accommodation benefits from level access from the street. Lift cores to all levels are also provided in the two buildings. As noted above 10% percent of the proposed units are wheelchair user adaptable, as per part M4 (3) (2) b of the building regulations and 90% of the proposed units also meet part M4 (2) of the building regulations.

All thresholds onto the public realm, terraces and roof terrace will be flush also.

9.8.5 Access to 209 Harrow Road

An objection from the freeholder (and in part supported by WCC's Corporate Property who lease 209 Harrow Road and sub-let this to the Grand Union Health Centre and Turning Point, the drug and alcohol clinic at upper levels of the rear part of the building) was received to the proposals on the grounds that the development and the gated/ access controlled management hinders an emergency exit route/staff route to the health centre and removes access completely to Turning Point. These two points of access are in the north west elevation of 209 Harrow Road, onto the existing service yard to St Mungo's and what will be the new private access controlled courtyard of the development.

Following this objection, the applicant met with the freeholder to discuss the proposals. It is believed that the applicant had had discussions with Corporate Property prior to this also. As discussed in the fire safety section of this report, the applicant has stated that their intention to maintain means of escape in an emergency from the existing two doors in the north western façade into the proposed courtyard, however their objection to the applicant not setting the gates on the Harrow Road back from the frontage (which would have removed in part one of their objections regarding emergency access to the health centre) and the lack of access to Turning Point still remain.

As way of background, a drug and alcohol clinic was approved in the rear of 209 Harrow Road in 2010 and this utilised the side elevation door as the main entrance.

Access to the two doors is across land which is the freehold property of St Mungo's. In 2009 St Mungo's and Westminster City Council (as head leaseholder) entered into a legal arrangement to allow pedestrian access to the rear door of 209 Harrow Road (Turning Point's front door) across St Mungo's land at 217 Harrow Road. The agreement was designed to create a separate access to the rear of the health centre for Turning Point and for a minimum period of five years (until 2014). In return for the grant of access WCC paid St Mungo's the sum of £10,000 and committed to install and maintain gated access between the properties. After the initial five-year period it was agreed that St Mungo's would be able to terminate the access with six months' notice, in order to facilitate redevelopment at 217 Harrow Road. As a point to note the Freeholders of 209 Harrow Road, was not a party to the 2009 agreement facilitating Turning Point access.

It is the intention of the applicant, should permission be granted to terminate this right of way prior to any construction commencing. Both doors would then only be available as emergency exits. The applicant confirms that a safe route through the 217 Harrow Road site will be arranged during the construction phase.

Whilst matters of land ownership and access are not normally considered a material planning consideration, in allowing this development, concerns are raised to the operation of Turning Point. Officers advised the applicant that arrangements of access needed to be investigated further. A number of options of how access to Turning Point can be provided was put forward, firstly to Corporate Property and then belatedly to the freeholder of 209 Harrow Road and these included:

Option 1 – Turning Point staff collect visitors from the existing health centre's waiting room. This option would be zero cost and require only management arrangements to be made.

Option 2 - Turning Point accessed via the existing rear door to Torquay Street. Internal reconfiguration of the health centre would be required to facilitate segregated Turning Point access. A sub-option including the formation of a new door to Torquay Street, thereby reducing the amount of internal reconfiguration required, was also presented.

Option 3 – The health centre and Turning Point's demises on the first and second floor could be swapped. This would allow Turning Point direct access to Harrow Road using an existing entrance door and stair.

Option 4 - Turning Point could relocate to unused areas within the Stowe Centre, opposite 209 Harrow Road.

Option 5 – A new lift and stair located immediately south of the building, on land which is currently under the freehold ownership of St Mungo's.

Officers consider that the options presented would overcome access issues, acknowledging that there would be much further discussions to be had on all of them. None of these options have been accepted by the freeholder and some raise significant concerns to the management of the Health Centre. Corporate Property have no objection to internal re-configuration of the property or any external alterations proposed. Option 5 according to the applicant appears to be the most appropriate solution. It must be noted that this would require the submission of a planning application and this would have to be assessed on its merits.

Doctors from the health centre at 209 Harrow Road park in the barriered space to the rear at Torquay Street and currently have direct access through the rear of the service yard. As a result of the development, doctors utilising this access route, will be for in the event of an emergency only and access will have to be gained from other routes.

9.8.6 Waste Storage

The City Council's waste officer has no objection to the location of the waste storage areas, distances for users of the building to travel and is satisfied that collection of waste can be carried out from the rear, in Torquay Street effectively. Details of the labelling of the waste stores is required, and this will be secured via condition.

9.8.7 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise, fumes and traffic. Objectors are also concerned with the cumulative impact of construction (it is not clear from what other sites, but officer's are aware that 300 Harrow Road to the west is under construction)

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. This would be likely to extend for a number of years, until the development is completed. Whilst the concerns of local residents are understood, it is established planning law that planning permission cannot be refused due to the impact of construction. It is considered that through appropriate controls and careful management the impact from construction works can be lessened.

The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts

and will identify the main responsibilities and requirements of developers and contractors in constructing their projects. This will ensure that the site:

- will be inspected and monitored by the City Council's Code of Construction Practice Team;
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel;
- pay the charges arising from site inspections and monitoring; and
- ensure that contractors and sub-contractors also comply with the code requirements.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP) which will need to be approved by the City Council's Environment Inspectorate team. This would need to include site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison.

The standard hours for construction in Westminster are 08:00 – 18:00 (Monday to Friday), 08:00 – 13:00 (Saturday) with no work permitted on Sundays or Bank Holidays. Should permission be granted, it is recommended that this is secured through our standard working hours condition.

9.8.8 Impact on Future Development Opportunities

An objection has been received on the grounds that the development may hinder future development opportunities of 209 Harrow Road because of windows in the eastern elevation, in close proximity to the boundary site of 209 Harrow Road. No re-development proposals for 209 Harrow Road are with the City Council at the time of writing and an application could not reasonably be refused on the basis of a future planning application.

The amenity section of this report has assessed the proposals against the current 209 Harrow Road building. Whilst it is acknowledged that there are windows facing eastward to 209 Harrow Road, the majority of these do not result in direct views and are often angled or oblique. The balconies in the southern elevation, whilst having views to the east and potentially to 209 Harrow Road are primarily designed to take into account views to the south.

9.9 Environmental Impact Assessment

The application is not EIA development. It is not considered to meet the threshold and criteria to constitute EIA development and the proposed development does not exceed the threshold set out for its category in Schedule 2 is not actually in one of the "sensitive areas" and is not considered likely to have a significant effect on the environment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, environmental impacts are assessed where relevant elsewhere in this report.

9.10 Planning Obligations & Pre-Commencement Conditions

The draft 'Heads' of agreement are proposed to cover the following issues:

- h) Provision of 11 move on units and 14 affordable units on site. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.
- i) Provision of an early-stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayors Affordable Housing and Viability SPG.
- j) A financial contribution of £144,677 (index linked) to the carbon off-set fund.
- k) Provision of highways works in Harrow Road and Torquay Street to facilitate the development.
- l) A financial contribution of £88,516.47 (index linked) to the Westminster Employment Service (WES).
- m) Provision of car club membership for each residential unit for a period of 25 years.
- n) The cost of monitoring the s106 agreement

The estimated CIL payment is £673,407.20 (Mayoral CIL) and £1,818,231.95 (WCC CIL).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

A draft decision notice will follow the publication of this report and any pre-commencement conditions applied will be with the agreement of the applicant.

10 Conclusion

The proposed development would result in less than substantial harm to the following heritage assets:

- Maida Vale CA
 - View from Blomfield Road, at the junction with Westbourne Terrace Road
 - British Waterways Board Canal Office (Grade II LB)
- Pembridge Conservation Area (RBKC)
 - Pembridge Villas, at the junction with Chepstow Crescent
- Queensway Conservation Area
 - View from Queensway, near the junction with Westbourne Grove
 - View from Porchester Road, adjacent to Porchester Square Gardens
 - Porchester Centre (Grade II* LB)
- Bayswater Conservation Area
 - View from Porchester Road, adjacent to Porchester Square Gardens
- Westbourne Conservation Area
 - View from Porchester Road, adjacent to Porchester Square Gardens
 - View from Porchester Road, southern end of Lords Hill Bridge
 - Westbourne Gardens, western side – north
 - View from Talbot Road and St Stephen's Crescent
 - View from St Stephen's Gardens – western end, southern footway

- View from Westbourne Park Road, near junction with Aldridge Road Villas
- View from Westbourne Park Road, near junction with Chepstow Road
- Lords Hill Bridge and lineside walls (non-designated heritage assets)
- Church of St Stephen (Grade II LB)

Accordingly, special regard must be had to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets when deciding this application. By reason of this harm, the proposed development does not meet policies HC1 and HC3 of the London Plan (March 2021) and policies 39 and 40 of the City Plan (April 2021).

The application site is located outside a site considered suitable for a Tall Building (the locational principles) and therefore the proposed development is also not entirely consistent with policies D9 of the London Plan and 41 of the City Plan. The main residential building is of a similar height to the 6 neighbouring tall buildings of the Brindley Estate and is taller than the adjacent 1 Torquay Street and the proposed development would cause harm to the setting of several heritage assets as identified above, and discussed in detail below and does not include a publicly accessible viewing platform.

However, the proposed development comes with numerous public benefits. These include, but are not limited to:

- The re-provision of a hostel facility and specialists housing for the operations of St Mungo's, who in part provide a commissioning service to Westminster Council. This is a public benefit of substantial weight;
- a significant contribution to the City Council's overall housing provision. This is a public benefit of substantial weight;
- a level and mix of affordable housing, as agreed by viability consultants. This is also a public benefit of substantial weight;
- job creation and career opportunities for local residents;
- replacement of an architecturally harmful building with a well-designed and high quality replacement;
- significant highway improvements to Torquay Street;
- a 552.93% biodiversity net gain on-site and a significant increase in on-site greening;
- encouragement of sustainable travel;
- a 62% reduction in carbon emissions on-site and a significant carbon offset payment that can be used to reduce carbon emissions elsewhere within Westminster; and
- a CIL contribution of over £1.8 million that that would improve infrastructure throughout Westminster but particularly in the local area.

Although the proposed development would cause less than substantial harm to the heritage assets listed above, the package of public benefits arising from the development are considered to be very substantial. Whilst great weight and special regard has been given to the desirability of preserving or enhancing heritage assets when deciding this application, the proposal is considered acceptable in terms of its impact on the heritage assets listed above. Therefore, granting permission would be in compliance with the requirements of the NPPF and the statutory duties of the Planning

(Listed Buildings and Conservation Areas) Act 1990.

The package of public benefits would also be significant in terms of the development plans strategic aims, in particular policies GG1, GG2, GG3, GG4 and GG5 of the London Plan (March 2021) and policies 1, 5, and 7 of the City Plan (April 2021). Subject to conditions, the proposed development also meets or largely meets all other relevant development plan policies, including policies D3, D4; D5, D6, D12, H1, H4, H5, H10, H11, H12, G1, G5, G6, G7, SI1, SI2, SI13, T2, T4, T5, T6 and T7 of the London Plan (March 2021) and policies 8, 9, 10, 12, 18, 25, 28, 33, 34, 35, 36, 37, 38 and 43 of the City Plan (April 2021). Overall, the proposed development is in accordance with the development plan when read as a whole.

Therefore, it is recommended that permission is granted subject to conditions (a decision notice will be tabled prior to the committee) and a section 106 agreement to secure the planning obligations listed above.

(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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

11 KEY DRAWINGS







Proposed Second Floor









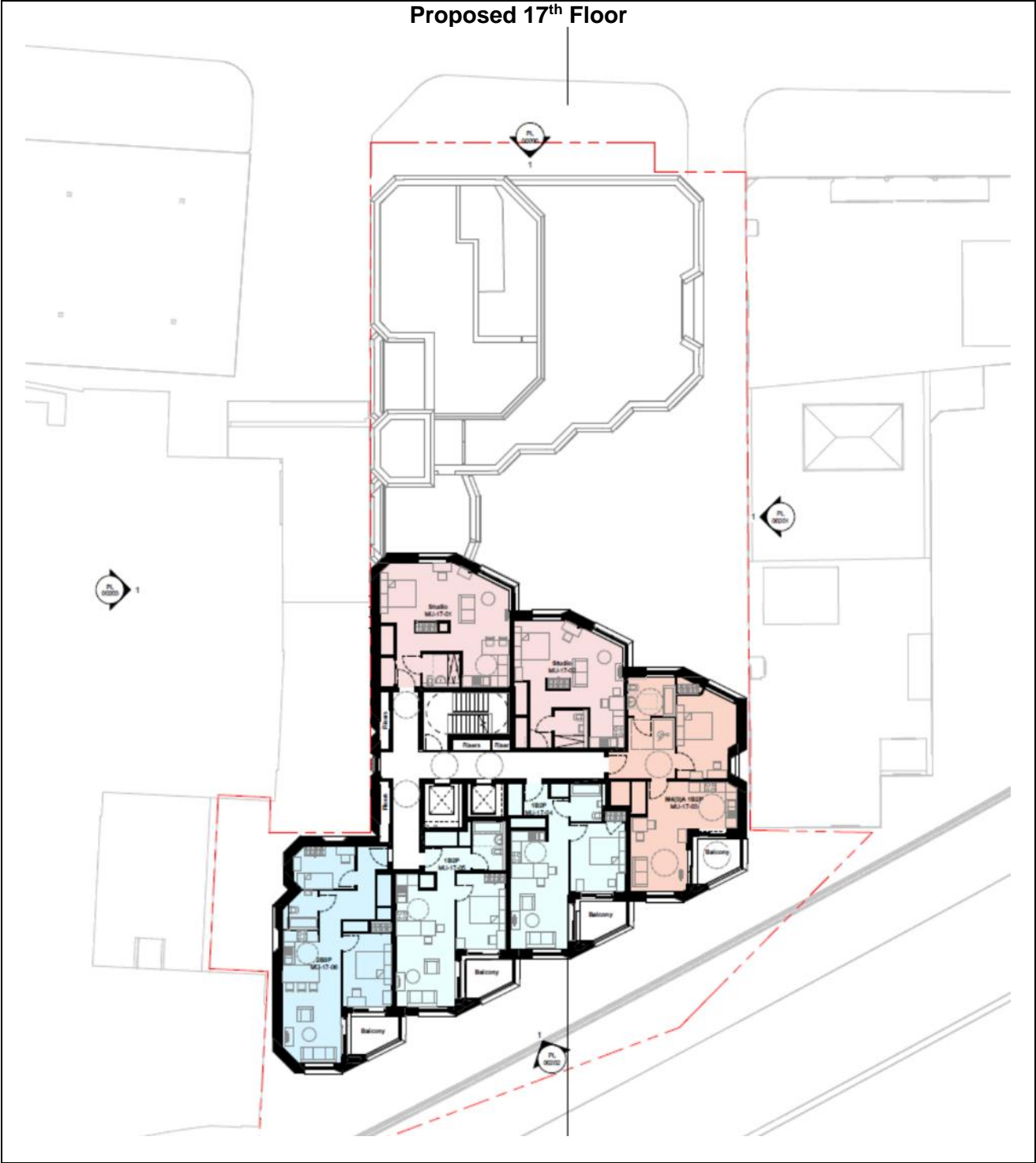


Proposed Seventh Floor

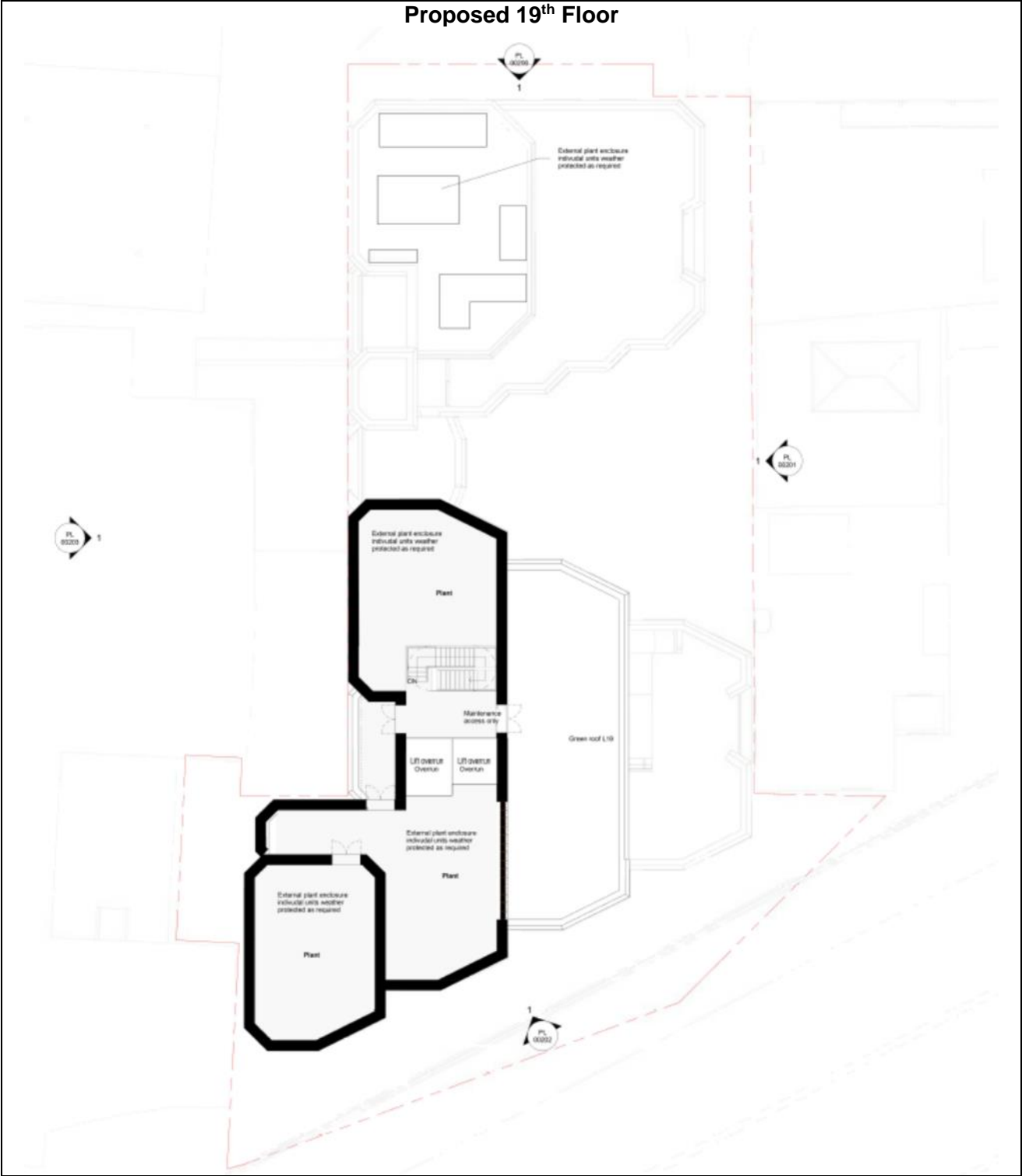


Proposed Floors 8 – 16











Proposed Harrow Road (North) Elevation



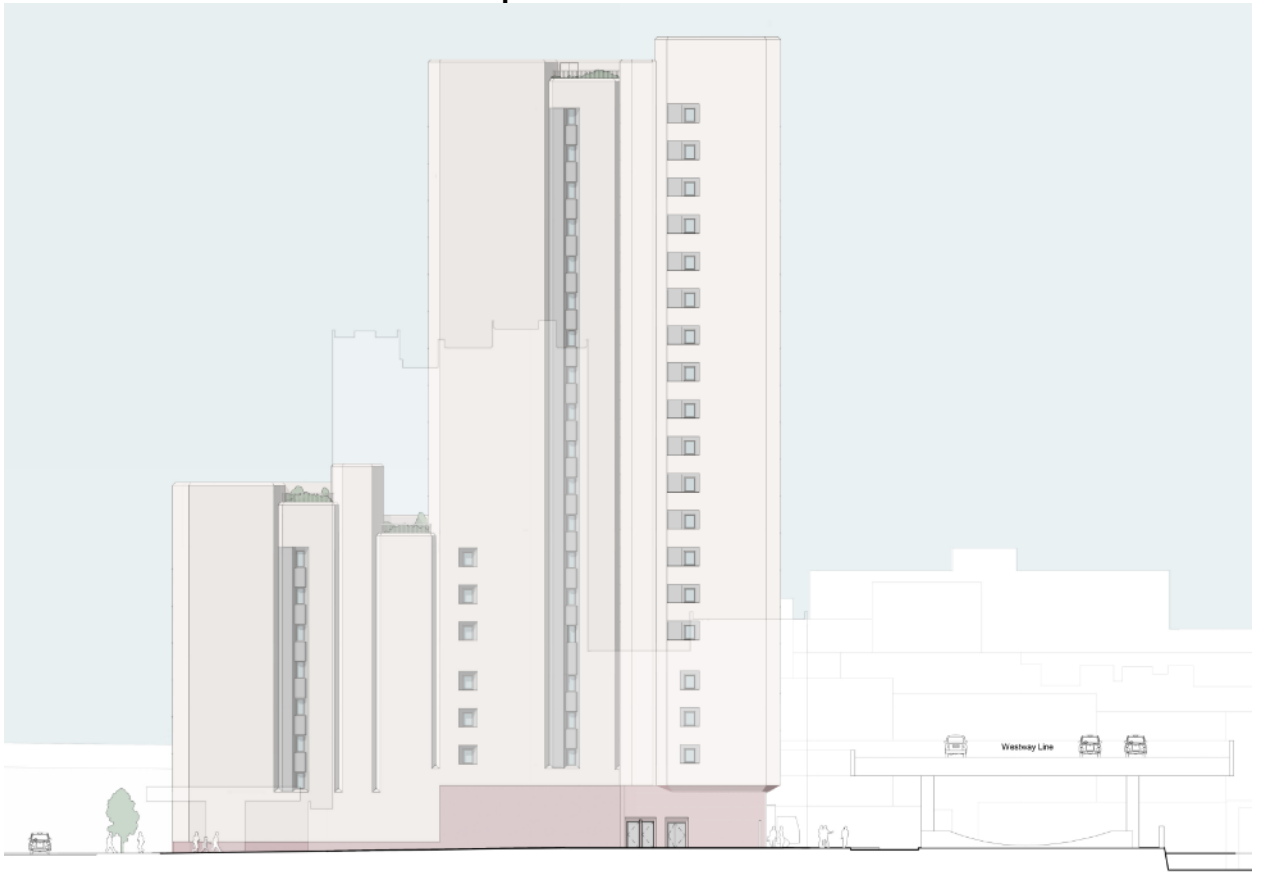
Proposed Westway (South) Elevation



Proposed East Elevation



Proposed West Elevation



Proposed Harrow Road Visuals



Proposed Harrow Road frontage Visual



Proposed Courtyard Visual



North Façade of Residential Building – Showing Typical Details

The following pages describe the material palette and architectural language through a series of bay studies.



1 Buff brick



2 PPC aluminium



3 Pre-cast concrete

The heroic window wraps the corner for dual aspect to the north/east

Colour to window frames compliments brickwork

Chamfered brick reveal to maximise light in and views to the east

Horizontal glazing bars to allow for safe opening of tilt and turn windows to allow them to be cleaned from inside the apartment

Chamfered pre-cast window head to maximise light in, concrete tone to match brickwork

Attenuated louvre panels where required for over-heating and acoustic performance (discussed later in this chapter in more detail)



Bay study showing north facade of Mixed Use Building



Roofscape - Residential Building

The stepped roof generates a slender profile within the skyline. The tower steps up towards the west, in response to the height of the neighbouring buildings, the parapet is stepped down the east. A niche is carved out of the eastern gable wall of both buildings to offer views out and reveal a burst of green to street level. Chamfered brick detailing is carried through to the edge of the parapet and the reveal of the viewing niche.



1 Buff brick



2 PPC aluminium



3 Pre-cast concrete



4 Contrast Brick

Residential playspace at level 18 for ages 0-4

1800mm min high parapets

Metal railing

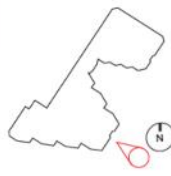


Figure 16: Mixed Use roofscape

Roofscape – St Mungo's

Bay study showing west facade of the St Mungo's building.

Notched parapet lines reveal moments of greenery to break down the roof profile and provide visual interest from street level. The same design strategy is adopted on the west facing elevation of the Mixed Use Building.

Brickwork walls are sculpted into slender vertical profiles through the introduction of chamfers notched into the brickwork.

Stepped roof profile reveals planting

Contrasting brick panels create surface variation



1 Buff brick



2 PPC aluminium



3 Pre-cast concrete



4 Contrast Brick



Figure 17: St Mungo's Bay Study



Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 September 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	2-8 Trebeck Street, 2-5 Hertford Street, 35 Shepherd Market And, 20 Shepherd Street, London, W1J 7JQ		
Proposal	Variation to the terms of the Section 106 Agreement in connection with the planning permission of 3 March 2016 (Ref: 14/12430/FULL and as subsequently varied): Namely to require 8 residential units comprising 917 m2 to be provided at 217-222 Harrow Road by October 2024, or continue to make payments towards the City Council's affordable housing fund in accordance with the completed legal agreement.		
Agent	Daniel Rinsler		
On behalf of	Mr Daniel Rinsler		
Registered Number	20/03698/MOD106	Date amended/ completed	23 August 2022
Date Application Received	12 June 2020		
Historic Building Grade	Grade 2		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair		

1. RECOMMENDATION

<p>Agree to complete a deed of variation to the original legal agreement dated 3 March 2016 to secure the following varied planning obligations:</p> <ul style="list-style-type: none"> i. The provision of 8 residential units comprising 917m2 at 217-222 Harrow Road by October 2024; ii) In the event that (i) is not delivered, to require the applicant to continue to make annual payments to the Affordable Housing Fund commencing in November 2024.

2. SUMMARY & KEY CONSIDERATIONS

This application seeks to vary the terms of a Section 106 legal agreement dated 3 March 2016, which required residential be provided to offset a loss of residential at 5 Hertford Street. The site is a private members club which with the exception of a single residential flat at 3rd floor level at 20 Shepherd Street occupies a full street block bounded by Shepherd Market, Trebeck Street, Shepherd Street and Hertford Street. The club use commenced at part of the site in July 2012.

Background

On 3 March 2016 permission was granted for an extension of the private members club into residential floorspace at part 1st, 2nd and 3rd floors within the street block involving the loss of 9 residential units totalling 917 m². At the time that this application was made the applicant identified three separate sites in Mayfair where replacement residential could potentially be provided. The completed legal agreement required the appropriate residential (917 m²) to be provided at either the sites identified or an alternative appropriate site within 3 years of the 1st occupation of the extended club. A penalty clause in the legal agreement required annual payments to be made to the City Council's affordable housing fund if the offsite residential was not provided by the trigger date. The extended club use commenced in June 2016. Replacement residential was not found and a 1st payment of £383,000 was made on 25 June 2019.

Initially this application sought a three year extension of time to make the outstanding annual housing payments, due to the club's closure during the pandemic lockdowns.

Application

In the intervening period alternative off site residential has now been identified at 217-222 Harrow Road. This scheme includes 94 new homes, a new homeless centre, 11 move on homes let at London Affordable Rents, and between 8 and 11 additional affordable homes let at London Living Rents or Discounted Market Rents (ref Item 1 on this Committee agenda).

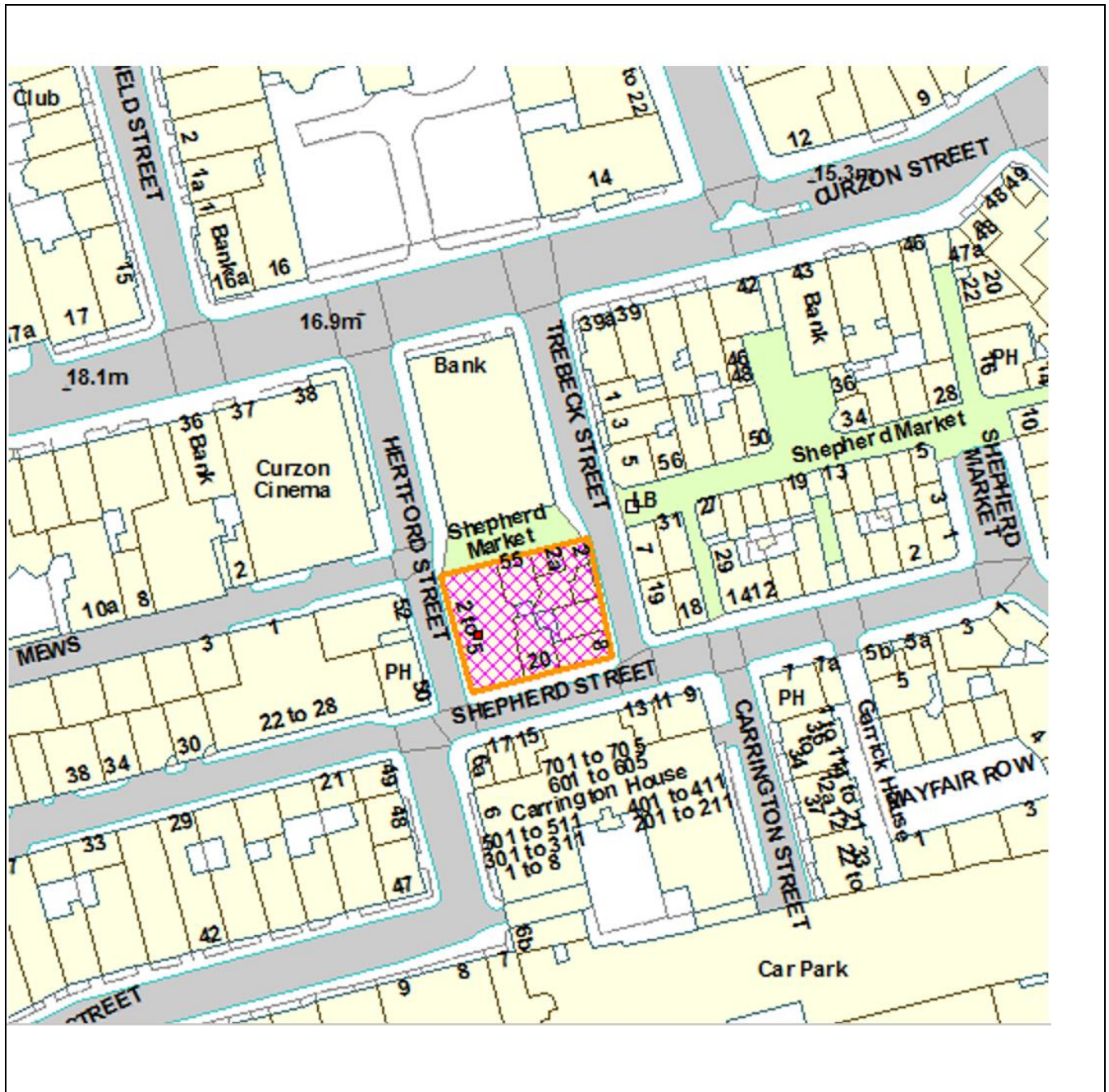
5 Hertford Street will make a financial contribution of £2.1m towards the scheme at 217-222 Harrow Road bridging a funding gap to enable the delivery of this scheme.

A deed of variation to terms of the legal agreement is now proposed in which 8 residential units comprising 917 m² at 217-222 Harrow Road would offsite the loss of residential at 5 Hertford Street. It is anticipated that subject to obtaining planning permission the scheme at 217-222 Harrow Road would be delivered by October 2024. This application seeks to vary the terms of the legal agreement at 5 Hertford Street to require the replacement residential to be provided by October 2024. If this cannot be achieved the penalty clause requiring annual payments to the City Council's affordable housing fund would again come into force.

Consideration

Housing delivery across the City remains a key strategic objective. Current housing policy protects residential units and floorspace across the City. The funding from 5 Hertford Street will enable the delivery of the residential scheme at 217-222 Harrow Road. The City Council's Head of Affordable Housing and Partnerships supports the proposal, to re- provide residential at 217-222 Harrow Road. The obligation at 5 Hertford Street will be discharged once 8 homes and 917 m2 have been provided offsite at Harrow Road.

3. LOCATION PLAN



4. PHOTOGRAPHS







5. CONSULTATIONS

5.1 Application Consultations

Head of Affordable Housing and Partnerships:

Housing is supportive of the proposal. The funding contribution of £2.1m made by the scheme at 5 Hertford Road towards the new development of 217 Harrow Road will achieve:

- The provision of 8 homes to be provided off site at 217 Harrow Road in lieu of replacement floorspace required under the terms of the original planning consent for 5 Hertford Street;
- The provision of a £2.1m funding gap towards the delivery of a mixed use new residential scheme at 217 Harrow Road that includes 94 new homes, a new homeless centre, 1 move on homes let at London Affordable Rents, and between 8 and 11 additional affordable homes let at London Living Rents or Discounted Market Rents.

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

On 3 March 2016 permission was granted for the following development : Use of part first floors, second and third floors as a private members club use in connection with the existing private members club (sui generis). Alterations to the fenestration of the property to include the introduction of new window openings; creation of new plant areas at second and third floor levels; alterations to the roof form and installation of an awning over the terrace at third floor level. Internal alterations at all floor levels (RN 14/12430/FULL)

The permission was subject to a S106 legal agreement that required:

- 9 residential units totalling 917 m2 in floorspace to be provided at an appropriate off- site location within 3 years of the first occupation of the extended club;
- Should replacement offsite residential not be provided by the trigger date annual financial payments of £383,000 per annum (index lined) are payable to the City Council's affordable housing fund (maximum payable £3,447,000).

YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

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Item No.
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