



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 28th February, 2023**

Time: **6.30 pm**

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

Members: **Councillors:**

Ruth Bush (Chair)
Paul Fisher
Ryan Jude

Robert Rigby
Mark Shearer
Jason Williams



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 that Councillor Ryan Jude was substituting for Councillor Nafsika Butler-Thalassis.

To note any further changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting. To register to speak and for guidance please visit:

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

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

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

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

(Pages 5 - 28)

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

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

1. **PADDINGTON GREEN POLICE STATION, 4 HARROW ROAD, LONDON, W2 1XJ**
2. **28 - 32 SHELTON STREET, LONDON, WC2H 9JE**

(Pages 33 -
106)

(Pages 107 -
180)

**Stuart Love
Chief Executive
17 February 23**

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 15th November, 2022**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

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

Also Present: Councillor Laila Cunningham (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 Ruth Bush also declared that in respect of item 1 she had attended a presentation with a Council officer on the application but had expressed no opinion on it. In respect of item 3 she knew two of the objectors to the application, but she had not entered into any discussions with them regarding it. Finally, regarding all of the items she declared that was a Trustee of the Westminster Tree Trust.

- 2.3 Councillor Paul Fisher declared that in respect of item 5 the application sites were located within his ward, he also lived nearby to the sites but he did not consider this prejudicial. He had also met Mr Armstrong who was representing Grosvenor previously but had not entered into any discussions with him regarding the application, Grosvenor was also his landlord but this property was not related to the application before the Sub-Committee.
- 2.4 Councillor Robert Rigby declared that in respect of item 1 he and the relevant Cabinet Member had previously received a presentation from the applicant on the development but he had expressed no views on the application. In respect of item 4 the site was located within his ward, he also considered that he had a prejudicial interest and would therefore step down from the Sub-Committee and leave the room during the consideration of this item. In respect of item 5 he had sat on a Sub-Committee which had considered the original application on this site.
- 2.5 Councillor Mark Shearer declared that in respect of item 5 he had sat on a Sub-Committee which had considered the original application on this site.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 20 September 2022 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 114-150 QUEENSWAY, 57 AND 97-113 INVERNESS TERRACE, LONDON, W2 6LS

Demolition of 114-150 Queensway and 97-113 Inverness Terrace, and redevelopment to provide two buildings comprising basement, ground and up to six upper floor levels, providing retail use (Class E) at ground floor, residential units (Class C3) and Office (Class E) floorspace at upper floors, with associated amenity space, basement level secure cycle parking, ancillary facilities, and plant, with servicing provision to Cervantes Court.

Additional representations were received from two local residents (undated).

The presenting officer had circulated prior to the meeting the following amendments to the recommendation and conditions highlighted in bold:

- 1) Subject to the concurrence of the Mayor of London, grant conditional permission subject to a Section 106 agreement to secure the following:
 - a) Provision of 11 intermediate units on site (5x London Living Rent) and 6x Lower Quartile rents prior to the occupation of the market units .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 **and late stage** viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG;
 - c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, payable on the commencement of development.
 - d) Payment of a carbon offset payment of £341,871 (index linked) payable on the commencement of development;
 - e) Been Seen energy monitoring;
 - f) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) payable on the commencement of development towards the Westminster Employment Service prior to commencement of development;
 - g) Provision of lifetime (25 year) car club membership for each residential flat;
 - h) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up;
 - i) Improvements to the Lady Samuels Garden prior to occupation of the development, including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure that safe removal of the existing statue and plaque, their reinstatement and improvements to the Garden and at the applicant's cost;
 - j) Financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked) and payable on commencement of development;
 - k) Public art; and
 - l) Provision of S106 agreement monitoring costs.
- 2) If the Section 106 agreement has not been completed within three months of the Committee resolution, then:
- a) The Director of Town Planning and 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 and Building Control is authorised to determine and issue such a decision under delegated powers ; however if not:

- b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proven 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 and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers
- 3) a) That Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of part of the public highway on the corner of Inverness Terrace and Queensway to enable this development to take place.
- b) That the Director of Town Planning and Building Control or other such proper officer responsible for the highways functions , be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.

Changes to draft conditions

Condition 10 – detailed design conditions

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

- a) new shopfronts at a scale of 1:20 including cross sections , including details of fascia's and canopies
- b) typical window details of the new office building scale 1:10
- c) typical window details of the new residential building scale 1:10
- d) new balconies for the residential flats scale 1:20
- e) new metal balustrades scale 1:20
- f) new gates to service yard
- g) **ASHP on the roof, any associated plant and their means of enclosure**

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details (C26DB)

Condition 12 – Construction Logistics Plan

No demolition of the existing buildings shall take until a Construction Logistics Plan (CLP) to manage all the freight vehicle movements to and from the site has been submitted to and approved by the City Council in consultation with Transport for London in association with the demolition of the existing buildings. **A further CLP shall be submitted to and approved by the City**

Council in consultation with Transport for London in association with the construction of the new development.

The development shall be carried out in accordance with this approved CLP at all times.

Condition 20 Servicing Delivery Plan

Three months prior to the occupation of the commercial units you shall be submit a Servicing and Delivery Management Plan which will be the subject of consultation with the local amenity societies. **The hours of servicing shall be between 07.00 and 19.00 hours on Monday to Saturday and 10.00 - 17.00 on Sundays and Bank Holidays.**

Condition 38 Kitchen Extract Ventilation

All kitchen exhaust discharges must be designed internally and discharge at roof level and all kitchen exhaust air will be treated with UV/HEPA /carbon activated filtration to mitigate cooking smells. **The kitchen extract ducts shall be operational between the hours of 0700 to 23.30 hours.**

A late representation was received from Turley (09.11.22).

The presenting officer tabled the following changes to the draft conditions, highlighted in bold:

Condition 10 – detailed design conditions

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

- a) new shopfronts at a scale of 1:20 including cross sections , including details of fascia's and canopies
- b) typical window details of the new office building scale 1:10
- c) typical window details of the new residential building scale 1:10
- d) new balconies for the residential flats scale 1:20
- e) new metal balustrades scale 1:20
- f) new gates to service yard
- g) ASHP on the roof, any associated plant and their means of enclosure**
- h) pv panels on the green/brown roofs and any associated man safe system**

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details (C26DB)

Condition 12 – Construction Logistics Plan

No demolition of the existing buildings shall take until a Construction Logistics Plan (CLP) to manage all the freight vehicle movements to and from the site has been submitted to and approved by the City Council in consultation with Transport for London in association with the demolition of the existing buildings. **A further CLP shall be submitted to and approved by the City Council in consultation with Transport for London in association with the construction of the new development.**

The development shall be carried out in accordance with this approved CLP at all times.

Condition 20 Servicing Delivery Plan

Three months prior to the occupation of the commercial units you shall be submit a Servicing and Delivery Management Plan which will be the subject of consultation with the local amenity societies. **The hours of servicing shall be between 07.00 and 19.00 hours on Monday to Saturday and 10.00 - 17.00 on Sundays and Bank Holidays.**

Condition 38 Kitchen Extract Ventilation

All kitchen exhaust discharges must be designed internally and discharge at roof level and all kitchen exhaust air will be treated with UV/HEPA /carbon activated filtration to mitigate cooking smells. **The kitchen extract ducts shall be operational between the hours of 0700 to 23.30 hours.**

The following changes to existing conditions and additional conditions are suggested:

Condition 13 Class E uses

You must use ground and basement retail units for the following uses within Class E

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of: E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

No more than 30% of the units shall be used for uses falling within Class E(b), **and no amalgamation of the units shall take place to create larger units without the written approval of the City Council as local planning authority.**

You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended

September 2020 (or any equivalent class in any order that may replace it).
(C05AC)

New conditions

52 No takeaway deliveries after 23.00

In respect of the ground floor Class E units , there shall be no ancillary takeaway delivery after 2300 hours.

Reason In order to safeguard the amenities of existing residents and future residents of the development from noise and disturbance and to ensure the use of sustainable modes of transport, in accordance with policies 7, 33 and 24 in the City Plan 2019-2040 (April 2021)

53 Operational Management Plan for Class E(b) uses

Prior to the commencement of any use falling under Class E(b) a detailed operational management plan(OMP) shall be submitted to and approved by the City Council as local planning authority in consultation with the recognised local amenity societies . The use shall be in accordance with the approved OMP at all times.

Reason

In order to safeguard the amenities of existing residents and future residents of the development from noise and disturbance associated with the Class E b) uses and in accordance with policies 7 and 33 in the City Plan 2019-2040 (April 2021)

Councillor Laila Cunningham addressed the Sub-Committee in her capacity as Ward Councillor in support of the application.

Laurence Brooker addressed the Sub-Committee in support of the application.

Patrick Campbell addressed the Sub-Committee in support of the application.

John Zamit, representing the South East Bayswater Residents' Association, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That subject to the concurrence of the Mayor of London, conditional permission, as amended, be granted subject to:
 - i) An additional informative requesting that the applicant finds alternative locations in respect of the existing Post Office and the ATM machines; and
 - ii) a Section 106 agreement to secure the following:
 - a) Provision of 11 intermediate units on site (5x London Living Rent) and 6x Lower Quartile rents prior to the occupation of the market units. 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 and late stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG;
 - c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, payable on the commencement of development.
 - d) Payment of a carbon offset payment of £341,871 (index linked) payable on the commencement of development;
 - e) Been seen energy monitoring;
 - f) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) payable on the commencement of development towards the Westminster Employment Service prior to commencement of development;
 - g) Provision of lifetime (25 year) car club membership for each residential flat;
 - h) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up;
 - i) Improvements to the Lady Samuels Garden prior to occupation of the development, including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure that safe removal of the existing statue and plaque, their reinstatement and improvements to the Garden and at the applicant's cost;
 - j) Financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked) and payable on commencement of development;
 - k) Public art; and
 - l) Provision of S106 agreement monitoring costs.
- 2) That if the Section 106 agreement had not been completed within three months of the Committee resolution, then:
- a) The Director of Town Planning and Building Control 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 Town Planning and Building Control was authorised to determine and issue such a decision under delegated powers ; however if not :

- b) The Director of Town Planning and Building Control should consider whether permission should be refused on the grounds that it had not proven possible to complete an undertaking 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 Town Planning and Building Control was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) a) That the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of part of the public highway on the corner of Porchester Gardens and Queensway be authorised.
- b) That the Director of Town Planning and Building Control or other such proper officer responsible for the highways functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there were no unresolved objections to the draft order.

2 57 AND 59 GLOUCESTER PLACE, LONDON W1U 8JH

Application 1:-

Change of use at 59 Gloucester Place and first to fourth floors of 57 Gloucester Place to accommodate residential use (Class C3), existing office (Class E) use retained at ground and basement floors of 57 Gloucester Place, with internal and external alterations including works to elevations, roof and vaults, provision of lift, provision of outdoor amenity spaces at rear, provision of waste storage and replacement plant at roof level and provision of plant basement vaults.

Application 2:-

External and internal alterations works to elevations, roof and vaults, provision of lift, provision of outdoor amenity spaces at rear, waste storage, basement vaults plant and replacement plant at roof level and provision of plant basement in connection with use of 59 Gloucester Place and first to fourth floors of 57 Gloucester Place for residential use (Class C3)

NB/ Linked by way of a land use swap to redevelopment of land at Garfield House, 86 - 110 Edgware Road and Bernard House 163-169 George Street, London, W2 ref. 22/05768/FULL.

The presenting officer had circulated prior to the meeting the following proposed changes to the draft decision notice:

1. Replace reference 049B with 49C (basement plan)
2. Decision letters to refer to 57& 59 Gloucester Place
3. Listed Building description of development to include “and continued use of ground and basement floors of 57 Gloucester Place for office use (Class E)” to be consistent with the Planning application description”.

To note:

Whilst the report indicates that a Statement of Community Involvement was not submitted. The applicant has subsequently advised in an email to officers “The Estate would, of course, have been willing to meet with local stakeholders to discuss the proposal. The Estate did in fact provide a letter to neighbouring residents, offering to discuss the proposal with us, but none of those consulted took the Estate up on that offer. Consequently, we did not provide a Statement of Community Involvement with the application, to ensure the documents remained proportionate to the scale and nature of that application and as agreed with Officers”

An Additional representation was received from The Portman Estate (09.11.22).

RESOLVED UNANIMOUSLY:

Application 1:-

- 1) That conditional permission be granted, subject to a S106 legal agreement to secure the following planning obligation:-
 - i) The residential use at this site as a land use swap from site at Garfield House, 86-110 Edgware Road and Bernard House 163-169 George Street, London W2 (as granted under 22/05768/FULL
 - ii) Provision of lifetime (25 year) car club membership for each residential flat.
- 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 & Building Control should 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
 - a) The Director of Place Shaping and 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:-

- 1) That conditional listed building consent be granted.

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

3 DEVELOPMENT SITE AT 86-110 EDGWARE ROAD AND 163-169 GEORGE STREET, LONDON

Part demolition and reconfiguration of lower ground floor, demolition of ground and upper floors, for redevelopment comprising lower ground, ground plus 6 storeys plus rooftop room, rooftop plant and equipment and single storey triangle building, for retail, food and beverage, indoor recreation and community use (Sui Generis) at ground floor level, Office (Class E) use at ground and upper floors, community (Class F2) /Office (Class E) use at lower ground floor and associated ancillary space. [Linked to development at 57-59 Gloucester Place RN 22/05362/FULL and 22/05363/LBC]

The presenting officer had circulated prior to the meeting amendments to the report regarding the daylight and sunlight assessment.

The following amendments to the Sub-Committee report and draft decision notice, highlighted in bold, had also been circulated:

1. Committee Report clarifications:

- Page 179, in the land use table existing medical use should be 122m².
- Page 202, paragraph 9.6- clarifications in **bold** below:-

Construction

- 390 **job years** over 2.7 year construction period
- £687,000 constructor worker spending over the 2.7 construction period (local retail, food and refreshments and work/leisure activities)

Operational

- **655-730** jobs (uplift of **365-435**)
- £82-86m in Economic activity (**GVA**) per year (uplift of £53-57m)
- £25-**35m** in Tax revenues (Business rates, VAT, corporate and income tax) (uplift of £16-23m)
- Section 9.5 – Residential Amenity & Appendix 1 on daylight and sunlight– Amendments- see attached.

2. Proposed tweaks to conditions on the draft decision notice.

- Condition 19B

B. You must only use the ground floor and part of the basement annotated as "Hub" for uses including retail, restaurant, community **and indoor recreation** in accordance with the Operational Management Plan to be approved under condition 31 .You must not use them for any other purpose, including for any other use within Class E, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

- Condition 20C

C. The useable areas under A above shall only be used **between i) upto level 4 -09.00-19.00 Monday to Friday; and ii) at levels 5,6 and the roof, between 09.00-22.00 Monday to Friday and no terraces shall be used on Saturdays and Sundays** (including cleaning, tidying and maintenance) unless used for emergency/escape access purposes.

- Condition 30

Prior to the installation of the lighting, you must apply to us with details of your proposed external lighting scheme, including hours of operation, showing how light spill is avoided and visual amenity is protected.

- Condition 31, part 1

1. Prior to the use of any of the Hub (including the triangle), you must apply to us for approval of an operational management plan for the Hub to show the following:-

The operational management plan shall include, but not be limited to, the following details/measures:-

A. Proposed floor plan annotated for specific quantum of each use
B Hours of use

C. Details of shopfront display, to show no painting, obscuring or blocking of shopfront

D. Ground floor Hub only for use for retail, restaurant, fitness uses and no other uses within Class E or F2

E. No delivery **use service**

F. Details of any required kitchen extract/ ventilation/sound insulation including drawings, acoustic/odour report.

~~**You must not use the external terraces until we have approved in writing what you have sent us.**~~ You must then carry out the measures included in the approved management plan at all times that the ~~**terrace is in use is in operation.**~~

Additional representations were received from the Marylebone Association (07.11.22), the Metropolitan Police (10.11.22), The Portman Estate (09.11.22).

Kay Buxton addressed the Sub-Committee in support of the application.

Simon Loomes addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission, as amended, be granted, subject to:
 - a) An additional informative requesting that deliveries to the site be undertaken by electric vehicles only; and
 - b) a S106 legal agreement to secure the following planning obligations:-
 - i) The residential use to have been relocated as part of a land use swap to 59 Gloucester Place (entirety) and 57 (first to fourth floors) Gloucester Place (As granted under application reference:- 22/05362/FULL) 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) Provision of Community Room for 25 years at Nil cost to the local community.
 - iii) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including creation of footway in Forset Street, provision of additional short stay cycle parking in the vicinity of the site (minimum of 22 spaces), changes or improvements to the footway and associated work (legal, administrative and physical). Changes to on-street restrictions (to be agreed as part of detailed design) including the relocation of any on-street parking bays, with no loss in number. All of the aforementioned to the Council's specification, at full cost (administrative, legal and physical) to the developer.(subject to detail design and the approval of the Highway Authority).
 - iv) Cycle parking survey assessing potential on-street locations for the provision of 69 short stay cycle parking spaces in the vicinity of the site including on Edgware Road and their subsequent provision where agreed by Westminster in liaison with TfL. All of the aforementioned to the Council's specification, at full cost (administrative,

legal and physical) of the developer.(subject to detail design and the approval of the Highway Authority). Where the full provision cannot be achieved the shortfall to be mitigated by a financial contribution towards TfL cycle hire scheme (index linked and payable on commencement of development).

- v) The area indicatively shown on Drawing number (4571-004-C) must be stopped up prior to commencement of development, at no cost to the Council, subject to minor alterations agreed by the Director of City Highways.
 - vi) The area on drawing number (4571-004-C), where the building line has been set back from the existing line, must be dedicated prior to occupation of development, at no cost to the Council, subject to minor alterations agreed by the Council
 - vii) A Financial contribution of £194,066.00 towards the Council's Carbon offset fund (Index linked and payable on commencement of development)
 - viii) A Financial contribution of £230,295.10 [or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service, (Index linked and payable on commencement of development).
 - ix) Provision of Public Art
 - x) Be Seen energy monitoring
 - xi) Monitoring costs
- 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 & Building Control should 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 Town Planning & Building Control 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.

- 2) a) That the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place be authorised.
- b) That the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the dedication of parts of the land to enable this development to take place be authorised.
- 3) That the City Commissioner of Transportation be authorised to take all necessary procedural steps in conjunction with the making of the order/s and to make the order/s as proposed if there were no unresolved objections to the draft order/dedication. The applicant would be required to cover all costs of the Council in progressing the stopping up order/dedication.

4 DEVELOPMENT SITE AT 26-46 LISSON GROVE AND 18 HAYES PLACE, LONDON, NW1 6TT

Part retention of existing basement walls and demolition of ground and upper floors at 26-46 Lisson Grove and 18 Hayes Place, and redevelopment to provide a seven-storey building with a single storey basement comprising: office space and retail space commercial uses (Class E), alterations to public realm, servicing, ancillary plant, storage, cycle parking and other associated works.

The presenting officer circulated prior to the meeting the following amendments to the conditions highlighted in bold:

Amend condition 32

The areas shaded in grey and labelled as terraces on the plans hereby approved shall only be used between the hours of 07:00 - **20:00 21:00** Monday to Friday. The roofs of the building not marked as terraces shall not be accessible outside of these hours for sitting out or for any other purpose. You can however use the roofs for maintenance or to escape in an emergency at any time.

Amend condition 33

Prior to occupation, an Operational Management Plan shall be submitted to and approved by the City Council to indicate how the roof terraces will be managed, to include no amplified ~~or other~~ music shall be played on roof terraces. The terraces will then be managed in accordance with the plan for the lifetime of the development, or in accordance with any replacement Operational Management Plan, approved first in writing.

An additional representation was received from Viridis (09.11.22).

A late representation was received from a local resident (14.11.22).

The presenting officer tabled the following amendment to the draft decision letter:

Add informative 25:

In relation to condition 5 part (c), the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) (london.gov.uk). To support the results provided in the template, the following minimum evidence requirements should be submitted at the same time:

- a) site energy (including fuel) use record,
- b) contractor confirmation of as-built material quantities and specifications,
- c) record of material delivery including distance travelled and transportation mode (including materials for temporary works),
- d) waste transportation record including waste quantity, distance travelled and transportation mode (including materials for temporary works) broken down into material categories used in the assessment,
- e) a list of product-specific EPDs for the products that have been installed.

The data collected at this stage will provide an evidence base that could help inform future industrywide benchmarks or performance ratings for building typologies. The postconstruction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. A copy and confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Councillor Rigby declared that he had a prejudicial interest in the application and therefore left the room during the consideration of this item.

James Hilton addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission, as amended, be granted subject to:
 - a) Condition 28 being amended in order to require that the details of the goods entrance be approved; and
 - b) Completion of a Section 106 Legal Agreement to secure the following:
 - i) Provision of a financial contribution of £315,294.37 (index linked) to provide employment, training and skills development for local residents;
 - ii) Highways works necessary to facilitate the proposed development including stopping up and dedication;

- iii) Provision of a financial contribution of £99,252 to the Carbon Offset Fund (index linked) payable prior to the commencement of development;
 - iv) Be Seen energy monitoring; and
 - v) The costs of monitoring the S106 legal agreement.
- 2) That if the S106 legal agreement had not been completed within six weeks of the date of the Sub-Committee's resolution, then:
 - a) The Director of Town Planning and Building Control should consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning was authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Town Planning and Building Control should consider whether the permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which 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 the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place be authorised.
- 4) That the Director of City Highways, Executive Director of Environment and City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders.

5 SITE 1 DEVELOPMENT SITE BOUND BY BROOK STREET, DAVIES STREET AND SOUTH MOLTON LANE (EXCLUDING 58 DAVIES STREET) AND 10, 15-25, 27 AND 42 SOUTH MOLTON; SITE 2- 14 NORTH ROW LONDON W1K 7DQ; AND SITE 3 -MARLBOROUGH HEAD 24 NORTH AUDLEY STREET LONDON W1K 6WD

Site 1:

Variation of Conditions 1, 17, 20, 31, 39, 47, 49, 53, 54, 55, 56 and 57 of planning permission dated 8 April 2022 (RN: 20/03987/FULL) (as amended) for, 'Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16

Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street (including the removal and reinstatement of certain building features), and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Community Infrastructure and Facilities, and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works'; NAMELY, to allow amendments to the approved development. (Application under Section 73 of the Act).

Site 2:

Extension to roof, facade amendments, associated works and use of enlarged building to provide Community Infrastructure and Facilities of flexible education training facility (Class F1) or medical centre (Class E).

Site 3:

Use of part ground and first to fourth floors as three residential dwellings (Class C3). External alterations including the removal of existing plant and installation of additional plant within acoustic enclosures, creation of a terrace (for use in association with the proposed Flat 1) and green roof at rear first floor level and associated works. Erection of an extract duct routed internally terminating above main roof level. Internal alterations at all levels.

For Site 1 additional representations were received from Stephenson Harwood (10.08.22) and Grosvenor (09.11.22). The presenting officer had also circulated prior to the meeting the draft decision letter.

For Site 2 an additional representation had been received from Historic England (10.11.22). The presenting officer had also circulated prior to the meeting the draft decision letter.

For Site 3 additional representations had been received from the Highways Planning Officer (01.11.22) and the Waste Project Officer for Highways Planning (05.10.22). The presenting officer had also circulated prior to the meeting the draft decision letter.

The presenting officer tabled the following amended conditions for Site 1:

Amended Condition 17

The primary use of at least 50% of approved floorspace within the non-office commercial ground and basement units within the North Block (excluding 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street), the South Block, **and at least 50% of the** commercial units at basement and ground floors of Nos. 10, 17-25, 27 and 42 South Molton Street, and the commercial units at ground floor of Nos. 15-16 South Molton Street shall be for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

No change to reason

Amended Condition 60

All staff working with the 'micro-retail units' on South Molton Lane shown on the approved drawings shall be given access to the 'Staff Acc. WC' within the basement of 24 ~~23~~ South Molton Street at all times.

No change to reason

Amended Condition 65

Upon commencement of the expanded public house, the windows within the Davies Street frontage of the basement of 52-54 Davies Street and the ground and first floors of 52 Davies Street shall be fixed shut after ~~23.00~~ **22.00** daily.

No change to reason

Simon Armstrong addressed the Sub-Committee in support of the application.

Catherine Kelly addressed the Sub-Committee in objection to the application.

Luis Garrido addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

Site 1 – South Molton Triangle

- 1) That conditional permission, as amended, be granted subject to a legal agreement to secure the following:
 - a) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a

Registered Provider. The office floorspace within the North Block or South Block (whichever is completed first) not to be occupied until all 11 x affordable housing units are ready for occupation.

- b) Provision of an Early Stage Viability Review if substantial implementation (i.e. (i) Completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab for the North Block or the South Block; or (ii) The completion of the shell and core of the affordable housing units at 23, 24, 25 and 27 South Molton Street) has not occurred by 7 April 2025.
- c) The office floorspace within the North Block or the South Block (whichever is completed second) not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.
- d) The office floorspace within the North Block or the South Block (whichever is completed first) not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Street pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the North Block or South Block (whichever is completed first) to be ready for occupation within 8 years of these residential units being made ready for occupation.
- e) Undertaking of highway works on Davies Mews, South Molton Lane, Davies Street, Brook Street and South Molton Passage, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management / threshold levels to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner, highway works to Davies Mews, South Molton Lane, Davies Street and Brook Street to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel (unless otherwise agreed in writing with the City Council). Not to occupy any part of the North Block (except 50 Davies Street) or any part of the South Block (whichever is completed first) until the highways management arrangements have been approved by the City Council. Highway management arrangements secured for the life of the development. If undertaken by the applicant, highway works to the South Molton Passage to be completed prior to the occupation of the affordable housing units at 23, 24, 25 and 27 South Molton Street.

- f) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.
- g) An Employment and Skills Plan(s) for the demolition, construction and operational (for the commercial elements) phases of the development and a contribution of £346,000 to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Financial contribution payable prior to the commencement of development.
- h) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
- i) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
- j) The submission for the City Council's approval of a management strategy for the passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Not to occupy the North Block or the South Block (whichever is completed first) prior to the approval of the management strategy. Adherence to the approved management strategy for the life of the development.
- k) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (design and alternative location (if applicable) to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.
- l) The provision of the replacement community infrastructure and facilities floorspace within the ground, mezzanine and basement floors of the North Building (698 sq.m) and within the entirety of 14 North Row (471.7 sq.m) (both to be ready for tenant fit out) within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street.
- m) Not to occupy 40-46 Brook Street and 40 South Molton Lane as a hotel until the office floorspace within either of the North or South Block is ready for occupation.
- n) 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 either: (i) Off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development); or (ii) To be made by the applicant off-site within the City through the delivery of an identified carbon savings project(s).

- o) The costs of stopping up of an area of public highway on the south of Davies Mews (payable and stopping up order confirmed prior to commencement of the South Block phase of development).
 - p) The costs of monitoring the S106 legal agreement.
- 2) That if the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
- a) The Director of Town Planning and Building Control should consider whether it would be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control was authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Town Planning and Building Control should consider whether the 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 Town Planning and Building Control was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) That conditional listed building consent for all six applications be granted.
- 4) That the reasons for granting the six applications for listed building consents as set out in Informative 1 of the draft decision letters be agreed.

Site 2 – 14 North Row

- 1) That conditional permission be granted subject to a legal agreement or undertaking to secure the following:
- a) Not to occupy the building as an education training facility (Class F1) or medical centre (Class E) until all three of the permitted residential units at 24 North Audley Street are ready for occupation.

- b) Undertaking of highways works on the south side of North Row to extend the footway across the width of the site. If undertaken by the owner, highway works to be completed prior to occupation of the building as an education training facility (Class F1) or medical centre (Class E).
 - c) The costs of monitoring the S106 legal agreement.
- 2) That if the S106 legal agreement or undertaking had not been completed within six weeks of the date of this resolution then:
- a) The Director of Town Planning and Building Control should consider whether it would be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control was authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Town Planning and Building Control should consider whether the permission should be refused on the grounds that it had not proved possible to complete an agreement or undertaking 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 Town Planning and Building Control 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 reasons for granting listed building consents as set out in Informative 1 of the draft decision letter be agreed.

Site 3 – 24 North Audley Street

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

The Meeting ended at 10.52 pm

CHAIRMAN: _____ **DATE** _____

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 28th February 2023
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 21/02193/FULL Little Venice	Paddington Green Police Station 4 Harrow Road London W2 1XJ	Demolition of the existing building and redevelopment of the site to provide three buildings of 39, 24 and 17 storeys in height, providing residential units (including affordable units)(Class C3), commercial uses (Class E), a community use (Class F.2), landscaping, tree and other planting, public realm improvements throughout the site including new pedestrian and cycle links, provision of public art and play space, basement level excavation to provide associated plant, servicing, disabled car parking and cycle parking and connection through to the basement of the neighbouring West End Gate development.	Berkeley Homes (Central London) Ltd
<p>Recommendation</p> <p>Following the council's resolution, on the 7 September 2021 to refuse the 2021 application, the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority issued a direction to the Council that the Mayor will act as the Local Planning Authority for the purposes of determining the Application [under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 and the Powers conferred by Section 2A of the Town and Country Planning Act 1990 (as amended)].</p> <p>The applicant has submitted revisions to the Mayor, who has consulted the Council for our views</p> <p>The committee is asked to agree to object to the 2022 application on the following grounds:</p> <ol style="list-style-type: none"> 1. To raise objection to the revised height, mass and detailed design of the proposed buildings and the less than substantial harm caused to the designated heritage assets, and it is not considered that the public benefits associated with this proposed redevelopment outweigh this less than substantial harm. 2. To raise objection to the loss of daylight and sunlight to windows serving habitable rooms of neighbouring residential properties. 3. To raise objection to the quality of the proposed residential accommodation in particular the affordable housing in Block J and K in terms of their poor levels of internal of daylight and sunlight and outlook. 4. That in the event the Mayor of London resolves to grant permission following the public hearing, to delegate authority to the Director of Town Planning and Building Control to enter into a S106 agreement to secure the planning obligations which may be agreed by the Mayor of London acting as the local planning authority under article 7 of the Mayor of London Order (2008). 5. To authorise making a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of Newcastle Place before the development, if approved by the Mayor of London, takes place .That the Director of Town Planning and Building Control and the Director of City Management or other 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 Order. The applicant will be required to cover all the costs of the Council in progressing the stopping up order. 				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 28th February 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

2.	<p>RN(s): <u>Application 1</u> 22/02009/FULL</p> <p><u>Application 2</u> 22/02163/LBC</p> <p>St James's</p>	<p>Old Brewer's Yard, 28-32 Shelton Street, 15A Neal Street, 5 and 7 Langley Street, 1 and 3 Mercers Walk and 107-115 Long Acre</p>	<p><u>Application 1:</u> Mixed-use development at Old Brewer's Yard including: at 28-32 Shelton Street, the erection of a single storey roof extension, a rooftop plant enclosure 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 and the installation of PV panels at main roof level, 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, part-ground 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). (Site includes Old Brewer's Yard, 28-32 Shelton Street, 15A Neal Street, 5, 6 and 7 Langley Street, 1 and 3 Mercers Walk and 107-115 Long Acre).</p> <p><u>Application 2:</u> 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]</p>	<p>Diageo Great Britain Limited</p>
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CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 28th February 2023
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Recommendation

Application 1

Grant conditional permission subject to a S106 legal agreement to secure the following:

- i. The relocation of the residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street as part of a land use swap with the City Council. The applicant not to commence development until planning applications have 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 for use of the basement at 5 Langley Street.
- iii. Walkways Agreement to secure access to Langley Passage and Old Brewer's Yard.
- iv. Monitoring costs.

If the S106 legal agreement has 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 is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not
- b) The Director of Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

Application 2

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

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS MAJOR COMMITTEE	Date 28 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Little Venice	
Subject of Report	Paddington Green Police Station, 4 Harrow Road, London, W2 1XJ		
Proposal	Demolition of the existing building and redevelopment of the site to provide three buildings of 39, 24 and 17 storeys in height, providing residential units (including affordable units)(Class C3), commercial uses (Class E), a community use (Class F.2), landscaping, tree and other planting, public realm improvements throughout the site including new pedestrian and cycle links, provision of public art and play space, basement level excavation to provide associated plant, servicing, disabled car parking and cycle parking and connection through to the basement of the neighbouring West End Gate development.		
Agent	Turley		
On behalf of	Berkeley Homes (Central London) Ltd		
Registered Number	21/02193/FULL	Date amended	11 January 2023
Date Application Received	Consultation received from the GLA on the Revised scheme received 23 November 2022		
Historic Building Grade	Unlisted		
Conservation Area	Small part of western end of site within Paddington Green Conservation Area.		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Following the council's resolution, on the 7 September 2021 to refuse the 2021 application, the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority issued a direction to the Council that the Mayor will act as the Local Planning Authority for the purposes of determining the Application [under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 and the Powers conferred by Section 2A of the Town and Country Planning Act 1990 (as amended)].

The applicant has submitted revisions to the Mayor, who has consulted the Council for our views.

The committee is asked to agree to object to the 2022 application on the following grounds:

1. To raise objection to the revised height, mass and detailed design of the proposed buildings and the less than substantial harm caused to the designated heritage assets, and it is not considered that the public benefits associated with this proposed redevelopment outweigh this less than substantial harm.
2. To raise objection to the loss of daylight and sunlight to windows serving habitable rooms of neighbouring residential properties.
3. To raise objection to the quality of the proposed residential accommodation in particular the affordable housing in Block J and K in terms of their poor levels of internal of daylight and sunlight and outlook.
4. That in the event the Mayor of London resolves to grant permission following the public hearing, to delegate authority to the Director of Town Planning and Building Control to enter into a S106 agreement to secure the planning obligations which may be agreed by the Mayor of London acting as the local planning authority under article 7 of the Mayor of London Order (2008).
5. To authorise making a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of Newcastle Place before the development, if approved by the Mayor of London, takes place .That the Director of Town Planning and Building Control and the Director of City Management or other 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 Order. The applicant will be required to cover all the costs of the Council in progressing the stopping up order.

2. SUMMARY & KEY CONSIDERATIONS

On 7 September 2021, Major Planning Applications overturned officer's recommendation and resolved to refuse planning permission for the redevelopment of the Paddington Green Police Station (known as 2021 scheme) for a total of 556 units (including 210 affordable units) in three blocks ranging from 15, 18 to 32 storeys in height. This scheme also included office accommodation, ground floor commercial Class E uses, flexible community/affordable workspace and new public realm.

The grounds of refusal are listed below:

1: By reason of its excessive height and bulk, Block K would have a detrimental impact on the local townscape, would result in substantial harm to the setting of the Little Venice, Paddington Green, Lisson Grove and Maida Vale Conservation Areas and have a detrimental impact on views from Regents Park and Hyde Park, contrary to policies 38, 39, 40 and 41 of the City Plan 2019 - 2040 (April 2021).

2: The proposed development fails to maximise the number of dual aspect flats within Blocks I and J, resulting in poor levels of natural daylight and outlook due to the proximity of the existing buildings within West End Gate. The proposal therefore fails to provide high quality residential accommodation and is contrary to policy D6 of the London Plan (March 2021) and policy 12 of the City Plan 2019-2040 (April 2021).

3: By reason of the excessive height and bulk of the proposed blocks, the proposed development would result in a significant loss of daylight and sunlight to existing residential properties, contrary to policies D6 (D) and D9 (3) of the London Plan (March 2021) and policies 7, 38 (C) and 41 B of the City Plan 2019 - 2040 (April 2021).

Following the Council's resolution to refuse permission, this application was referred back to the Mayor under Stage 2. On the 22 November 2021 a letter was received from the Mayor saying that the GLA will now act as the Local Planning Authority for the purposes of determining the application.

Following this call in by the GLA, the 2021 planning application has been now been amended. This revised application (now known as 2022 scheme) is due to be heard at a hearing on 17 March 2023 at City Hall. The Mayor (as acting Local Planning Authority) has now consulted the Council for our views. The first revisions included:

1. Changes to the footprint of the residential blocks, increase in the height of each of the three proposed buildings (known as Block I, J and K) from 18 – 15 – 32 storeys in the 2021 scheme (max 146.35 AOD) to 24 – 17 – 39 storeys (max 169.95 AOD) and detailed design changes.
2. The removal of 4,762 sq. m (GIA) office floorspace originally proposed in the 2021 scheme. The revised scheme now includes the provision of a 133 sqm (GIA) community unit: the provision 1,079 sq. m (GIA) of flexible commercial Class E floorspace on the ground floor (9 sqm reduction), and an increase in residential floorspace of 5,352 sqm (GIA), including ancillary areas. The number of residential units remains the same at 556.
3. Increase in total level of affordable housing to 219 units (38% as opposed to 37% by

habitable room in the 2021 scheme). The tenure split has also been amended and is now comprising 59.9%:40.1 split social rent to intermediate compared to 48.6%:51.4% in the 2021 scheme, by habitable room. Increased amount of family sized homes within social rent (44% as opposed to 42%). The affordable housing flats are now located in Block J and the lower floors of Block K

4. Changes to daylight and sunlight impacts to neighbours, as a result of slimming blocks and increasing distances between them, albeit increasing the height of the three blocks.
5. Reconfiguration of residential layouts and increase in number of dual aspect flats from 45% in the 2021 scheme to 55%.
6. Complete stopping up of Newcastle Place and partial pedestrianisation of Newcastle Place with the exception of servicing by small vehicles.
7. Increase in the amount public realm from 3,553 sq.m to 4775 sq.m, decrease in play space provision from 1138 sq.m to 841 sq.m. The revised proposal also includes improvements to the Harrow Road subway .

The applicant submitted further updated information under Regulation 25 of the EIA Regulations in relation to the Environmental Statement which accompanied the application necessitating a further 30 day consultation (11 January – 10 February 2023) on the changes, namely updates to the cumulative views within volume 2 of the Environmental Statement.

It should be made clear that the Committee can either raise objection or no objections as a result of this consultation exercise, as the final decision will now rest with the Mayor of London.

The revisions will be discussed in more detail in the main body of the report. The Council has no objections to the redevelopment of this strategically important site and recognises the contribution of the proposed 556 residential units, including the 219 affordable units, to the Council's housing stock and 5 year land availability. The revised scheme has increased the amount of social rented flats and this is welcomed. Officers do have concerns about the affordability of the 43 shared ownership flats in Westminster, but understand this does meet the London Plan requirements.

In land use terms, the loss of the originally proposed office accommodation is regretted, however the revised 2022 proposal still offers employment generating uses and Class E uses to activate the ground floor and enhance the retail offer in this shopping centre and includes a community space.

It is recognised that the applicant has sought to increase the amount of public realm within the development and that the design of these buildings, which have dual staircases to meet fire safety requirements, is more sustainable compared to the 2021 scheme.

Whilst the applicant has redesigned the footprints of the blocks and sought to increase the distances between them, and improved the amount of public realm, officers consider that these have been negated by the increases in height, especially in respect of Block I which has increased from 18 storeys to 24 storeys, and Block K which has increased from 32 storeys to 39 storeys.

In terms of the impact of the proposal on designated heritage assets. Whilst Committee back in 2021 felt that the lower scheme, at 32 storeys for Block K, resulted in substantial harm, this is a very high test. The revised 2022 scheme has been re-assessed from various key view points and officers

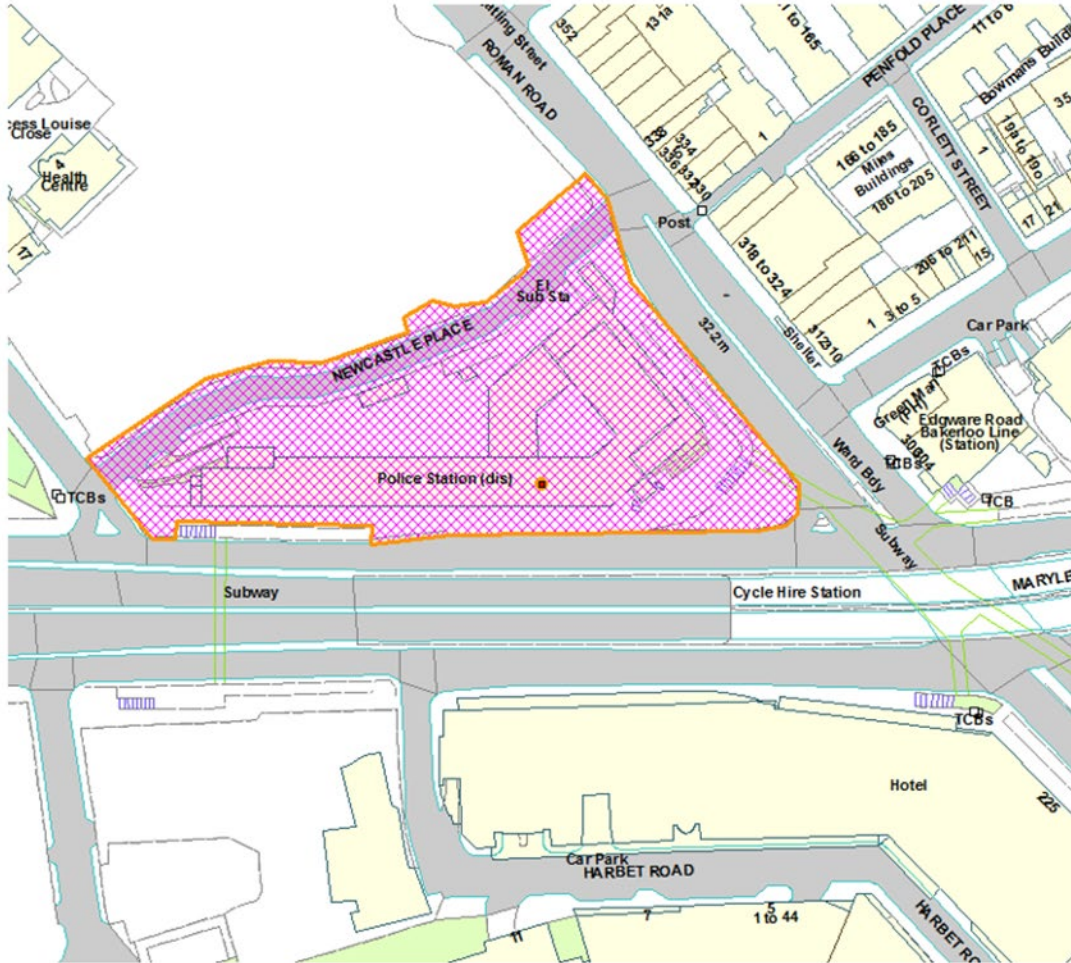
conclude that the proposal will cause less than substantial harm to the Little Venice, Paddington Green, Lisson Grove and Maida Vale Conservation Areas and have a detrimental impact on views from Regents Park and Hyde Park. In weighting up the public benefits, whilst it is recognised that many aspects of this scheme are beneficial, these benefits do not outweigh the less than substantial harm, and therefore it is recommended to raise an objection to the GLA on this ground.

The number of dual aspect flats within the development has now increased from 45% to 55 %, and whilst the Council would prefer to see more dual aspect flats, given proposed layout and the need to maximise residential accommodation on site, it is considered that the revised scheme has now addressed the second reason for refusal cited by Committee in September 2021.

In terms of the impact of the proposal on daylight and sunlight to existing neighbouring buildings, Officers do not consider that the revisions have addressed the losses of daylight and sunlight to adjoining residents and consider that the increase in the height of the buildings has worsened the impact of the development overall, when compared to the 2021 scheme. The City Council therefore maintains its original objection.

Another area of concern relates to the quality of the accommodation being provided in terms of natural daylight and sunlight. A number of the affordable flats, especially those in the Western elevation of Block K and the East and West elevations of Block J, will have exceptionally low levels of light well below the BRE guidelines. Whilst it is recognised that the provision of recessed balconies will affect light levels to these flats, overall it is considered that these flats will have poor levels of light and outlook, and this is very disappointing given these are the affordable housing units. Therefore, it is recommended to also raise an objection on this ground.

3. LOCATION PLAN



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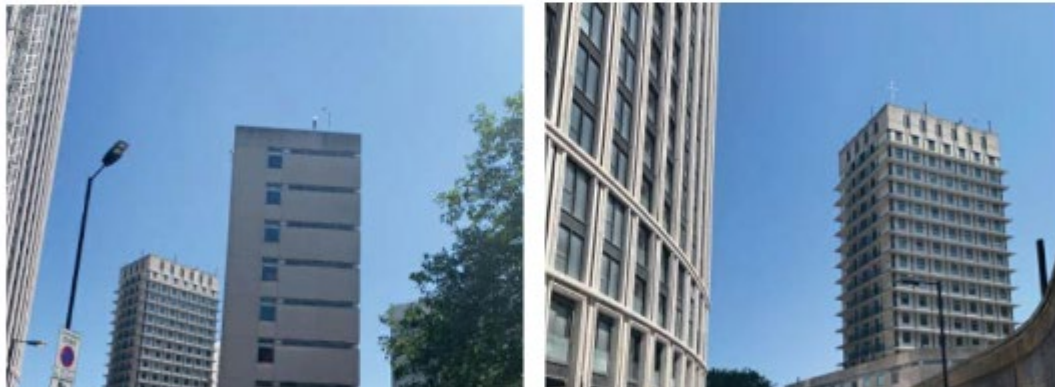
4. PHOTOGRAPHS



Aerial View of Application Site and West End Gate Development



Application Site as Seen from Edgware and Harrow Road Junction.



5. CONSULTATIONS

As the GLA are now the local planning authority, they have undertaken their own consultation on the revised scheme. These responses will be collated and considered by them as part of their assessment of the proposals at Stage 3.

The Council's internal consultee responses on the revised 2022 scheme are summarised below:

TREE SECTION

Tree ownership/removal/relocation/surgery

Clarity is sought on ownership of trees, whether certain trees are to be retained or replaced, the extent of pruning and root protection areas. In the absence of adequate site specific information, objection is raised on the basis of damage to trees.

Numbers, form and size of new trees

The planting proposals are not considered to be adequate. The number of trees proposed does not seem achievable as the spacing of the proposed trees is too tight and there are likely to be constraints on tree planting as a result of new or proposed services or other below ground structures. A number of the trees specified in the DAS are not considered to be optimal or appropriate for this location and should be substituted for alternative species.

Soil Depth and Volume

Sections indicate that none of the proposed basements have any soil volume above them, and there is no detail in the DAS about what soil volume is intended (a minimum of 1m soil plus 0.2m drainage layer will provide sufficient soil volumes to support tree growth and health to maturity. Further details of the proposed soil volume, profile and composition are required. Soils should be interconnected wherever possible, and depths should be provided below finished ground levels to avoid unnecessary clutter of raised planters.

Newcastle Place "Urban Oasis" and "Boulevards"

Tree planting illustrated adjacent to WEG appears to be too close to the building façade to be practical. Tabletop mulberry trees are unlikely to be appropriate (as above), and the layout indicates this space is intended to become private rather than public, as it is enclosed by a hedge for alfresco dining. This area should form part of the wider public realm and its enclosure would not be welcomed.

Large areas of raised planters and multi-stemmed trees are not welcomed. Planting in sufficient soil depth and volume below ground should be required.

Streetscape Edgware Road'

New London plane trees are shown which would be an appropriate species choice but the spacing of the new trees may be a little too close, and so require a reduction in tree numbers. Details of soil depth and volume, a demonstration of how the areas of soil will be interconnected, together with soil profile and composition should be provided at this stage to demonstrate that there is a reasonable prospect of the trees surviving to maturity. The hornbeams in the location shown would not be an appropriate species for the location.

Edgware Road 'Plaza'

Concern is again raised in relation to raised planters and soil depth volumes. Densely planted multi stemmed birch trees are proposed on the Harrow Road frontage which seems a peculiar choice. If this is intended to mask the effects of the adjacent traffic, it is suggested that a solution is sought which provides a foil to the road rather than trying to create a defensive screen. Some of the proposed landscaping appears to be outside the site boundary, so its provision seems uncertain. Further detail is required.

'Streetscape Harrow Road'

The proposed trees in pots would be short lived and would create an unwelcome impermanent appearance to the landscaping. This element of the proposal should be reconsidered. If tree planting cannot be provided in the ground, a rationale should be provided.

Green roofs

The proposed green roofs are very limited in area. They are said to be intensive green roofs with a minimum substrate depth of 150mm, but the ESPD suggests a minimum substrate depth of 200mm for intensive green roofs. It is suggested that revisions are sought to maximise the areas of green roofs provided and to maximise soil depth.

HIGHWAYS:

Car Parking, Cycle Parking and Servicing

The proposals are considered to be acceptable in terms of car parking, cycle parking and servicing (off street). However, it is disappointing that all of the short-stay cycle parking appears to be on public highway, either on Harrow Road or Edgware Road. There should be scope for some, if not most, of this to be located within the development itself.

Stopping Up of Newcastle Place

The stopping-up of Newcastle Place is against policy, as City Plan Policy 28 A clearly states that "Given the increasing demands on existing highway space, the council will resist the loss of highway land, particularly footways". However, the relevant Planning Committee did agree to this previously and I think that if it were to remain open to the public through a Walkways agreement or a similar agreement that allowed cyclist to use it too, it would be difficult to sustain an objection at this stage.

Improving Crossing of Paddington Green

TfL's suggestion of improving the crossing of Paddington Green is supported. A pelican or Zebra Crossing would not be necessary, just something that is better than what is there at the moment, a raised informal crossing for example. The S106 should make provision for this, which the Council's highway engineers could design at a later date.

PLACE SHAPING:

Westminster Place Shaping team have been developing a public realm strategy across North Paddington, covering the area between Royal Oak station and Edgware Road Stations, including Paddington Basin, Warwick Avenue, Bishop's Bridge, the Canal and Paddington Green.

There is a significant lack of cultural and community spaces across the local area. Place

Shaping would like to see this addressed meaningfully through this scheme, facilitated through a programme and facilities, that supports local creative talent, brings world-class culture to the area, and correlates to the adjacent commercial units.

The Paddington Public Realm Strategy comprises of a design strategy and series of site-specific proposals, which seeks to transform the area's fragmented neighbourhoods separated by the Westway into a vibrant, healthy and inclusive area. Proposals seek to rebalance the environment to enable legible and safe pedestrian and cycle movement and to create great public spaces. The Paddington Green Police Station sits within the strategy area.

Various conversations have taken place between WCC Place Shaping and Berkeley Homes regarding the public realm offer on and surrounding the site. Place Shaping support the stopping up of Newcastle Place and improvements to Marylebone Flyover. However, have reiterated that due to the high levels of pollution caused by the Westway, Harrow Road and Edgware Road, challenges of anti-social behaviour and volume of movement at this key interchange, a design for Marylebone Flyover should focus on greening, improved lighting and ease of pedestrian movement. Places to stop and rest are valued but encouraging longer dwelling would not be desirable in this location in its current form, due to the pollution and noise levels. The subway is also considered essential to retain and improve due to the distance between the crossing at Hermitage Street and Marylebone Flyover and increases number of residents generated by West End Gate and the proposed Police Station development. Improved safety and wayfinding are paramount for the Paddington Green subway and the Place Shaping team would welcome investment here. Further confirmation is required to clarify the ownership of this subway to progress design options.

Discussions have also taken place regarding financial contributions toward providing improved play provision for St Mary's Churchyard Gardens, and it is recommended that these continue

ENVIRONMENTAL SCIENCES:

Air Quality Neutral

The applicant has confirmed that, an air quality neutral assessment will be carried out following the methodology outlined in the GLA's 'Sustainable Design and Construction SPG' and the 'Air Quality Neutral Planning 63 Cambridge Environmental Research Consultants, 2019. Air quality neutral guidance has been revised and published therefore the calculations and methodology need to be reviewed against the most recent guidance.

Air quality neutral calculations are a requirement to demonstrate compliance with City Plan Policy 32.B

Volume 3(R): Technical Appendices Technical Appendix 7.1(R): Air Quality Legislation Policy and Guidance chapter 3, presents the air quality neutral benchmarks taken from the historic guidance. This section should be revised to reflect the recent changes

Air Quality Positive

The applicant has stated that the "The draft New London Plan introduces the concept that developments should now be demonstrating that they are air quality positive.

However, at the current time no guidance has been provided as to how this should be carried out and therefore it is not proposed to include this as part of the assessment"

Further guidance has now been developed and published that sets out the framework for an air quality positive assessment. It is recommended that an air quality positive statement is submitted to supplement to EIA.

Table 1.5 sets out the parameters that have been used to model impacts associated with the WEG energy centre. CHP and boilers have been modelled at 17 and 10 hours usage per day respectively. Although this is considered a realistic, modelling a worst-case scenario (all equipment operating simultaneously at 100% load 365 days a year) should be considered and discussed further to predict worst case impacts to both off and future receptors.

Modelling Outputs

Table 1.2 of the Technical Appendix 7.5(N): Air Quality Modelling Results sets out the modelled concentration for future receptors. modelling outputs for the lower floors and the and upper floors have been presented. With the CHP located within the existing WEG development discharging a lower level than that of the proposed new development. The applicant needs to confirm that windows at lower levels than modelled will not be impacted by flue gases and a worst-case exposure has been modelled.

BUILDING CONTROL:

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on water table has been found to be negligible. The basement is to be constructed using a combination of Contiguous/Secant pile walls faced with 300mm-400mm thick perimeter liner walls. Pile foundations and piled basement slab which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

NATURAL ENGLAND:

No objection, the proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

WESTMINSTER HOUSING

Housing welcomes the provision of affordable housing as part of these revised proposals which includes provision for 219 affordable homes (39% of all homes proposed) to be provided on site as part of the overall 556 homes proposed – an increase of 9 affordable homes over the earlier scheme also for the a total of 556 homes and that was previously considered by Westminster's Planning Committee.

Affordable Tenure Split

The proposed affordable housing tenure split is for 109 homes (49.8% by no of affordable homes and 60% by habitable room) to be provided as social rented housing with rents set in line with the Government's set formula for social rented housing and 110 homes (50.2% by no of homes and 40% by habitable room)) to be provided as intermediate housing, that includes a mixture of both discounted market rent homes and shared ownership units.

The previous proposals were for 84 (40%) of the affordable homes to be provided as social housing let at London Affordable Rents (which are higher than social rents) and 126 (60%) to be provided as intermediate housing, including a mixture of discounted market rent and shared ownership.

The increase in the number of social rented homes let at formula rents under the current proposals is welcomed by housing and will assist the council in addressing its primary affordable housing need.

The applicant has indicated (based on viability) that the offer of 109 social rented homes let at formula rents is dependent upon the intermediate housing offer (110 units) including the proposed levels of discounted market rent and shared ownership and the affordability conditions applied to these intermediate homes being agreed – Otherwise the level of social rent homes would need to be reduced.

Affordable Housing Locations

98 social rented homes will be provided within block J (17 storeys), which is a 100% affordable housing block.

A further 11 social rented homes, 67 discounted market rent units and 43 shared ownership units will be located with the tower building, block K (39 storeys). The social rented homes will be located at 1st floor and part 2nd floor. The intermediate homes will be located from part 2nd floor to part 12th floor. Market housing units will occupy the remaining upper floors.

The affordable housing units will be provided with their own separate access arrangements and separate cores. Homes will be provided with private amenity space in the form of balconies.

Social Rented Units

The proportion of 2bed (46%) and 3bed+(44%) social housing units proposed, broadly reflects the council's social housing need for these sized homes.

1x1bed and 14x2bed social rented homes are proposed to be wheelchair adaptable homes.

Westminster will require 100% nomination rights to all the social rented homes at initial letting with 100% on subsequent lettings, except where voids arising are required by the affordable housing landlord for internal management transfers by existing tenants within the scheme.

Intermediate Housing Units

Of the 59*1bed intermediate homes, 10 are intended to be wheelchair adaptable homes.

In consultation with the GLA, it is proposed by housing officers that for 3 months following completion of these intermediate homes, these homes including the discounted market rent and shared ownership units will be marketed exclusively to eligible households who either live or work in Westminster, with priority given to key workers.

Key worker definitions will be defined as set out in the Appendix to the GLA Housing Policy Practice Note - Allocating Intermediate Homes to London's Key Workers

If following this three-month exclusive marketing period to Westminster eligible households, homes remain unsold or unlet, then they can be marketed to eligible households from across London.

Discounted Market Rent Affordability

There are 67 discounted market rent homes proposed provided as 29*1bed 2 person homes, 18*2bed 3person homes and 20* 2bed 4 person homes and the rents on these homes charged to tenants should not exceed 40% of net household income (28% gross income).

Of these units

- 29*1beds discounted market rent units will be made available to households where eligible household income is capped at £60,000
- 9*2bed 3person homes will be let at London Living Rents (LLR) and where the eligible household income is capped at £60,000.
- 9*2bed 3 person units will initially be capped at LLR rents with a household income cap of £60,000 – However, should these homes be let to a household with 2 earners and 1 is a key worker, then discounted market rent can apply with an overall eligible household income cap of up to £90,000.
- 20*2bed 4 person units will initially be capped at LLR rents with a household income cap of £60,000 – However, should these homes be let to a household with 2 earners and 1 is a key worker, then discounted market rent can apply with an overall eligible household income cap of up to £90,000

During the 3 month period where these homes are being exclusively marketed to Westminster eligible households, WCC housing officers have recommended to the applicant and the GLA that the upper household income cap to be applied to the 9*2bed 3 person and 20*2bed 4prson homes where these are let to a household with 2 earners and one is a key worker should be £70,000 and £75,000 respectively – This is intended to increase the affordability of these homes to Westminster eligible households.

Shared Ownership Affordability

Owing to Housing's concerns over the affordability of shared ownership in a high value area such as Westminster, our preference would be for the 43 studio and 1beds homes proposed as shared ownership to be provided as discounted market rents instead – as affordability can more easily be controlled through rent setting on discounted marketed rents.

Shared ownership is available to eligible households whose household income does not exceed £90,000. This is the income cap that the GLA applies to shared ownership in London.

The tables below demonstrate the minimum annual household income that would be required to afford either a 25% share or a 10% share in a studio or 1bed shared ownership property proposed at PGPS and where the full market value of a studio and 1bed based on present valuation evidence is £733,000 and £791,000 respectively .- The minimum household requirement is linked to a maximum of 40% of net household income (28% of gross income) being expended on shared ownership housing costs as determined by the GLA. Shared ownership housing costs include, mortgage, rent and service charge costs.

The modelling shown in the tables below assume a shared owner will have a deposit level of 10% against the share being purchased, will be paying a mortgage interest rate of 6% and will pay rent on the equity they don't own which ranging from 1.30%-1.55% when a 25% share is purchased and 2% if a 10% share is purchased.

Under the traditional shared ownership lease model, buyers can purchase a minimum share of 25% in the property but are responsible for all internal repairs to their property. Buyers can staircase up in minimum 10% tranches and can eventually purchase outright.

Under the more recent shared ownership lease model, a minimum share of 10% can be bought at initial purchase. Buyers can staircase in smaller 1% increments with reduced fees. In addition, the landlord is responsible for carrying out essential in flat repairs during the first 10 years.

While the current affordability modelling for these shared ownership units indicates minimum incomes of £64,000 to £82,000 will be required where a 10% deposit is provided against the share being purchased, it is likely that these minimum income levels may be reduced where purchasers have higher deposit levels.

The applicant have indicated that the new shared ownership lease allowing minimum shares of 10% to be purchased will operate at PGPS.

6. BACKGROUND INFORMATION

- 6.1** The Committee dated 7 September 2021 sets out the description of the application site and the Planning History, therefore it is not proposed to repeat these in this report.

7. THE REVISED PROPOSAL

The applicant proposes to demolish the existing police station buildings and construct three buildings to accommodate 556 residential units (including 219 affordable units) and approximately 1212 (GIA) of Class E and F.2 floorspace to provide a mix of retail and community uses at ground floor level. The height of all three buildings has been increased, along with a decrease in their footprints, compared to the 2021 scheme. This has also allowed the amount public realm provided to increase by 53%.

As with the 2021 scheme, two basement levels would be excavated beneath the site to provide plant, servicing, disabled car parking and cycle parking spaces. These would be accessed through the West End Gate ("WEG") basement levels. Indeed, the proposed

development would be an extension of the applicant's WEG development and relies on elements of that development for its delivery (10% of the developments long stay cycle parking would be located there and the development would connect to the WEG developments energy centre). The proposed landscaping strategy also links into the landscaping approved at the WEG development.

The applicant again proposes the stopping up of Newcastle Place to provide new public realm areas, including new tree planting and greening. Pedestrian and cycle access would be prioritised, with vehicle access limited to delivery and servicing by small vehicles only.

The proposed buildings are named Blocks, I, J and K, in accordance with the naming convention of the blocks at the WEG development.

Block I

Located at the western end of the site, opposite Paddington Green. This building would be 24 storeys (115m AOD (119m inc. plant). Under the 2021 scheme, this was proposed as an 18 storey (98m AOD) 'Flat iron' style building, responding to the triangular shape of the western end of the site. This has now been simplified in form with the western nose of the building removed to form a quadrilateral building.

The ground floor would contain community space to the west, a residential entrance to the north and flexible commercial units to the north/east/south, along with a substation to the south. The upper floors would comprise of 149 market housing units. Plant machinery and an area of green roof are located at roof level, as is the case for all three buildings.

Block J

This block sits in the middle of the site and is the lowest of the three buildings at 17 storeys (93m AOD (97m inc. plant). Under the 2021 scheme, it was proposed to be 15 storeys tall (91m AOD) and joined to Block K via a three-storey podium at its base, but this has now been removed, so creating an additional north-south pedestrian 'street' separating the two new buildings.

The ground floor would comprise of flexible commercial units to all sides, along with a substation and plant room to the south and residential entrance to the north. The upper floors would comprise 98 of the social rented homes (100% affordable housing block).

Block K

Block K is the largest of the three proposed buildings and would be located to the east of the site. The building would be 39 storeys (166m AOD (170m inc. plant)), whereas previously it had been proposed to be 32 storeys (146m AOD). It would now be detached from Block J and the previously proposed 25 storey (est. 118m AOD) 'shoulder' to the northern side of the tower has now been omitted.

The ground floor would comprise flexible commercial units to all sides, with an estate management office and social housing entrance to the west and entrance to the private accommodation to the north. At first floor level there would be an internal residential amenity area (297m) which would be accessible to the occupiers of the private residential and affordable units. Access for the occupiers of the affordable units would be

on pay-as-you-go basis.

11 social rented units, 67 discounted market rent units, 43 shared ownership units and 188 market housing units are proposed. The social rented homes will be located at first floor and part second floor, the intermediate homes will be located from part second floor to part twelfth floor, and the market housing will be located at part twelfth to thirty eighth floor.

8 DETAILED CONSIDERATIONS

8.1 Changes to the footprint of the residential blocks, increase in the height of each of the three proposed buildings (known as Block I, J and K) from 18 – 15 – 32 storeys in the 2021 scheme (max 146.35 AOD) to 24 – 17 – 39 storeys (max 169.95 AOD) and detailed design changes.

Design, Conservation and Heritage

The site is a disused police station occupying a roughly triangular site set between Edgware Road, Newcastle Place, and Harrow Road. Small clips of the site fall within the Paddington Green conservation area, but for the most part, the site is not within a conservation area, nor does it contain any designated or non-designated heritage assets. The only element of the site which is considered to hold any significance are the concrete sculptural relief panels which face the podium of the site facing Harrow Road. A number of listed buildings are situated on the corner of Church Street and Paddington Green just to the north of the site, separated from the site by the new development of Paddington Green. Also of nearby note is the Grade II* listed Church of St Mary which sits at the centre of the Green to the west.

More widely, there are many listed buildings and several conservation areas which require consideration by this application due to the height of buildings proposed. These are set out in more detail in the original 2021 report.

Since the Council's 2021 resolution to refuse permission, there have been no planning permissions granted or pending which are considered to affect the consideration of the revised proposals' townscape or heritage context. At that time the adjacent Westmark Tower (Building 'A' of the applicants' West End Gate development) was already largely complete and topped out, and was a key consideration of the application site's immediate context. This is discussed again briefly below in relation to cumulative impacts on townscape views and heritage settings.

Legislation, Policy and Guidance

The legislative, policy and guidance basis for determining the heritage and design issues for this application remain the same as when the original application was considered by the City Council in September 2021. This is set out in detail in the original report.

Revised Proposals and their Direct Effects

The application proposals have been revised since the City Council's resolution to refuse permission in 2021, but remain focussed on the base principles of a wholesale site redevelopment following demolition of all existing buildings, based around three new tall buildings. The main way in which the proposals have been revised is a notable increase

in height of all three proposed buildings. This is stated as being due to the also proposed decrease in plan footprint of all three buildings – the proposed accommodation has been shifted into the additional storeys now proposed; and also for townscape reasons, in order to prevent long-distance visual coalescence with other tall buildings in the area (i.e. to make the proposed Block K more prominent). These changes, and other changes to facades and public realm design are explained in detail below.

The developer and architect team remains unchanged from 2021, which in turn was the same as for the already completed 'West End Gate' development immediately to the north on the other side of Newcastle Place. The applicant portrays the Police Station redevelopment proposals to be the culmination of their 'masterplan' for the area and indeed some familial and townscape compatibility can be seen between the two sites. However, it should be noted that this masterplan has never been a formally adopted part of either the City Council's or GLA's strategic planning process and did not form part of the approved application for West End Gate. The applicant acquired the Police Station site after the approval and site commencement of West End Gate, which is now largely complete.

Building Form and Height

The proposals remain essentially three new buildings, as before – Blocks 'I', 'J', and 'K', as a continuation of the applicants' nomenclature for their completed development to the north side of Newcastle Place (Blocks 'A' to 'H').

In response to GLA advice, the applicant has decreased the footprint of each proposed building in order to increase the space between them, particularly at lower levels and in order to create more public realm space at the base (see 'public realm design' below). This has created narrower buildings which are slightly more separated from each other than before.

Block I had previously in 2021 been proposed as an 18 storey (98m AOD) 'Flat iron' style building, responding to the triangular shape of the western end of the site. This has now been simplified in form with the western nose of the building removed to form a quadrilateral building of 24 storeys (115m AOD (119m inc. plant)). As before, it is proposed to be separated from Block J by a new north-south pedestrian 'street' joining Newcastle Place and Harrow Road.

Block J, as before, sits in the middle of the site and is the lowest of three buildings. Previously proposed to be 15 storeys tall (91m AOD), it would now rise to 17 storeys (93m AOD (97m inc. plant)). It was previously proposed to be joined to Block K via a three-storey podium at its base, but this has now been removed, so creating an additional north-south pedestrian 'street' separating the two new buildings.

Block K is again the largest of the three proposed buildings and increases in height to 39 storeys (166m AOD (170m inc. plant)), whereas previously it had been proposed to be 32 storeys (146m AOD). As discussed above, it would now be detached from Block J, but also the previously proposed 25 storey (est. 118m AOD) 'shoulder' to the northern side of the tower has now been omitted so forming a singular and more slender form down to ground.

Table 1 below provides a summary of the 2021 and current proposed building heights.

Table 1: Summary of Changes to Building Heights

Building	2021 Scheme		Current Scheme		Change	
	Storeys	AOD	Storeys	AOD	Storeys	AOD
Block I	18	98m	24	115m	+6	+17m
Block J	15	91m	17	93m	+2	+2m
Block K	32	146m	39	166m	+7	+20m

These changes to building height and form are discussed in more detail below in relation to their impacts on the surrounding and wider townscape and on heritage assets.

Façade design

The designs of the proposed buildings' façades have been rationalised since the Council's 2021 resolution to refuse permission and are now largely the same as each other. Overall, it is hard to summarise these changes as anything other than a regressive simplification of and reduction in the development's overall architectural quality. This in turn reduces the compensatory effects that façade quality can have on what may otherwise be negative townscape effects of a development of this scale. Across the three buildings, the façade system proposed is now effectively the same, and in particular Blocks I and J are essentially the same façade above their bases, wrapped onto different building shapes and heights. Building K's upper levels façade is the same system, but with a different colour of GRC infill. Previously they benefited from differences which made each building individual but with a shared familial strength of character.

The changes made are in some respects subtle, but overall has the effect of making the use of metal and glass more prominent as now proposed than the use of masonry cladding elements. This change has come about primarily by changing the materiality of the visible 'frame' elements to each of the cladding panels which would be manufactured off-site and craned in whole (in itself not an inherently unacceptable method of construction for tall buildings). Previously this would have been a masonry material – Glass Reinforced Concrete (GRC) to upper floors and stone to the bases of Blocks J and K. As now proposed, the framed element would be bronze-coloured aluminium, with masonry reduced to a purely infill element within each panel. This reduces the prominence of the masonry in the overall façade, particularly when viewed obliquely and so further divorces the character of the new buildings from their stated 'Maida Vale mansion block' reference context.

The use of natural limestone does remain a part of the scheme, and is proposed to be the main facing material for the bases (ground to mezzanine) of Blocks J and K, whilst GRC would remain the primary cladding to the base of Block I.

Also proposed is a change from tall full-height windows throughout (as previously proposed in 2021), to square proportioned windows with a metal spandrel beneath. This breaks-down the verticality and rhythm of the façade and results in a very much lower grade of architectural character. This also has the effect of interrupting the horizontal lines across the façade where these were previously consistent across balcony sills – now the sills of the windows are at a visibly different height to those of the recessed

balconies. Furthermore, the vertical arrangement of those balconies has been broken up, whereas previously these are consistently aligned up each of the three buildings' facades.

Public realm design and public art

The amount of public realm proposed now is a welcome increase over that proposed in 2021. In particular, the addition of a second new pedestrian street connecting Newcastle Place with Harrow Road would introduce a greater degree of real permeability which would be highly beneficial to activity levels on both roads.

Between Blocks I and J as well, the space provided is greater, whilst retaining a positive compression of space to define it as a connection and route to somewhere else, so benefiting the wider area over the site itself.

To the western end of the site, the pulling back of the 'nose' of Block I has allowed the creation of an additional pocket of dwell space which, whilst small and a relatively minor contribution to the wider area, is welcome, nevertheless.

The introduction of trees and areas of lawn and planting is, as before, a positive of the scheme which should be weighed against other elements of harm as discussed above and below.

The incorporation of the Police Station's concrete sculptural relief panels as elements of the proposed hard landscaping design and public art is welcome in principle but requires further clarification and detailing as it is currently largely undefined in the submission beyond an intent within the Design and Access Statement.

Effects and Impacts

Impacts on Heritage Assets

As before, there are no real direct effects on heritage assets due to their absence from within the site itself. However, the proximity of the Paddington Green Conservation Area (and its slight boundary overlap with the site) means that its setting impacts are almost direct – the western edge of the proposed development will in effect become the eastern enclosing side of the conservation area. Nevertheless, the impacts on this conservation area, as all other heritage assets affected by the application proposals, is discussed in the next section of this report.

Views and Wider Townscape and Heritage Impacts

For a detailed analysis of the application proposals impacts on townscape views and the setting of heritage assets, the council's original report from September 2021 is considered to remain largely valid. There are no views from which the proposals would no longer be visible as a result of the revisions made. In most of the assessed views, the revised proposals would be more visible and more prominent and impactful due to their increase in height.

As before, the application is accompanied by a detailed Townscape and Visual Impact Assessment (TVIA) which sets out the applicant's assessment of how their proposals would affect the townscape and the setting of heritage assets. It is considered that this is a largely sound assessment, and the provided views can be relied upon for accuracy,

whilst still allowing for the inherent limitations in representing the true human experience of the city from purely static imagery.

The current TVIA includes 48 viewpoints, whereas previously the 2021 TVIA included 37. Some of these additional viewpoints are effectively progressions of others already assessed, whilst others are wholly new.

Views with no increased impact (or where new views, no impact)

-Views 1, 2, 8, 10, 11, 12, 15, 20, 33, 37, 38, 40, 41

No harm to the setting of heritage assets were previously found in these views. Despite the increase in height of Block K in these views, this assessment remains the same for the revised proposals. The increased height does increase prominence of the tower, but this would not change the effects from an overall neutral impact.

-View 42 – Lords Cricket Pavilion

This view is from within the northern stands of the world-famous Lords Cricket Ground, with the Grade II* listed Pavilion to the right of the view and is within the St John's Wood Conservation Area. The view beyond the ground is already defined by several taller blocks of flats in the immediate area to the south of the ground. Block K would sit at the centre of the view rising moderately above the skyline of one of those blocks of flats, but not overall breaking the maximum appreciated height of the skyline. It is not considered that this visibility would harm the significance of the conservation area or setting of the listed Pavilion, now would it negatively affect the general amenity of the local townscape in this view.

Views from which the façade changes would be appreciable

-Views 3, 4, 8, 13, 14, 30, 31

From closer positions, such as Views 3, 4, 8 the lesser architectural quality of the revised proposals over the 2021 submission would be noticeable and would reduce the mitigating and compensatory effects that this previously had.

View 13 does show something of the improved definition between Block K and the existing Westmark Tower. Whilst it would now be more prominent and dominant in this view (whereas previously it was visible at the same height as it), this would aid legibility between the two buildings, and lead to Block K replacing the Westmark as the landmark element in this location.

Views with an increased impact

-View 5 – Sussex Gardens / Sale Place

In this view the increased height of the proposed Block K would be more harmful than it was before to the setting of the Grade II listed buildings which sit in the foreground of the view.

-View 6 and 36 – Westbourne Terrace Road Bridge, Little Venice – KEY VIEW

These are key views, from which Block K would become significantly more prominent in the view, so increasing the visual impact on the setting of Maida Vale Conservation Area and the Grade II listed 2 Warwick Crescent. The applicant's view is that this increase in

height helps mitigate potential visual coalescence with the already built Westmark Tower. Officers do not share this view. Whilst it is understood that, in some respects the tower would not be visibly separate from the Westmark, the clear preference would remain a less impactful height. Furthermore, Block I would now also be visible in this view whereas previously it was tucked in line with the tree line, so increasing the clustering effect in this view.

-Views 7 and 35 – Blomfield Road and Little Venice

Whilst in View 7 the proposal would remain largely obscured from view by the treeline on the island, it would become more visible as one moves eastwards towards View 35. This would be more pronounced in winter when the foliage on the island trees thins out.

From View 35, the tower would now rise quite prominently above the roofline of the Warwick Avenue listed houses which sit behind the canal's treeline and would therefore increase the less than substantial harm caused to their significance.

-Views 14, 14.1 and 14.2 – Bell Street

In this series of views from within the Lisson Grove Conservation Area and setting of the Grade II* listed Christ Church, it was advised previously that the scale of the original application proposals would degrade the quality of the townscape in the view, detracting also from the prominence of the listed Church, slightly harming its significance. Due to the notable increase in height in this view, this impact would now be greater. Also, the further refined positioning of View 14.2 has shown a more significant impact on the setting of the Church than had previously been understood. The development would be close enough to be able to judge the reduced quality of its architecture which would provide less compensation than before for the impact of its scale.

For these reasons, the impacts on the setting of Lisson Grove Conservation Area, and on the setting of the Grade II* listed Christ Church would remain well within the scope of 'less than substantial', but that this would now be more towards the middle of that scale than it was before, due to the buildings' increased height and appreciably lower mitigating or compensating design quality.

-Views 16 and 16.1 - Broadley Street Gardens

The originally submitted View 16 from Broadley Street has now been supplemented by 16.1 which is from within the Gardens. As predicted by officers previously, the view from within the gardens is very much more impactful than from the street, as is the winter view from the street, and the proposed greater height to Block K would now increase that further than previously, dominating the gardens setting.

-Views 17, 18, 32 and 46 – Paddington Green – KEY VIEWS

This series of views has been expanded since 2021, and now includes four positions which variously present the character of the Paddington Green Conservation Area as it is now and would be, including the central contribution which the Grade II* listed Church of St Mary makes to the area. As before, this is the most significant single location to be assessed due both to its proximity to the development site (which is relatively immediate), and the influence that the site's existing urban setting has on informing conclusions about the scale of impact seen.

As before, the development proposals would have a significant impact, partly mitigated

in summer by tree growth, but undoubtedly otherwise a notable change. The increase in height of Blocks I and K would be discernible, leading to an increase in the already prominent presence that they would bring to the Green. In the case of View 46 (a new view), this would be a new impact whereas before the height of Block K would not have broken the roofline of St Mary's Church in the winter version of the view.

The additional height of the development now proposed is particularly pronounced with Building I despite the pulling back of its western 'nose' from the Green, which rather than lessening its impact on the Green, in fact leads to a significant loss of identity and conclusion to the spatial character of this eastern corner, which would now as proposed somewhat 'bleed' out to the more ill-defined and linear character of the flyover. The previous 'Flatiron' form of Building I was considered to be a positive component of the scheme's design, introducing a new element of local identity and a strong termination to this side of the Green.

Similarly, due to its immediate proximity, the lessened architectural quality and individuality of the proposed facades would be evident from this location, whereas previously it had been considered to provide some compensatory effects.

It is considered that the developments effects on the setting of the Paddington Green Conservation Area and its constituent listed buildings would remain as 'less than substantial harm', but that it would rise up within that scale to become more significant and due to the lessened design quality, less well mitigated or compensated for.

-Views 19, 21, 22 and 45 – Kensington Gardens and Hyde Park

This collection of views from the Grade I Registered parks (and Royal Parks Conservation Area) of Hyde Park and Kensington Gardens would all be more prominently affected by the taller height of Block K, and also now by the increased height of Block I which would previously have not infilled a gap between the Westmark and the 1960s towers of the Hyde Park Estate.

View 21 looking north from the Serpentine Bridge would be particularly more greatly affected, with the taller tower now projecting clear above the tree canopy which defines this view.

Individually the views 19, 21 and 22 are considered to cause less than substantial harm to the setting of the respective Grade I Registered Parks, and the Royal Parks Conservation Area.

-Views 23.1, 24, 25, 26, 27 and 28 – Regent's Park and Primrose Hill

Similarly, to the other two Royal Parks, the prominence of the development from the various views around Regent's Park (Grade I Registered Park), and from the LVMF Viewpoint at the top of Primrose Hill (Grade II Registered Park and LVMF Protected Panorama), would generally increase. In some of these views Block I at 24 storeys would now also be visible as well as Block K becoming more prominent due to its additional seven storeys. The cumulative impact of the development with other nearby approved and built towers would also increasingly add to the feeling of a cluster on the horizon, although with the proposed Block K becoming the equal in dominance to the as yet unbuilt Merchant Square tower.

However, as before (see 2021 report), the effect here would remain within the definition of less than substantial harm, but would sit further up that scale due to the increased height and bulk of Block K.

-View 31 – Lisson Street, to east of KSA OYS

Previously, a small degree of less than substantial harm was found to the setting of the Grade II* listed KSA School, due to the intersection of the Block K tower with the School's distinctive pyramidal roof. Due to the increase in height, it is reasonable to consider this impact to have increased somewhat, although it remains at the low end of less than substantial due to its accidental (rather than designed) context. From this position, the lower architectural quality of the scheme can also be appreciated, and as such this reduces the mitigation which architectural quality formerly brought to the scheme's impacts of scale.

-View 34 – Dorset Square (SE corner)

From this view within the Dorset Square Conservation Area, and incorporating the rooflines of several listed buildings, the proposed Block K would become both notably taller and more bulky, due to its greater floorplate size. It would become quite prominent in the view, detracting from the roofline of the listed buildings and conservation area and causing an increased degree of less than substantial harm.

Views with a new impact (or previously were not identified)

-View 9- Lanark Road

In view 9, the revised Block K and a small element of Block I would now be visible, whereas the 2021 proposal would not have been. This causes a slightly negative impact on the setting of the Maida Vale Conservation Area, from within which this viewpoint is located. This is due to the increased presence of a cluster of tall buildings in this view.

-View 39 – Westbourne Grove

This location, within the Westbourne Conservation Area, looking across the Queensway Conservation Area and into the Bayswater Conservation Area, is a new view, not previously assessed. The Hallfield Estate Conservation Area and Grade II listed Hallfield Estate blocks are visible to the right of centre in the view. The view shown in the current TVBHIA demonstrates that from this position, the 2021 proposal would not have been visible, but the top of Block K now proposed would rise moderately above the summer treeline that encloses this view from the sky. If built, the Merchant Square tower would also sit similarly to the right of Block K, whilst other approved but not yet built developments around Paddington Central would partly sit in front of it. This would represent a notable cumulative built addition to the skyline of this location.

-View 43 – Melcombe Place

This view sits just to the western side of the station approach area in front (south) of the Grade II listed Marylebone Station, with the station's linking canopy to the also listed former station hotel of 222 Marylebone Road just behind the viewer. The viewing position is within the Dorset Square Conservation Area but looks out of it into a brief gap along Harewood Row with the historic terraces of the Lisson Grove Conservation Area visible at the end of the view. It is a view of medium townscape quality, degraded slightly by some modern buildings including notably Burne House.

The proposed Block K tower would rise centrally and quite aggressively in the view, dominating the roofline of the Lisson Grove terraces which otherwise currently terminate the view. Cumulatively Block K would be joined by the Merchant Square tower (if built). This view does detract somewhat from the setting of the Lisson Grove Conservation Area, and from the outlook from the Dorset Square Conservation Area, causing a low degree of less than substantial harm to the significance of both. No harm is caused to the setting of the Station and Hotel listed buildings.

-View 44 – Lisson Grove, junction with Ashmill Street

This view was prepared after the 2021 officer report was written but was advised upon verbally during the meeting. It shows now, as then, Block K rising prominently above the roofline of the unlisted buildings which sit centrally to this view outwards of the Lisson Grove Conservation Area from which the viewer is standing. The short row of older buildings on the left side of the street are Grade II listed. This view of the development is considered to cause a low degree of less than substantial harm to the setting of those listed buildings, and more so than it did when Block K was lower in 2021.

-View 45 – West Carriage Drive

This view was again advised upon verbally at the committee meeting in 2021, after the view was produced in basic form post publication of the officer report. At that time, it was numbered View 38. It shows the linear view north up the Western Carriage Drive which divides Hyde Park (to the right) from Kensington Gardens (to the left), both of which are Grade I Registered Parks. It is currently a relatively unspoilt designed parkland view, dominated by trees, the skyline of which is currently unbroken by modern taller developments.

The proposed Block K tower would break this treeline and sit centrally and quite prominently at the closing point of the view. This is more prominent than the 2021 proposal, which would also have broken the skyline, but by a less prominent degree. This causes less than substantial harm to the landscape and historic significance of both of the Registered Parks.

Conclusion

For a detailed discussion of the overall impacts of the development proposals, reference is made substantially to the conclusions in the 2021 officer report. However, it can be summarised again here that the 2022 scheme does increase the impacts of the proposed development's height on various townscape areas and heritage assets. In some locations the impacts on views would be quite notably increased, including one or two locations which had not previously been affected by the earlier lower heights of the 2021 scheme.

In relation to designated heritage assets, and the question of 'less than substantial' or 'substantial' harm, it is worth revisiting this again here.

Officers advised in 2021 that the harm caused to designated heritage assets was in every case less than substantial, and in most of those cases at the lower end of that scale. Members at the time however felt that in some cases, particularly with regards to Paddington Green and parts of Maida Vale Conservation Areas, the harm caused would be substantial.

Officers' advice now is again that the harm caused to designated heritage would not exceed less than substantial harm. This is because in each case, the impacts caused are 'only' to the setting of those assets – the assets themselves would remain intact, and their architectural, landscape or historic significance would remain largely preserved. This is not to undermine the importance of setting; indeed, the NPPF and Sections 66 and 72 of the Act require that 'great weight' or 'special regard / special attention' must be paid to these issues. But it is necessary to remain conscious of the very high bar that is 'substantial harm', for which one would need to see the significance of the affected asset largely or at least substantively degraded. This has been the regular subject of caselaw, as has that 'less than substantial' harm can remain a perfectly valid reason for refusal, even of major developments.

A particularly regrettable aspect of the current proposals is the lesser architectural quality and individuality of the revised proposals, which consequently lessen the degree by which this might have previously ameliorated or compensated for the impacts that might have been caused by the buildings' scale and bulk. The facades are now quite generic in design, and do not speak at all well for the local context – the concept of 'Maida Vale mansion blocks' as was previously stated as an influence, cannot now be appreciated.

However, it must be acknowledged that there are some townscape benefits of the current scheme over that from 2021 scheme. Principally in relation to the street level public realm which would be larger and more functional than the 2021 scheme. The additional north-south pedestrian street connection between Blocks J and K is particularly welcomed. Further clarity and detail remain necessary about Public Art, including the extent of reuse of the existing building's concrete sculptural relief panels, and as such assurances through conditions and legal agreements would be sought with the GLA / Mayor were they minded to grant permission.

Overall, it is recommended that the City Council maintain its objection in design and townscape terms. It is not considered that the public benefits associated with this development will outweigh this less than substantial harm to these designated heritage assets.

- 8.2 The removal of 4,762 sq. m (GIA) office floorspace originally proposed in the 2021 scheme. The revised scheme now includes the provision of a 133 sqm (GIA) community unit: the provision 1,079 sq. m (GIA) of flexible commercial Class E floorspace on the ground floor (9 sqm reduction), and an increase in residential floorspace of 5,352 sqm (GIA), including ancillary areas. The number of residential units remains the same at 556.

Land Use

Table 2: Floor Areas

USE	FLOORSPACE (Sq m GIA)		
	EXISTING	PROPOSED (2021)	PROPOSED (2022)
POLICE STATION (Sui Generis)	-13,148	0-	0
OFFICE (Class E)	-1,316	-	0
RESIDENTIAL (C3)			
Private Sale	-	+34,230	+38,143
Intermediate	-	+9,555	+8,985
Social Rent	-	+8,437	+11,110
Ancillary Areas	-	+2,408	+1,744
		(54,630)	(59,982)
NON-RESIDENTIAL			
Flexible Community / Affordable Workspace (Class E / F.1)	-	+328	+133*
Flexible Commercial (Class E)	-	+1088	+1,079
Office (Class E)	-	+4,762	-
Ancillary Areas to Non-Residential.	-	+280	-
Car Park, Communal Circulation & Plant	-	+2,916	+4,580
TOTAL	-14,464	+64,004	+65,774

*Community Space (Class F2)

Table 3: Housing Mix

TENURE	NUMBER OF BEDROOMS					TOTAL
	STUDIO	ONE	TWO	THREE	FOUR	
Private Sale	22 (38)	77 (101)	139 (105)	93 (102)	6 (0)	337 (346)
Intermediate	13 (0)	59 (82)	38 (44)	0 (0)	0 (0)	110 (126)
Social Rent	0 (0)	11 (8)	50 (41)	46 (34)	2 (1)	109 (84)
TOTAL UNITS	35 (38)	147 (191)	227 (190)	139 (136)	8 (1)	556 (556)
TOTAL (%)*	6.3 (6.8)	26.4 (34.4)	40.8 (34.2)	25 (24.5)	1.4 (0.2)	

*Total not 100% due to rounding

**2021 data in parentheses

Uplift in Residential Floorspace (Class C3)

It is noted that the increase in residential floorspace of 5,352 sqm (GIA) is mainly due to the additional stair cores introduced for evacuation purposes, and that there will be no change to the total number of homes (556) being provided. The principle of further increasing the residential floorspace is considered to be acceptable and in line with Policy 8 of the City Plan and policies GG4 and H1 of the London Plan.

Policy 10 of the City Plan requires that 25% of all new homes be 'family sized' (i.e., with 3 bedrooms or more) and limits studio flats to no more than 10% of new homes. In this instance 26.4% of the proposed units would be family sized with 6.3% being studios. Accordingly, the residential mix remains consistent with policy H5 of the City Plan.

10.6% of the units would be wheelchair accessible with the remaining 89.4%% of units being wheelchair adaptable, consistent with policy 12 of the City Plan and policy D5 of the London Plan. Block I accommodates 13.6%, Block J 28.8% and Block K 57.6% of the wheelchair units.

The quality of accommodation is discussed in section 8.5 below.

Removal of Previously Proposed Office Floorspace and Reduction in flexible commercial floorspace (Class E)

Given the location of the site within the CAZ, where commercial growth is supported under City Plan Policies 1, 13 and 14, the removal of 4,780 sqm of previously proposed office space (4,762 sqm) is considered to be regrettable and could undermine the overall success of the scheme as a mixed-use development. However, it is also acknowledged that the site falls within the Church Street/ Edgware Road Housing Renewal Area, where housing led development is supported under City Plan Policy 6 and retains ground floor commercial uses that provide active frontages, which respond to the character of the adjacent Church Street/ Edgware Road District Centre. Furthermore, the site is in a somewhat peripheral area of the CAZ where demand for high quality new office development may be lower than core commercial areas of the CAZ such as the West

End and Opportunity Area.

The ground floor flexible commercial floorspace will consist of ten units of varying sizes, and there is no objection to the small loss of 9sqm of floorspace. Although the uses currently proposed are supported (retail, café/restaurants, offices and professional services open to visiting members of the public), Class E does allow for several other uses that would not be supported in this location due to their impact in terms of highways, air quality and noise. Should permission be granted, a condition is recommended that limits the uses to those currently proposed by the applicant.

Additionally, as any new Class E floorspace provided through the proposal falls outside of the areas covered by the councils 2 Article 4 Directions that remove permitted development rights from Class E to residential. Should permission be granted, it is also recommended that conditions are attached to ensure the Class E floorspace cannot be converted to residential at a later date without planning permission. This will help secure the long-term provision of active frontages.

Provision of Community Use (Class F2)

In accordance with City Plan Policy 17, the proposed development includes the provision of a community unit (Use Class F2) measuring 133 sqm, located in the ground floor block of Block I. This is instead of the 328 sqm of Flexible Community/ Affordable Workspace (Class E / F1) that was previously proposed. It is regrettable that the community floorspace has been reduced.

Should permission be granted by the Major, it is recommended that the parameters of the occupation and operation of the unit are defined in the S106 agreement, to ensure it serves the local community appropriately.

- 8.3 Increase in total level of affordable housing (38% as opposed to 37% by habitable room), comprising 59.9%:40.1% split social rent to intermediate compared to 48.6%:51.4% in the 2021 scheme, by habitable room. Increased amount of family sized homes within social rent (44% as opposed to 42%).**

Affordable Housing

Affordable Housing Provision and Location

Policy 9 of the City Plan requires that at least 35% of new homes will be affordable within Westminster. 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. Policy H4 sets out that to achieve the strategic target of 50%, public sector land should deliver at least 50 % affordable housing on each site and public sector landowners with agreements with the Mayor should deliver at least 50% affordable housing across their portfolio.

In this instance, the application site is public sector land by virtue of it having been released from public ownership by the Metropolitan Police. It is also subject to a portfolio agreement with the Mayor, where it has been agreed to deliver 50% affordable housing across a portfolio of MOPAC sites. In accordance with Policy H5 of the London Plan and in light of the portfolio agreement, a 35% affordable housing threshold is

applicable to this site, enabling it to follow the Fast-Track route (not required to submit a viability assessment or be subject to a late stage viability review).

Under the revised proposals the applicant proposes 219 affordable units on site, an increase in 9 units from the previous 2021 scheme. This equates to 39% of the 556 units proposed, which an increase of 1%. By habitable room this represents 38%, compared to the previous 37%. The uplift is welcomed and, as with the 2021 scheme, the overall proportion of affordable housing proposed is consistent with Policies 9 of the City Plan and H5 of the London Plan is again considered a significant public benefit of the proposed development.

98 of the social rented homes will be provided within block J (17 storeys), which is a 100% affordable housing block.

A further 11 social rented homes, 67 discounted market rent units and 43 shared ownership units will be located within Block K (39 storeys). The social rented homes will be located at first floor and part second floor. The intermediate homes will be located from part second floor to part twelfth floor.

The affordable housing units will be provided with their own separate access arrangements and separate cores. Homes will be provided with private amenity space in the form of balconies.

As previously, the applicant has stated that, in order to meet the requirement of the portfolio agreement with the Mayor, the development will facilitate 68 additional affordable housing units, on other MOPAC sites in order to ensure 50% is delivered across the portfolio. The additional affordable homes are likely to be intermediate units (Shared Ownership) to be located on MOPAC sites in the London Borough of Barnet and the overall affordable housing provision on these sites is expected to exceed 50%. Nomination rights are proposed to be extended to Westminster residents and it is recommended that this is secured as far as possible in the section 106 agreement, should permission be granted.

In accordance with the Affordable Housing SPG, an early-stage viability review mechanism would be triggered if an agreed level of progress on implementation has not been made within two years of any planning permission

Affordable Tenure Split

City Plan Policy 9 part (E) states 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. The previous scheme proposed 126 (60%) of the affordable housing units as intermediate housing and 84 (40%) as social housing. By habitable room, this is 51.4% intermediate and 48.6% Social.

Since then the Council has begun a partial review of the City Plan 2019-2040, which is necessary to bring it more into line with the recently published Fairer Westminster Strategy (October 2022), which sets out intentions to prioritise social rent over intermediate products in the future. Whilst the Council is at an early stage in this, the Regulation 18 consultation closed in mid-November 2022, the revised scheme responds positively to these recently announced intentions, proposing 110 (50.2%) Intermediate

housing units, which include a mixture of both discounted market rent homes and shared ownership units, and 109 Social units (49.8 %), with rents set in line with the Government's set formula for social rented housing. By habitable room, this is 40.1% intermediate and 59.9 Social%.

Under the 2021 scheme, the social housing was to be let at London Affordable Rents (which are higher than social rents). The increase in the number of social rented homes let at formula rents, under the current proposals, is welcomed and will assist the Council in addressing its primary affordable housing need.

Dwelling Sizes

The mix of dwelling sizes and their location are set out below:

Table 4: Social Units

Size/Block	Studio	1bed2p	2bed 3p	2bed 4p	3bed 5p	3bed 6p	4bed 6p	Total
Block J	0	6	16	28	35	11	2	98
Block K	0	5	3	3	0	0	0	11
Total	0	11	19	31	35	11	2	109

Table 5: Intermediate Units

Discounted Market Rent/Shared ownership	Studio	1bed2p	2bed 3p	2bed 4p	3bed 5p	3bed 6p	4bed 6p	Total
Discounted Market Rent	0	29	18	20	0	0	0	67
Shared Ownership	13	30	0	0	0	0	0	43
Total	13	59	18	20	0	0	0	110

The proportion of 2 bed (46%) and 3bed+ (44%) social housing units proposed, broadly reflects the council's social housing need for these sized home, as set out in Westminster's Annual Affordable Housing Statement (October 2021), which City Policy 9G signposts to.

Shared Ownership Affordability

In line with paragraph 9.5 of the City Plan and section 3.4 of the Draft Planning Obligations and Affordable Housing SPD (March 2022), concern is raised about the affordability of the 43 Shared Ownership Units. Low cost home ownership is generally unaffordable in a high value area like Westminster to households registered with the Council's Intermediate Housing Service, either because their incomes are not high enough or households do not have sufficient deposits.

The table below demonstrates the minimum annual household income that would be required to afford either a 25% share or a 10% share in a studio or 1 bed shared ownership property proposed at PGPS, where the full market value of a studio and 1bed based on present valuation evidence is £733,000 and £791,000 respectively. The minimum household requirement is linked to a maximum of 40% of net household income (28% of gross income) being expended on shared ownership housing costs as

determined by the GLA. Shared ownership housing costs include, mortgage, rent and service charge costs.

Table 6: Cost of Shared Ownership Unit

Share	Property	Market Value £	Initial Equity %	Initial Equity £	Retained Equity £	Rent %	Rent PA £	Mortgage £	Service Charge PA £	Total Cost PA £	Household Income £
10%											
	Studio	733,000	10	73,300	659,700	2.00%	13,194	5,100	1,830	20,124	64,000
	1 Bed	791,000	10	79,100	711,900	2.00%	14,238	5,508	2,115	21,861	70,000
25%											
	Studio	733,000	25	183,250	549,750	1.30%	7,147	12,756	1,830	21,733	70,000
	1 Bed	791,000	25	197,750	593,250	1.55%	9,195	13,764	2,115	25,074	82,000

Whilst the applicant has stated that the viability of offering 109 social rented homes, let at formula rents, is dependent upon the intermediate housing offer including the proposed level of shared ownership, the Council would prefer to see the shared ownership changed to intermediate rent.

Should permission be granted, it is recommended that the affordable units, tenure split, affordability levels, early stage review mechanism and off-site nomination rights be secured through a section 106 agreement.

8.4 Changes to daylight and sunlight impacts to neighbours, as a result of slimming blocks and increasing distances between them.

A number of changes made to the blocks would change the daylight and sunlight impacts upon neighbouring properties, these include:

- Removal of Block I bullnose and movement of block footprint 8m east;
- Reduction of Block J footprint width by 10m;
- Increase in distance between Block I and Block J from 9m to 10m;
- Removal of Block K shoulder element;
- Removal of podium element (now three standalone blocks linked at basement level);
- Increase in height of all three blocks to 25 ,15 and 39 storeys respectively .

Loss of light

The applicant has submitted a Daylight and Sunlight Report by GIA (“the Light Study”) as part of the Environmental Statement (“ES” – Chapter 10, Vol.1 and Technical Appendices), based on the relevant tests set out in the BRE guidance (2022), which provides an assessment of the schemes potential impact to surrounding properties.

Consistent with the approach taken on the previous 2021 scheme, the same “Existing Baseline v Proposed” scenario which considers the proposed development against the application site and the surrounding buildings at the time of writing (which includes WEG

Blocks A to F built out and occupied) and a “Future Baseline v the Proposed” scenario, with all the development at the WEG site and Merchant Square complete (WEG blocks A to H and 14 -17 Merchant Square).

Under the Existing Baseline v Proposed scenario, the same 46 existing residential buildings were considered:

- 1 Corlett Street
- Penfold Place 11-64; 96-130; 131-365.
- 1-32 Gilbert Sheldon House
- 17 Bell Street
- 1-80 Hall Tower
- 19a-19o Corlett Street
- 3 Penfold Street
- 33 Bell Street
- Edgware Road 310-312; 314; 316; 326; 328; 330; 332; 334-336; 338; 340; 342; 344; 346; 348; 350; 352; 354-356; 358; 360; 362; 364; 368; 372; 374; 376; 378; 380.
- Green Man Public House
- Paddington Green 18
- Network Homes Residential Block A; B.
- Blocks A, B, C, D, E-F at the WEG development.

In addition to the above, the following properties are also considered under the Future Baseline v Proposed scenario:

- Blocks G and H at the WEG development (14-17 Paddington Green);
- 1 Merchant Square; and
- 6 Merchant Square.

Residential properties beyond these do not breach the 25 degree test within the BRE Guide and/or are considered too distant from the subject property to result in potentially unacceptable light loss (the spatial scope extends to approximately 180m from the site boundary)

Daylight

In assessing daylight levels, 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.

To determine the magnitude of daylight impact on nearby residential properties, the ES sets the impact criteria contained within Table 7 below:

Table 7: Daylight Magnitude of Impact Criteria.

Magnitude of Impact	Criteria
Negligible	VSC or NSL losses up to 20% from the existing scenario.
Low/Minor	VSC or NSL losses between 20-30% from the existing scenario.
Medium/Moderate	VSC or NSL losses between 30-40% from the existing scenario.
High/Major	VSC or NSL losses greater than 40% from the existing scenario.

For the Existing Baseline v Proposed scenario, a total of 1957 (1785) windows servicing 1257 (1164) rooms were assessed within 46 existing residential buildings. Those residential properties that would not meet BRE Guidance and the magnitude of the impact are summarised in Table 8 below. The corresponding results from the previous 2021 scheme have also been included for comparison, in parentheses.

Table 8: Summary of Daylight Losses and Impact – Existing Baseline v Proposed Scenario.

Address	Total No. Windows	VSC			Total Below BRE	Total No. Rooms	NSL			Total Below BRE
		Reduction (%)					Reduction (%)			
		20-29.9	30-39.9	>40			20-29.9	30-39.9	>40	
11-64 Penfold Place	28	1 (0)	0 (0)	0 (0)	1 (0)	23 (23)	2 (2)	1 (2)	0 (0)	3 (4)
131-365 Penfold Place	75 (45)	33 (25)	0 (0)	0 (0)	33 (25)	50 (20)	16 (1)	3 (3)	4 (0)	23 (4)
1-32 Gilbert Sheldon House	64 (64)	0 (0)	0 (0)	0 (0)	0 (0)	47 (47)	1 (1)	0 (0)	0 (0)	1 (1)
96-130 Penfold Place	85 (85)	0 (0)	0 (0)	0 (0)	0 (0)	45 (45)	1 (1)	0 (0)	0 (0)	1 (1)
19a-19o Corlett Street	24 (24)	4 (2)	2 (2)	2 (2)	8 (6)	24 (24)	5 (1)	2 (3)	3 (0)	7 (4)
310-312 Edgware Road	9 (9)	6 (6)	0 (0)	0 (0)	6 (6)	6 (6)	0 (0)	0 (0)	0 (0)	0 (0)
314 Edgware Road	3 (3)	3 (0)	0 (3)	0 (0)	3 (3)	3 (3)	0 (1)	0 (2)	0 (0)	0 (3)
316 Edgware Road	6 (6)	1 (0)	5 (6)	0 (0)	6 (6)	3 (3)	1 (0)	1 (1)	1 (2)	3 (3)
326 Edgware Road	6 (6)	0 (0)	5 (0)	1 (6)	6 (6)	3 (3)	0 (0)	2 (2)	1 (1)	3 (3)
328 Edgware Road	5 (5)	0 (0)	5 (0)	0 (5)	5 (5)	3 (3)	0 (0)	2 (2)	1 (1)	3 (3)
330 Edgware Road	2 (2)	0 (0)	2 (0)	0 (2)	2 (2)	1 (1)	0 (0)	0 (0)	1 (1)	1 (1)
332 Edgware Road	1 (1)	0 (0)	0 (1)	1 (0)	1 (1)	1 (1)	0 (0)	0 (0)	1 (1)	1 (1)

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334-336 Edgware Road	5 (5)	0 (0)	1 (0)	4 (5)	5 (5)	5 (5)	0 (0)	0 (0)	5 (5)	5 (5)
338 Edgware Road	2 (2)	0 (0)	2 (2)	0 (0)	2 (2)	2 (2)	0 (1)	1 (0)	1 (1)	2 (2)
340 Edgware Road	2 (2)	0 (0)	2 (2)	0 (0)	2 (2)	2 (2)	0 (1)	0 (0)	2 (1)	2 (2)
342 Edgware Road	6 (6)	0 (0)	6 (6)	0 (0)	6 (6)	4 (4)	0 (0)	0 (1)	4 (3)	4 (4)
344 Edgware Road	4 (4)	0 (0)	4 (4)	0 (0)	4 (4)	2 (2)	0 (0)	0 (0)	2 (2)	2 (2)
346 Edgware Road	6 (6)	3 (5)	3 (1)	0 (0)	6 (6)	3 (3)	0 (0)	0 (0)	3 (3)	3 (3)
348 Edgware Road	6 (6)	6 (6)	0 (0)	0 (0)	6 (6)	3 (3)	0 (0)	0 (0)	3 (3)	3 (3)
350 Edgware Road	4 (4)	4 (1)	0 (0)	0 (0)	4 (1)	2 (2)	0 (0)	0 (0)	2 (2)	2 (2)
Green Man Public House	11 (11)	2 (2)	0 (0)	0 (0)	2 (2)	6 (6)	0 (0)	0 (0)	0 (0)	0 (0)
18 Paddington Green	22 (22)	0 (0)	0 (0)	0 (0)	0 (0)	20 (20)	0 (0)	1 (1)	0 (0)	1 (1)
Network Homes Residential Block A	44 (44)	0 (0)	1 (1)	0 (0)	1 (1)	30 (30)	0 (0)	0 (0)	0 (0)	0 (0)
Network Homes Residential Block B	69 (69)	0 (0)	0 (0)	0 (0)	0 (0)	42 (42)	12 (13)	1 (0)	0 (0)	13 (13)
WEG Block A	720 (629)	12 (19)	53 (36)	279 (203)	344 (258)	450 (419)	31 (21)	29 (8)	49 (60)	109 (89)
WEG Block B	134 (128)	42 (46)	9 (2)	36 (36)	87 (84)	71 (69)	9 (13)	9 (5)	5 (8)	23 (26)
WEG Block C	170 (170)	0 (2)	0 (0)	0 (0)	0 (2)	128 (128)	0 (0)	0 (0)	0 (0)	0 (0)
WEG Block D	48 (48)	4 (13)	4 (1)	0 (0)	8 (14)	30 (30)	0 (0)	0 (0)	0 (0)	0 (0)
WEG Block E-F	177 (177)	14 (10)	24 (12)	6 (13)	44 (35)	114 (114)	14 (5)	15 (2)	5 (0)	34 (7)
TOTAL	1957* (1785)	135: 6.9% (137: 7.7%)	127: 6.5% (84: 4.7%)	329: 16.8% (267: 14.9%)	591: 30.2% (488: 27.3%)	1257 (1164)	92: 7.3% (59: 5.1%)	67: 5.3% (32: 2.7%)	90: 7.2% (97: 8.3%)	249; 19.8% (188: 16.1%)

*Includes windows to properties that would meet BRE guidance.

For the Existing Baseline v Proposed Scenario, 1366 (69.8%) of the windows assessed and 1008 (80.2%) of the rooms assessed meet BRE guidance, compared to 1297 (72.7%) windows and 976 (83.9%) rooms for the 2021 scheme. Representing an overall decrease in compliance with BRE guidance.

In terms of VSC, the percentage of Minor losses would decrease from 7.7% in the 2021 scheme to 6.9% in the current scheme, however, the percentage of Moderate losses

would increase from 4.7% to 6.5% and Major losses from 14.9% to 16.8%.

In terms of NSL, the percentage of Minor losses would increase from 5.1% to 7.3%, Moderate losses from 2.7% to 5.3%, however Major losses would decrease from 8.3% to 7.2 the 2021 scheme and the current proposals.

The greatest losses, both in terms of VSC and NSL, would be experienced at WEG Blocks A,B,D and E-F, which is also where the highest percentage of Major losses are found.

For the Future Baseline v Proposed scenario there would be no noticeable change to the majority of properties, compared to the current baseline scenario.

Under the Future Baseline v Proposed scenario, a total of 2495 windows servicing 1608 rooms were assessed, compared to 2492 windows servicing 1600 rooms under the 2021 scheme. Properties at 1 Corlett Street; 17 Bell Street; 1-80 Hall Tower; 3 Penfold Street; 33 Bell Street; 352 -380 Edgware Road (even numbers); 18 Paddington Green; Network Homes Block A; and WEG Block D do not experience VSC or NSL losses beyond 20% due to the screening effect of WEG Blocks G and H.

Those residential properties that would not meet BRE Guidance and the magnitude of impact under the Future Baseline V Proposed Scenario are summarised in Table 9 below.

Table 9: Summary of Daylight Losses and Impact – Future Baseline v Proposed Scenario.

Address	VSC					NSL				
	Total No. Windows	Reduction (%)			Total Below BRE	Total No. Rooms	Reduction (%)			Total Below BRE
		20-29.9	30-39.9	>40			20-29.9	30-39.9	>40	
131-365 Penfold Place	75 (75)	33 (33)	0 (0)	0 (0)	33 (33)	50 (50)	18 (16)	3 (3)	4 (4)	25 (23)
96-130 Penfold Place	85 (85)	1 (0)	0 (0)	0 (0)	1 (0)	45 (45)	1 (1)	0 (0)	0 (0)	1 (1)
Network Homes Residential Block B	69 (69)	0 (0)	0 (0)	0 (0)	0 (0)	42 (42)	12 (14)	8 (4)	0 (0)	20 (18)
WEG Block A	720 (629)	12 (18)	45 (29)	287 (211)	344 (258)	450 (419)	33 (23)	32 (10)	51 (63)	116 (96)
WEG Block B	134 (128)	45 (46)	16 (11)	38 (36)	99 (93)	71 (69)	11 (14)	6 (6)	11 (11)	28 (31)
WEG Block C	170 (170)	5 (5)	2 (3)	4 (8)	11 (16)	108 (128)	10 (6)	3 (3)	7 (12)	20 (21)
WEG Block E-F	177 (177)	1 (2)	1 (3)	5 (2)	7 (7)	114 (114)	1 (0)	1 (0)	2 (0)	4 (0)
WEG Block G	118 (117)	0 (2)	0 (12)	47 (38)	47 (52)	63 (64)	0 (0)	3 (0)	15 (5)	18 (5)
WEG Block H	153 (209)	7 (10)	16 (8)	88 (142)	111 (160)	85 (97)	12 (10)	5 (7)	35 (50)	52 (67)
1 Merchant Square	152 (240)	15 (12)	11 (24)	35 (25)	61 (61)	127 (190)	12 (17)	4 (0)	5 (15)	21 (32)

6 Merchant Square	115 (141)	0 (0)	0 (0)	0 (0)	0 (0)	76 (85)	2 (3)	4 (3)	5 (1)	11 (7)
TOTAL*	2495 (2492)	149: 5.9% (142: 5.7%)	128: 5.1% (123: 4.9%)	512: 20.5% (477: 19.1%)	789: 31.6% (742: 29.8%)	1608 (1600)	121: 7.5% (94: 5.9%)	78: 4.9% (49: 3.1%)	162: 10.1% (186: 11.6%)	361: 22.5% (329: 20.6%)

* Includes results from Table 8 that would not change from the Existing Baseline v Proposed scenario.

Under the Future Baseline v Proposed scenario, a total of 1,706 (68.4%) of the windows and 1,247 (77.5%) of the rooms assessed meet BRE guidance, compared to 1750 (70.2%) windows and 1,271 (79.4%) rooms for the 2021 scheme. Again, representing an overall decrease in compliance with BRE guidance.

In terms of VSC, the percentage of windows that would experience Minor losses would increase from 5.7% to 5.9%, the Moderate losses would increase from 4.9% to 5.1% and Major Adverse losses would increase from 19.1% to 20.5%, compared to the 2021 scheme.

In terms of NSL, the percentage of windows that would experience Minor losses would increase from 5.9% to 7.5%, Moderate losses would increase from 3.1% to 4.9% but Major losses would decrease from 11.6% to 10.1%, compared to the 2021 scheme.

The greatest amount of losses, both in terms of VSC and NSL, would be experienced at WEG Blocks A,B,G and H, which is also where the highest percentage of Major losses are found.

The overall magnitude of impact for WEG Blocks A and H would be Major Adverse (significant), for Blocks B and G the impact would be Moderate Adverse (significant).

For sites outside of the WEG development, the overall magnitude of impact to 330 and 332 Edgware Road would be Major Adverse (Significant). Both would have retained levels of VSC lower than 11%

Sunlight

The BRE Guide only requires assessment of rooms with a main window facing within 90 degrees of due south. The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 25% of Annual Probable Sunlight Hours (APSH), including at least 5% of Winter APSH. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of APSH.

To determine the magnitude of sunlight impact on nearby residential properties, the ES sets the impact criteria contained within Table 10 below, the results for the 2021 scheme are also shown in parentheses.

Table 10: Sunlight Magnitude of Impact Criteria.

Magnitude of Impact	Criteria
Negligible	APSH losses up to 20% from BRE target values.
Low/Minor	APSH losses between 20-30% from BRE target values.
Medium/Moderate	APSH losses between 30-40% from BRE target values.
High/Major	APSH losses greater than 40% from BRE target values.

For the Existing Baseline v Proposed scenario, a total of 1191 rooms were assessed. Those residential properties that would not meet BRE Guidance and the magnitude of impact under the Existing Baseline v Proposed Scenario are summarised in Table 8 below.

Table 11: Summary of Sunlight Losses and Impact – Existing Baseline v Proposed Scenario.

Address	Total No. Rooms	Rooms Not Meeting BRE Guidance	Below Threshold for Total APSH			Below Threshold for Winter APSH		
			Reduction (%)			Reduction (%)		
			20-29.9	30-39.9	>40	20-29.9	30-39.9	>40
11-64 Penfold Place	23 (23)	2 (1)	1 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)
131-365 Penfold Place	50 (20)	7 (2)	0 (2)	7 (0)	0 (0)	0 (0)	1 (1)	6 (1)
19a-19o Corlett Street	24 (24)	10 (7)	5 (1)	1 (3)	4 (3)	0 (0)	0 (0)	0 (0)
33 Bell Street	5 (5)	4 (2)	3 (1)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)
326 Edgware Road	3 (3)	0 (3)	0 (0)	0 (0)	0 (3)	0 (0)	0 (0)	0 (0)
328 Edgware Road	3 (3)	0 (3)	0 (0)	0 (0)	0 (3)	0 (0)	0 (0)	0 (0)
330 Edgware Road	1 (1)	1 (1)	0 (0)	1 (0)	0 (1)	0 (0)	0 (0)	0 (0)
332 Edgware Road	1 (1)	1 (1)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)
334-336 Edgware Road	5 (5)	5 (5)	0 (0)	0 (0)	5 (5)	0 (0)	0 (0)	0 (0)
338 Edgware Road	2 (2)	2 (2)	0 (0)	0 (0)	2 (2)	0 (0)	0 (0)	0 (0)
340 Edgware Road	2 (2)	2 (2)	0 (0)	0 (0)	2 (2)	0 (0)	0 (0)	0 (0)
342 Edgware	4	4	0	0	4	0	0	0

Road	(4)	(4)	(0)	(0)	(4)	(0)	(0)	(0)
344 Edgware Road	2 (2)	2 (2)	0 (0)	0 (0)	2 (2)	0 (0)	0 (0)	0 (0)
346 Edgware Road	3 (3)	3 (3)	0 (0)	0 (2)	3 (1)	0 (0)	0 (0)	0 (0)
348 Edgware Road	3 (3)	3 (3)	0 (0)	0 (1)	3 (2)	0 (0)	0 (0)	0 (0)
350 Edgware Road	2 (2)	2 (2)	0 (0)	0 (2)	2 (0)	0 (0)	0 (0)	2 (2)
352 Edgware Road	3 (3)	3 (3)	0 (3)	3 (0)	0 (0)	0 (0)	2 (2)	1 (1)
354- 356 Edgware Road	12 (12)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (0)
358 Edgware Road	5 (5)	5 (0)	0 (0)	0 (0)	0 (0)	0 (0)	2 (0)	3 (0)
360 Edgware Road	4 (4)	4 (0)	0 (0)	0 (0)	0 (0)	0 (0)	3 (0)	1 (0)
362 Edgware Road	4 (4)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (0)	0 (0)
364 Edgware Road	4 (4)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (0)
Network Homes Residential Block A	4 (4)	1 (1)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)	1 (1)
Network Homes Residential Block B	37 (37)	2 (1)	0 (0)	0 (0)	0 (0)	0 (0)	2 (0)	0 (1)
WEG Block A	438 (409)	157 (131)	0 (0)	0 (0)	139 (113)	0 (0)	0 (0)	145 (105)
WEG Block B	71 (69)	31 (23)	4 (2)	4 (0)	21 (19)	0 (0)	0 (0)	26 (21)
WEG Block C	128 (128)	0 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (1)
WEG Block D	30 (30)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)
WEG Block E-F	114 (114)	11 (11)	8 (0)	1 (0)	1 (5)	0 (0)	0 (0)	4 (0)
TOTAL	1191 (1100)	266: 22.3% (208: 18.9%)	22: 1.8% (10: 0.9%)	19: 1.6% (10: 0.9%)	190: 16.0% (166: 15.1%)	0: 0% (0: 0%)	11: 0.9% (3: 0.3%)	192: 16.1% (133: 12.1%)

For the Existing Baseline v Proposed scenario, 925 (77.7%) of the rooms that were assessed meet BRE Guidance, compared to 892 (81.1%) for the 2021 scheme: which is an overall reduction in BRE compliance. With increased losses over all magnitudes of impact for both Total ASPH and Winter ASPH, other than Minor losses for winter ASPH which remains 0%.

The majority of losses beyond BRE Guidance would be experienced at WEG Blocks A,B,C, D and E-F, which also experience the majority of Major losses. It should also be noted that additional losses to properties on Edgeware Road (354 – 364, even numbers), Network Homes Residential Block B and WEG Block D, now occur under the 2022 scheme.

Under the Future Baseline v Proposed scenario, a total of 1314 rooms were assessed. Those residential properties that would not meet BRE Guidance and the magnitude of impact under the Future Baseline v Proposed Scenario are summarised in Table 12 below (all other properties remain unchanged from Existing Baseline v Proposed Scenario).

Table 12: Summary of Sunlight Losses and Impact – Future Baseline v Proposed Scenario.

Address	Total No. Rooms	Rooms Not Meeting BRE Guidance	Below Threshold for Total APSH			Below Threshold for Winter APSH		
			Reduction (%)			Reduction (%)		
			20-29.9	30-39.9	>40	20-29.9	30-39.9	>40
WEG Block A	438 (409)	159 (136)	0 (0)	0 (0)	146 (122)	0 (0)	0 (0)	147 (129)
WEG Block B	71 (69)	31 (23)	0 (0)	1 (0)	28 (21)	0 (0)	0 (0)	26 (21)
WEG Block G	47 (53)	25 (29)	0 (2)	3 (7)	22 (18)	0 (0)	0 (0)	16 (28)
WEG Block H	76 (79)	38 (62)	0 (0)	0 (0)	38 (62)	0 (0)	0 (0)	17 (59)
TOTAL*	1314 (1232)	316: 24.0% (298: 24.2%)	9: 0.7% (10: 0.8%)	18: 1.4% (17: 1.4%)	262: 19.9% 252: 20.5%	0: 0% (0: 0%)	9: 0.7% (3: 0.2%)	221: 16.8% 243: 19.7%

* Includes results from Table11 that would not change from the Existing Baseline v Proposed scenario

Under the Future Baseline v Proposed scenario, 998 (76%) of the rooms assessed meet BRE Guidance, compared to 934 (75.8%), representing a small increase from the 2021 scheme in percentage terms. This improvement can be seen across all magnitudes of impact for both Total APSH and Winter APSH, other than Moderate adverse impact for APSH (1.4%) and Minor adverse impact for WAPSH (0%) which remain the same.

Again, the majority of losses beyond BRE Guidance would be experienced at WEG Blocks A,B,G and H which also experience the majority of Major losses.

The overall impact to WEG Blocks A, B and G would be Major Adverse (significant) for both Total APSH and Winter APSH, the impact to Block H would be Moderate Adverse (significant).

Daylight and Sunlight Conclusion

The 2021 scheme was recommended for refusal on the grounds that by reason of the excessive height and bulk of the proposed blocks, the proposed development would result in a significant loss of daylight and sunlight to existing residential properties. Whilst the footprint of each proposed block has been decreased, in order to increase the space between them, the overall heights of the blocks have also increased.

The result is that, in terms of daylight, overall compliance with BRE guidelines has decreased in terms of VSC and NSL, under both the Existing and Future Baseline scenarios, compared to the 2021 scheme. For VSC, Moderate and Major losses would increase in both scenarios, compared to the 2021 scheme. For NSL, Minor and Moderate losses would both increase, with Major losses falling under both scenarios.

In terms of sunlight, the Existing Baseline scenario would also see a decrease in overall compliance with BRE guidance compared to the 2021 scheme in terms of Total and Winter ASPH within all categories of impact (other than Minor losses for Winter ASPH which remains 0%). However, under the Future Baseline scenario there is an increase in overall compliance, with a reduction in Major losses.

The worst impacted buildings are WEG Blocks A, B, G and H, which is where a very high percentage of the major losses are found. All of these properties would experience significant impacts in terms of daylight and sunlight. Whilst the applicant argues that where significant losses occur, the levels of light remaining in most instances are acceptable given the inner-city location and the additional impact of having inset/projecting balconies at these premises to provide amenity space. Officers do not consider that the revisions have addressed the losses of daylight and sunlight to adjoining residents, and the increase in the height of the buildings has worsened the impact of the development compared to the 2021 scheme.

Overshadowing

The BRE Guide recommends the Sunlight Hours on Ground (SHOG) assessment to determine overshadowing impacts. The BRE Guide states overshadowing of an amenity space or garden may be noticeable if more than half (i.e., 50%) of the area is prevented by buildings from receiving two hours of sunlight on the 21st March and the area which can receive some sun on the 21st March is less 0.8 times its former value (i.e. a loss of 20%).

The ES has assessed the proposed developments impact on nearby amenity areas.

Under the Existing Baseline v Proposed Scenario, the overshadowing assessment considers the impact on the following amenity areas (the numbering of these areas has been kept consistent with the 2021 scheme for clarity).

- Area 1: Paddington Green;
- Area 2: WEG Communal Amenity Area;
- Area 4: 1-32 Gilbert Sheldon House Communal Amenity Area;
- Area 5: Marylebone Road/Edgware Road Green Wall Public Square

Under the Future Baseline v Proposed Scenario, the overshadowing assessment also considers the impact on the following amenity area:

- Area 3: 14-17 Paddington Green Amenity Area.

All other amenity areas and gardens are too far from the application site to be impacted by overshadowing. This is the same approach as the one taken on the 2021 scheme.

To determine the magnitude of overshadowing impact on nearby amenity areas, the ES sets the impact criteria contained within Table 13 below.

Table 13: Overshadowing Magnitude of Impact Criteria.

Magnitude of Impact	Criteria
Negligible	The area which can receive two hours of sun on 21 March is reduced by up to 20%.
Low/Minor	The area which can receive two hours of sun on 21 March is reduced by 20-30%.
Medium/Moderate	The area which can receive two hours of sun on 21 March is reduced by 30-40%.
High/Major	The area which can receive two hours of sun on 21 March is reduced by more than 40%.

As with the 2021 scheme, the overshadowing assessment finds that Areas 4 and 5 are not overshadowed by the proposed development in either scenario.

For Area 1 (Paddington Green), as with the 2021 scheme 100% of the area would receive two or more hours of sunlight on the 21 March under both scenarios, meeting BRE guidance having a negligible impact in terms of overshadowing.

For Area 2 (WEG communal Amenity Area), 74.4% of its area would receive two or more hours of direct sunlight under the Existing Baseline v Proposed scenario, meeting BRE guidance and having a negligible impact. This is an improvement over the 2021 scheme which would have received 65.2%. Under the Future Baseline V Proposed Scenario, the area would be heavily overshadowed by the introduction of WEG blocks G and H, which would reduce the area receiving two of more hours of direct sunlight to 4.8%. The proposed development would further reduce it to 0%, but given that the area would already have such low levels, this is not considered to be contentious and the impact would be Negligible (not significant).

For Area 3 (14- 17 Paddington Green Amenity Area), this area is already overshadowed by Blocks G and H and does not meet BRE Guidance before the introduction of the proposed development, with only 5.8% of its area receiving two or more hours of direct sunlight. The proposals would not change this, so are considered to have a Negligible impact. For the 2021 scheme, the area reduced from 5.2% to 3.7% with the development in situ, which was considered to be a Minor adverse effect (not significant).

The proposals are considered to be acceptable in terms of overshadowing.

8.5 Reconfiguration of residential layouts and increase in number of dual aspect flats to increase natural daylight and outlook from proposed flats.

Internal Daylight/Sunlight Levels of the New Flats

The revised 2022 scheme includes an assessment on internal lighting levels based on the new BRE guidance which came into force in June last year. This new edition of the BRE guidelines contains amended methodologies for appraising the daylight and sunlight quality within new developments.

The Illuminance Method is used to predict daylight illuminance using sun and sky conditions derived from standard metrological database. One of the methodologies which can be used is Spatial Daylight Autonomy (sDA) and the target illuminance levels are:

- 100 lux for a bedroom
- 150 lux for living rooms
- 200 lux for living/kitchens/diners and studios

In respect of sunlight, the minimum duration of sunlight exposure in at least one habitable room of a dwelling should be 1.5 hours on the 21 March. Whilst the BRE advice is not mandatory and needs to be applied with an element of flexibility in such Central London locations, it does provide advice on the quality of new residential accommodation in terms of internal levels of natural daylight and sunlight for future occupants. This revised proposal has also been assessed in the light of the Council's adopted policies 7 and 12 in the City Plan.

The applicant advises that the 2022 scheme performs better than the 2021 scheme in terms of daylight. Whilst officers and the Committee raised no objections to the internal levels of daylight to the new flats in 2021 scheme, this revised scheme is for additional height to all three blocks and the affordable housing, which was originally in Block I, has now moved to be in the middle block J and up to Level 12 in Block K. Therefore, in addition to the changes in the BRE guidelines, officers have re-assessed the residential quality, internal daylight and sunlight levels for the new flats.

It is accepted that the 2022 scheme has sought to increase the number of dual aspect flats from 45% to 55%, with no single aspect north facing flats, and the remaining single aspect flats face either south, east and west. It would have been preferable for this number to be increased to 60%, however, it is considered on balance that the revised submission has addressed the Committee's objection to the 2021 scheme, and no objections are being raised on this ground.

However, the proposed changes to the footprint of the proposed blocks, the proposed increases in height and the detailed design changes have now highlighted concerns regarding the levels of daylight and sunlight to a number of the proposed new flats, in particular the affordable housing flats in Blocks J and the lower floors of Block K.

In respect of daylight, the applicant's submitted Daylight and Sunlight Report identifies that out of 1606 habitable rooms, 148 (72%) will meet levels of sDA or exceed the BRE

recommendation for their room use; 376 (72%) of the 521 proposed main living spaces are considered to offer good daylight levels for inner city location as they either meet the BRE recommended level or are only marginally below the recommendation. All 35 studios fall short of the recommended sDA levels for rooms with a kitchen, but 9 would either meet the BRE recommended level for living rooms (four studios) or bedrooms (five studios)

In respect of bedrooms, 897 (85%) are considered to offer good daylight levels given the inner-city location or are marginally below the BRE recommendation. According to the applicant where shortfalls occur, they are either located behind a recessed balcony in order to provide outdoor amenity space or face another block within another block within the proposed development, West End Gate, 14-17 Paddington Green. The applicant concludes that the 2022 scheme makes the most of available daylight and performs well for a large scale residential development, considering overheating and fabric efficiency constraints have reduced daylight ingress, and external balconies also affect the daylight performance.

Whilst officers accept there has to be a trade-off between the need to provide outdoor amenity space for the new flats, and that this will affect light to the new flats, concerns remain regarding the number of flats which fall well short of the BRE recommendations.

Of the 458 rooms that fail, 197 are open plan living/kitchen, 27 are living rooms with separated kitchens and 35 are studios and 199 bedrooms. The worse affected of these units are the affordable housing flats within Block J and on the lower floors of Block K.

The proposed flats in the eastern, southern and western façades of Block J will have exceptionally low levels of daylight and sunlight, the worse affected are those on the lower levels with very low lux levels, for example on Level 01 425 and 430–0 lux for living room/kitchen/diner, 412-1.2 lux for Living Room, 416- 12 lux for living/kitchen/diner. The proposed bedrooms are also low 419 -6.2 lux, 420-2.6 lux, 421- 7.5 lux, 431 -10 lux and 432- 8.8 lux. These low level of lights are repeated on the upper floors in this block.

In respect of sunlight, the results for the 2022 scheme shows that 1606 proposed habitable rooms ,666 (42%) will receive sun exposure on 21 March that either meet or exceed the BRE recommendation of 1.5 hours. This is worse than the 2021 scheme of 751 (48%) meeting the requirements. This reduction is most regrettable, and it means that 40% of the living/kitchen/diners would not meet the recommendation.

It is recognised that the applicant is seeking to optimise the use of land, and whilst there are improvements from increasing the distances between the blocks, this benefit is outweighed by the proposed increases in height. It is considered by officers that the 2022 scheme results in a lesser quality of residential accommodation, and those flats most affected are the affordable housing units. It is also considered that levels of daylight and sunlight to a number of units will be poor which are located on the west façade of Block K, and the east and west side facades of Block J, and this detracts from the benefits of the number of affordable housing units being provided. It is recommended that, in addition to objecting to this revised application on the loss of light to existing residential properties, that an objection is also raised to the low levels of daylight and sunlight to a number of the affordable housing flats.

Sense of Enclosure

Members did not raise an objection to the 2021 scheme on increased sense of enclosure grounds to neighbouring residents. The 2022 scheme has sought to set the new buildings back further from the existing flats in West End Gate, and the distances now range between 11m to 32 m, and there is a 10 m gap between Block I and J and 11 .5 m gap between Blocks J and K .It is considered that the increase in height will have slightly more impact on enclosure but this is not considered a ground to formally object to the Mayor of London.

8.6 Complete stopping up of Newcastle Place and partial pedestrianisation of Newcastle Place, with the exception of servicing by small vehicles.

Stopping up of Newcastle Place and Highways Impact

As with the 2021 scheme, the applicant is proposing to stop up Newcastle Place. Stopping up would result in it ceasing to be public highway. It is understood that the applicant wishes to do this so they can carry out the public realm works proposed, manage the maintenance of the area and ensure the continued connection to the wider WEG development. Committee previously raised no objections to the principle of this Stopping Up Order.

City Plan Policy 28 (A) states that given the increasing demands on existing highway space, the council will resist the loss of highway land, particularly footways.

Whilst the stopping up may redirect more traffic to the Church Street Junction, which could have a negative impact on the TLRN on Edgware Road as well as on Church Street, given the extremely low existing traffic levels of Newcastle Place, the impact is likely to be low. Should permission be granted, it is recommended that continued access for pedestrians and cyclists is secured in the S106 legal agreement.

The suggestion of improving the crossing at Paddington Green, through the creation of an informal crossing, is supported and this provision should also be secured via the S106.

The application site is located within the CAZ and within an area has a very high PTAL of 6b. Accordingly, policies T6.1 of the London Plan and policy 27 of the City Plan specify that the development should be car free, except for the provision of disabled spaces

The proposed development has no parking on-site, other than 17 disabled spaces for residents and users of the commercial units, located at basement level. These spaces also include compliant electric vehicle charging points, which is welcomed.

No objection is raised to accommodating the 10% shortfall of long stay cycle spaces (104 spaces) within the WEG basement development. However, it is disappointing that all of the short-stay cycle parking appears to be on public highway, either on Harrow Road or Edgware Road, and the applicant is encouraged to relocate this within the development itself.

Servicing levels will be unchanged from the 2021 scheme, and will again take place primarily off-street, through the proposed connection to the WEG basement (large scale servicing including waste collection), with a small amount of on-street servicing on Newcastle Place for small delivery vehicles.

8.7 Increase in the amount public realm from 3,553 sq.m to 4775 sq.m, decrease in play space provision from 1138 sq.m to 841 sq.m. The revised proposal also includes improvements to the Harrow Road subway.

Public Realm

City Plan Policy 43 (Public Realm) states that development will contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of streetscape design.

The application site sits within the Paddington Public Realm Strategy area, and it is noted that there has been dialogue between the applicant and the Council's Place Shaping Team regarding the public realm offer on and surrounding the site.

The proposals would provide 5000 sqm of public realm to the site, comprising 69% of the application site, which is an increase of 53% from the 2021 scheme. This is due to the reduction in size of the footprint of the buildings, the removal of the previously proposed office podium element between block J and K, in addition to the part pedestrianisation of Newcastle Place.

The site currently suffers from a poor quality public realm that is dominated by vehicular traffic. The applicant has provided a Landscape Masterplan, which includes a series of public and semi-public open spaces, including features such as seating, lighting, a water feature, planting, play and wayfinding elements. The works also include improvement works to the A40 pedestrian subway system and works linked to TfL's Rain Garden Scheme on Edgware Road. These proposals are welcomed in principle.

In relation to the proposed improvement works to the A40 pedestrian subway system which runs beneath Harrow Road, the applicant is advised that due to the high levels of pollution, the challenges of anti-social behaviour and volume of movement at this key interchange, the improvement works should focus on lighting, ease of pedestrian movement, improved safety and wayfinding provision.

Should permission be granted, it is recommended that the improvement works to the A40 pedestrian subway system and public realm works linked to TfL's Rain Garden Scheme are secured within the 106 agreement. Delivery and management plans should also be secured, along with measures to ensure the open space remains publicly accessible (including a walkway and cycling route).

Urban Greening and Biodiversity

An updated Biodiversity Net Gain Assessment has been undertaken in respect of the 2022 revised scheme, Biodiversity Net Gain will soon be a legal requirement under the Environment Act which comes into force later this year and requires a mandatory 10%

gain in biodiversity for new developments.

This proposal development will achieve a 224% increase in bio diversity net gain as a result of the proposed new landscaping, planting of hedgerows, roof gardens, rain gardens and new tree planting, it will also achieve an Urban Greening Factor (UGF) of 0.37. The scheme falls just under 0.4 target in the London Plan for Urban Greening Factor, and again it is considered that there is scope for this to be improved through the design development of the new landscaping.

The Council's Arboricultural Officer has raised concern regarding the acceptability of the proposed landscaping proposals on the basis of the number of trees being planted too close together and too close to buildings and whether the location of underground services will further constrain new tree planting. Concern has also been raised to the use of large planters and the soil depth for new planting areas.

In general terms, no objections are raised to the proposed landscaping and greening, which will accord with policy 34 in the City Plan, but again the detailed design will need to be controlled via conditions and a Habitat Management Plan secured. Given the slight shortfall in meeting the UGF, the applicant should be encouraged to make a financial contribution which could be used for street tree planting and/or bio diversity improvements in nearby parks.

Play Space

Policy S4 of the London Plan requires development proposals to make provisions for play and informal recreation based on the expected child population generated by the scheme. Policy S4 and the Mayor's Play and Informal Recreation SPG (2012) expect a minimum of 10 sqm. per child to be provided in new developments. Play space provision should normally be provided on-site. However, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided nearby within an accessible and safe walking distances. In these circumstances contributions to off-site provision should be secured by Section 106 agreement.

The revised proposals would provide 841 sqm of new play space, which is less than the 1,138sqm that the 2021 scheme would have delivered, and less than the 2309sqm required by policy.

Whilst it is recognised that there are a number of parks and open spaces in both the immediate vicinity of the site (Paddington Green) and the wider context (Maida Vale, Hyde Park and Regents Park). Should permission be granted, it is recommended that the shortfall is mitigated through a S106 contribution to secure additional facilities for children near the application site and that discussions are continued with the Council's Place shaping team regarding providing improved play provision for St. Mary's Churchyard Gardens. Conditions are also recommended to secure details and provision of on-site facilities and to secure open access across all tenures on the on-site play space.

8.8 Environment and Sustainability

Demolition of existing buildings

It has been previously accepted by Committee in 2021 that the demolition of the existing Police Station buildings, and it is not possible to generate the quantum of residential units by retaining and extending the existing buildings.

Sustainable Design

An Energy Statement and a Sustainable Statement have been prepared with this submission. A low carbon strategy has been adopted across the proposal with highly insulated and airtight building fabric, energy efficient MEP systems and the provision of renewable sources such as Air Source Heat Pumps and PVs as part of an all-electric strategy.

Overall, the proposed development is considered to be a highly sustainable design, and includes sustainable features such as SUD's, low energy lighting, recycled content where possible responsible sourcing, rainwater harvesting, green roofs, rain gardens and new landscaping within the new areas of public realm.

All the commercial areas are expected to achieve BREEAM Excellent and will achieve at least 66% on site carbon reduction. Compared to the 2021 scheme, the proposal will be required to make a much smaller carbon off-setting contribution in order to achieve carbon zero.

The energy strategy has been designed in accordance with the GLA energy hierarchy and it is considered overall that the 2022 scheme is an improvement over the 2021 scheme. Again, if the Mayor is minded to improve the City Council requests the normal conditions to secure these measures, in addition to be the Been Lean monitoring within any legal agreement.

8.9 Environmental Impact Assessment

This major planning application is a Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and there is a requirement for the submission of an Environmental Impact Assessment (EIA) based on the likelihood of environmental effects arising from the proposed development.

In dealing with the 2021 planning application which Members resolved to refuse, the City Council had instructed EIA consultants Avison Young to review the submitted documents. Additional information was received, and Avison Young confirmed that the Environmental Statement was sufficiently sound and accurately presented the environmental impacts of the proposed development.

A full update of the EIA has been undertaken by the applicants to assess the likely significant effects of the 2022 amended proposal, as a result of the changes to the footprint of the proposed three buildings, the increases in height of the three blocks, changes to the detailed design and the complete stopping up and partial pedestrianisation of Newcastle Place. In land use terms, the number of residential units remains the same as the 2011 scheme, albeit the office accommodation has been removed and now included is a small community space in place of the affordable workspace. The topics included in the EIA are Socioeconomics, Air Quality, Noise and

Vibration, Wind Microclimate, Daylight, Sunlight, Overshadowing and Solar Glare, and Townscape, Visual and Built Heritage. The ES submitted includes a Non- Technical Summary, Volume 1: Environmental Statement Main report, Volume 2: Townscape, Visual and Built Heritage Impact and Volume 3: Technical Appendices.

Given that the City Council is no longer the local planning authority in dealing with this revised 2022 scheme, the final assessment on the EIA submitted on this revised application now rests with the GLA, however officers have reviewed the submitted documents and have the following observations to make . It should be noted that earlier sections of this committee report have fully assessed the impact of the proposal on Daylight, Sunlight and Overshadowing and Townscape, Visual and Built Heritage and it is not the intention to repeat these in detail and just to deal with the conclusions, whilst summarising the key issues of the other environmental issues set out in the ES.

Demolition and Construction Works

This is a phased development over a seven year period, and it is recognised that there will be significant adverse impacts during the demolition and construction to neighbouring properties. Given the construction works which have taken place over the last five years within West End Gate and works now taking place at 14-17 Paddington Green, residents and businesses in the immediate vicinity in Paddington Green, Edgware Road and Church Street will suffer from further construction noise and traffic and disturbance, and this also applies to those residents now living in West End Gate development itself.

In terms of mitigation, the applicant is proposing a Construction Environmental Management Plan (CEMP) together with the Code of Construction Practice (CoCP) , Construction Logistics Plan (CLP) and a Site Waste Management Plan (SWMP) which can be secured by conditions, together with hours of building works .The applicant is committed to Community Liaison during construction with local stakeholders .The City Council requests that such mitigation measures are secured by conditions or by a legal agreement in order to safeguard amenity and to mitigate the impact of demolition and construction .

Air Quality

Policy 32 in the City Plan states that major developments should be Air Quality Neutral. Major developments in the Opportunity Areas and the Housing Renewal Areas and those subject to the EIA must additionally demonstrate how local air quality can be improved across the proposed development as part of an air quality positive approach.

The main impacts will be during demolition and construction from dust and particulate matter and from heavy goods vehicles. Predicted generation of HDV movements during demolition and construction are estimated to increase local traffic flows by a maximum of 5 vehicles a day, and such an increase would have an insignificant impact on air quality. It is considered that because of the mitigation measures in the CEMP, CoCP and the CLP, that the proposal will not result in significant effects on local air quality.

The proposed development will be car free with the exception of disabled parking, together with the predicted levels of servicing, there are no objections to the level of trip generations associated with the development. The proposed closure of Newcastle Place will result in a small number of displaced trips however this is not considered to effect air

quality.

In respect of the completed development, the site faces onto the busy Harrow Road and Edgware Road and the proposed flats up to the 3rd floor of Block I, up to the 4th floor Block J and K are predicted to be slightly above the 2005 WHO guidelines. The ES recommends that prior to commencement an up to date assessment is carried out to establish the design and required noise levels, and this could be secured by condition. Overall subject to conditions, no significant effects are predicted.

The EIA has also addressed the cumulative effects of approved developments within 350m of the proposal and again concludes that the impacts are not significant.

Overall, the proposal is considered to be Air Quality Neutral and mitigation measures such as ground floor landscaping and screening will also deliver air quality benefits within the new areas of public realm.

Environmental Health have requested further information including the submission of an Air Quality positive supplement to the EIA, and the City Council requests that this aspect is addressed by the GLA.

Noise and Vibration

During demolition and construction, there will be construction, plant noise, traffic noise and vibration sources and this will have a significant impact on the closest residential buildings within West End Gate and 14-17 Paddington Green due to the proximity of the piling and excavation works. The ES recommends the adoption of additional mitigation measures, including the use of appropriate piling structures, secured via the CEMP to reduce to non-significant adverse effects and an additional condition survey of the two closest buildings before works commence. The City Council requests that this is secured by condition.

In terms of the completed development, the closure of Newcastle Place will result in vehicles using the loop road around the northern façade at Block A at West End Gate and noise modelling of the additional traffic shows that the volume of traffic would not increase noise levels by more than 1 dB.

In terms of fixed plant associated with the new buildings, subject to standard conditions, no significant effects are predicted. The residential buildings are designed to address the existing traffic noise from the Harrow Road, and standard conditions can protect the future occupiers from existing external noise levels. The new areas of public realm along the Harrow Road and to the west facing Paddington Green will be affected by traffic noise, but the new areas of public realm behind the blocks will be much quieter.

Socio-Economic

The EIA identifies that the demolition and constructed works associated with the 2022 proposal will result in 450 jobs to the local area during the construction phase and will make s106 contributions to Westminster Employment Service and Employment Skills Plan, to maximise local recruitment as well as local provision of skills training. The completed development will deliver 556 new homes and approximately 1,100 sq. m Class E uses on the ground floor. Whilst it is regrettable that the office element in the 2021 scheme is no longer proposed, nevertheless the non-residential floorspace could

create 50 to 67 gross direct jobs and the new residential community will generate additional spend in the local area including the Church Street/Edgware Road Shopping Centre. In the context of the local economy this proposed development would have a beneficial effect.

The new residential development of approximately 1,254 residents will generate a demand for the equivalent of 0.7 of a full time GP. It is recognised there is a deficit in the capacity of GP surgeries in the local area and the 2022 scheme will add further pressure. The City Council requests that the GLA take into account any representations received by the NHS Health Authority for any requirement under the HDU model and secure this in the S106 legal agreement.

In respect of local school spaces, the revised proposal would give rise to an estimated child yield of 231, with a demand for 77 primary school places and 36 secondary school places. There is a current surplus of both primary and secondary school places in the local area, albeit it is accepted that this proposal would contribute towards further demand.

The EIA recommends that financial contributions for healthcare and education should be made and accordingly the residual effects on both healthcare and education would be neutral. No comments have been received to date from the NHS or the Council's Education Department.

Wind Microclimate

Wind tunnel modelling of the existing baseline and the 2022 scheme have been undertaken. When complete the majority of the site would have suitable wind conditions. There are 23 measured locations (two entrance locations to Block K, one bus stop south of Block K and 20 seating areas within the new public realm) which will have conditions windier than suitable for their intended uses. Additionally there are two locations with strong wind exceedances (locations 58 and 169 to the south of Block K) which would pose safety concerns.

It is considered that with the proposed landscaping scheme and the addition of recessed entrances (1.2m) to Block K the wind conditions would improve and be within acceptable levels. It is recognised that recessed entrances do pose issues in terms of designing out crime and the detailed design of these entrances will need to be reserved to ensure that the security of future residents is not compromised, whilst ensuring adequate levels of pedestrian comfort. The ES identifies the existing bus stop would have a bus shelter integrated within its design to provide additional shelter to waiting passengers and this will need to be secured by the Section 106 legal agreement.

The six seating areas to the south of Block K would not be ideal for seating on windier days and have standing conditions. It is considered to have a long term minor adverse effect and additional landscaping mitigation is proposed for these areas. The applicant highlights there are other seating locations within the newly created public realm which can be used and offer better levels of pedestrian comfort. It is regrettable that the proposed design could not improve wind conditions to this newly created area of public realm, however subject to conditions to reserve landscaping and wind mitigation measures, the impact is considered on balance acceptable, and no objections are raised.

Daylight, Sunlight, Overshadowing and Solar Glare

As set out in Section 8.4 of this report, officers do not consider that the revised scheme has overcome the Council's objections on loss of daylight and sunlight to adjoining buildings. The benefits of the proposed design to increase the amount of public realm and distances between the proposed blocks has been outweighed by the proposed increases in height.

The Non-Technical Summary of the ES identifies that Blocks A and B within West End Gate plus G and H at 14-17 Paddington Green will experience significant adverse effects. The applicant argues that where significant losses occur, the levels of light remaining are in most instances are acceptable given the inner city location. Officers do not consider that the revisions have addressed the losses of daylight and sunlight to adjoining residents, and the increases in height have made matters marginally worse than 2021 scheme.

Proposed conditions in terms of internal daylight and sunlight levels for a number of the affordable housing units especially those located on the western façade of Block J and the east and west facades on Block J are exceptionally low, and it is recommended that the impact on the future occupiers of this development will be significant, and an objection is raised on this ground

Solar Glare

The potential for solar glare from the facades of the 2002 revised scheme on surrounding road junctions been assessed. Out of the 29 viewpoints, there will be no significant adverse impact, however viewpoints 17 and 18 at Harrow Road would experience moderate adverse effects. Officers request that the GLA ask the applicant for more information on how this is to be mitigated.

Townscape, Visual and Built Heritage

The submitted ES concludes that in terms of the built heritage, the heritage receptors would experience none to beneficial but no significant effects. As already set out in this report, officers consider that the proposed development will have less than substantial harm to a number of surrounding conservation areas and views from Hyde Park and Regent's Park, but this harm is not outweighed by the public benefits. Therefore, the City Council is objecting on this ground.

Cumulative Effects

The EIA has also assessed the proposal in the light of other consented schemes in the vicinity, but it is not considered to result in any significant effects .

Other matters**Flood Risk**

The proposed development is located within Flood Zone 1. SUD's are proposed, together with green roofs, landscaping and attenuation tanks. The proposals therefore comply with policy 35 in the City Plan, and these measures can be secured by condition.

Statement of Community Involvement

There have a series of virtual meetings since August 2020 with a wide range of stakeholders. As this revised proposal has developed, further public consultation was

undertaken in the autumn of 2020 with local stakeholders, including the local amenity societies, and a general consultation process involving a public exhibition, online webinars, an updated consultation exercise and other engagements. It is understood that the applicant also ran further consultation events with local stakeholders and local amenity societies at the end of 2022, in the lead up to this submission.

9. Planning Obligations

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

- Affordable Housing (219 affordable homes: 109 homes to be provided as Social Rent; 43 London Shared Ownership Housing Units; 67 Discounted Market Rent Housing Units and/or London Living Rent Units
- Income and affordability caps in respect of intermediate products to be secured in agreement with the GLA and Westminster's Affordable Housing Manager
- Provision of an early-stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG.
- Developer undertaking to use best endeavours to secure nomination rights to 68 intermediate affordable homes in Barnet
- Securing a minimum of 68% carbon emissions reduction against Part L 2021 for residential and a minimum of 8% carbon emissions reduction against Part L 2021 for non-residential
- Be Seen energy monitoring obligations
- Carbon offset payment of £470,302, index linked
- Bus stop contribution of £32,000, index linked
- Cycle Improvements Contribution of £200,000, index linked
- Play space contribution of £137,992, index linked, to be focused on St Mary's Gardens improvements
- Employment and Skills Contribution of £401,793, index linked, and associated Employment and Skills Plan
- Legible London contribution of £20,000, index linked
- Improvement works to the A40 pedestrian subway system which runs beneath Harrow Road north south, and/or an additional landscaping contribution, together capped at £250,000
- Parking permit restrictions
- Travel plan
- Highway obligations
- Stopping up of Newcastle Place and associated costs
- Publicly accessible open space (including a walkway and cycling route) obligations, including delivery and management plans
- Public realm works, linked to TfL SUDs works
- Community space provision in Block I, with accompanying Community Space Strategy
- Pipework to futureproof connection of the development to a combined heat and power plant on Church Street

- Public Art including a scheme for the relocation of the existing concrete relief panels from the southern flank walls
- The cost of monitoring the s106 agreement

Community Infrastructure Levy (CIL)

Taking into account social housing relief, the estimate CIL figures are:

WCC CIL: £15,899,000

MCIL: £2,767,000

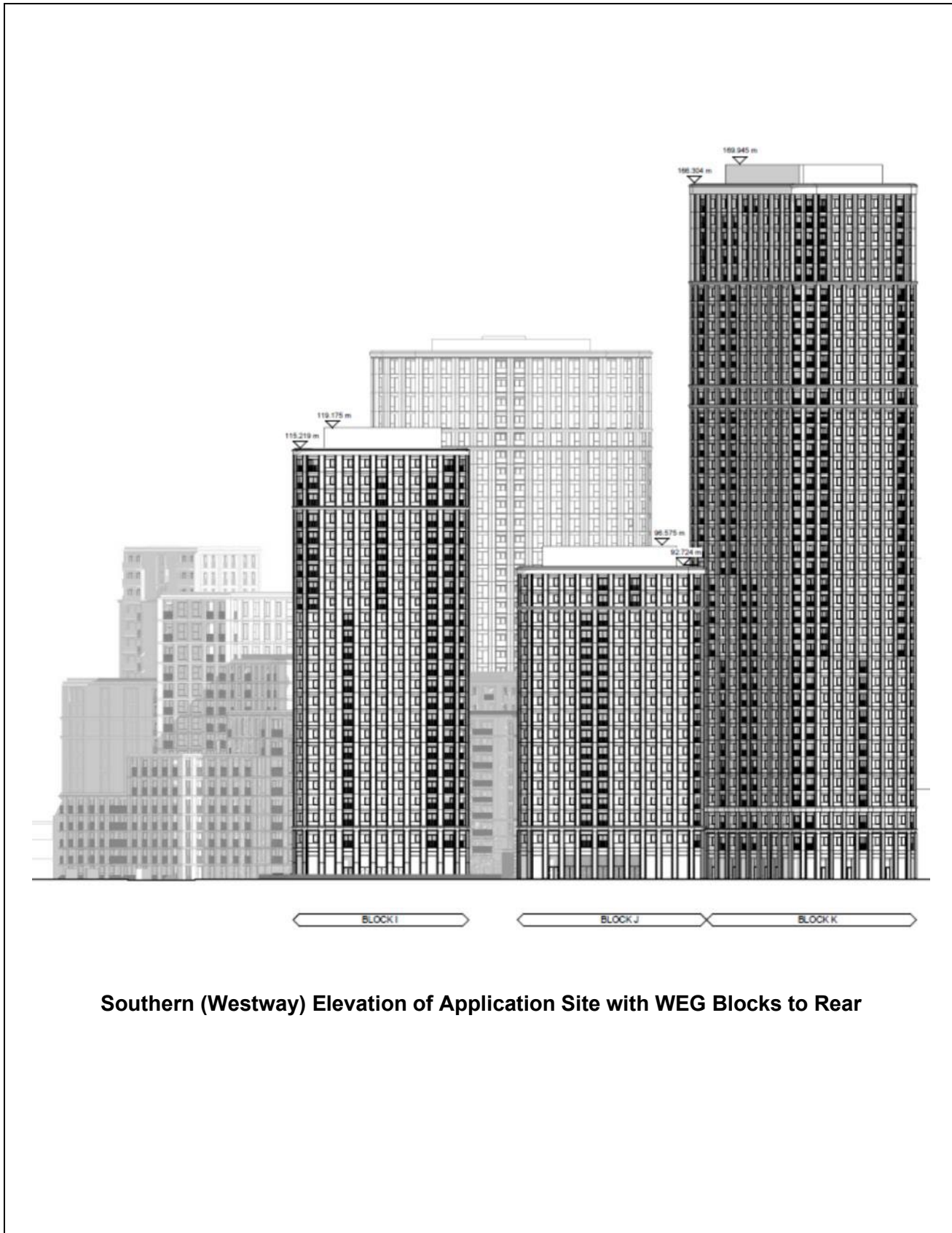
Total: £18,666,000

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

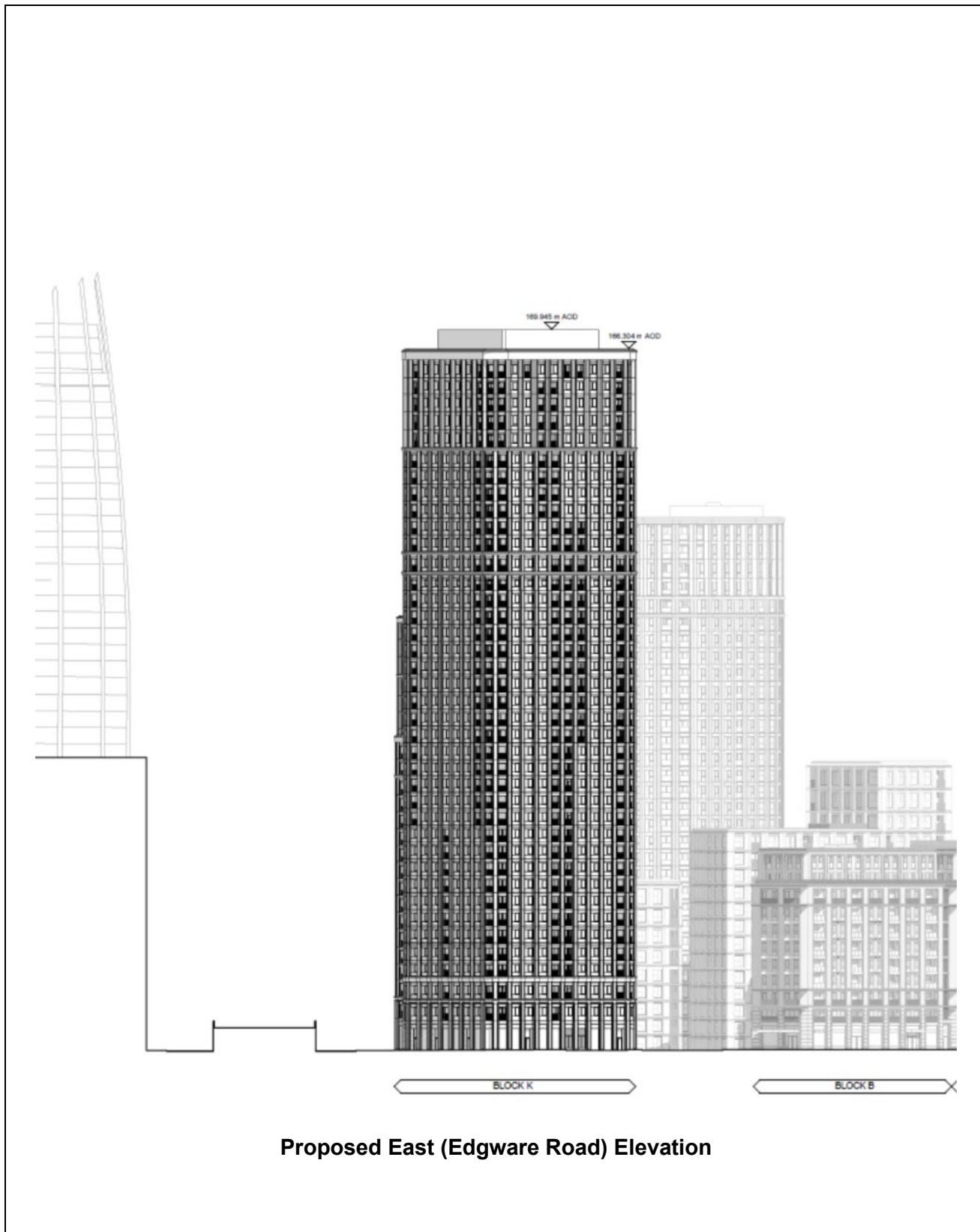
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk

6. KEY DRAWINGS

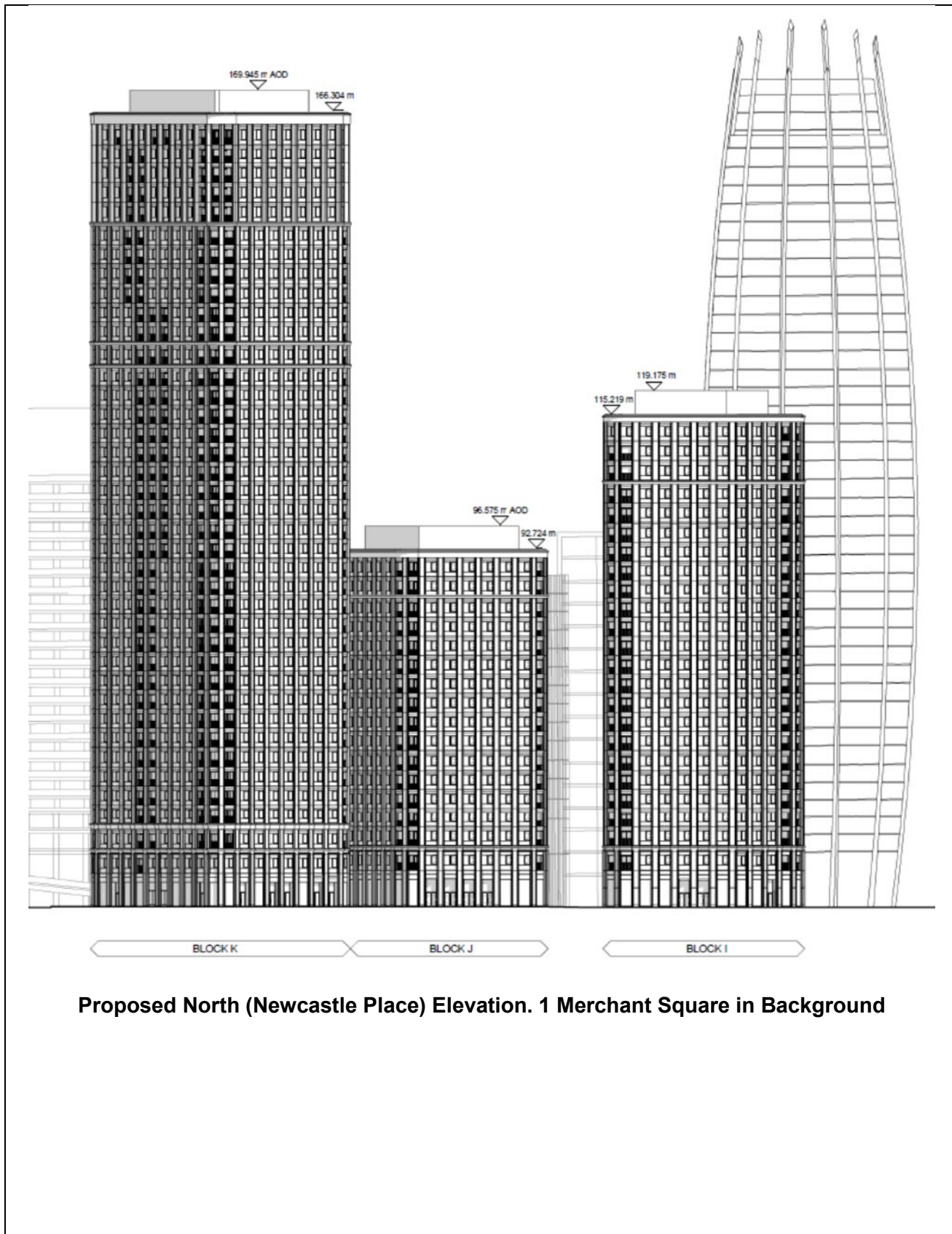




Southern (Westway) Elevation of Application Site with WEG Blocks to Rear



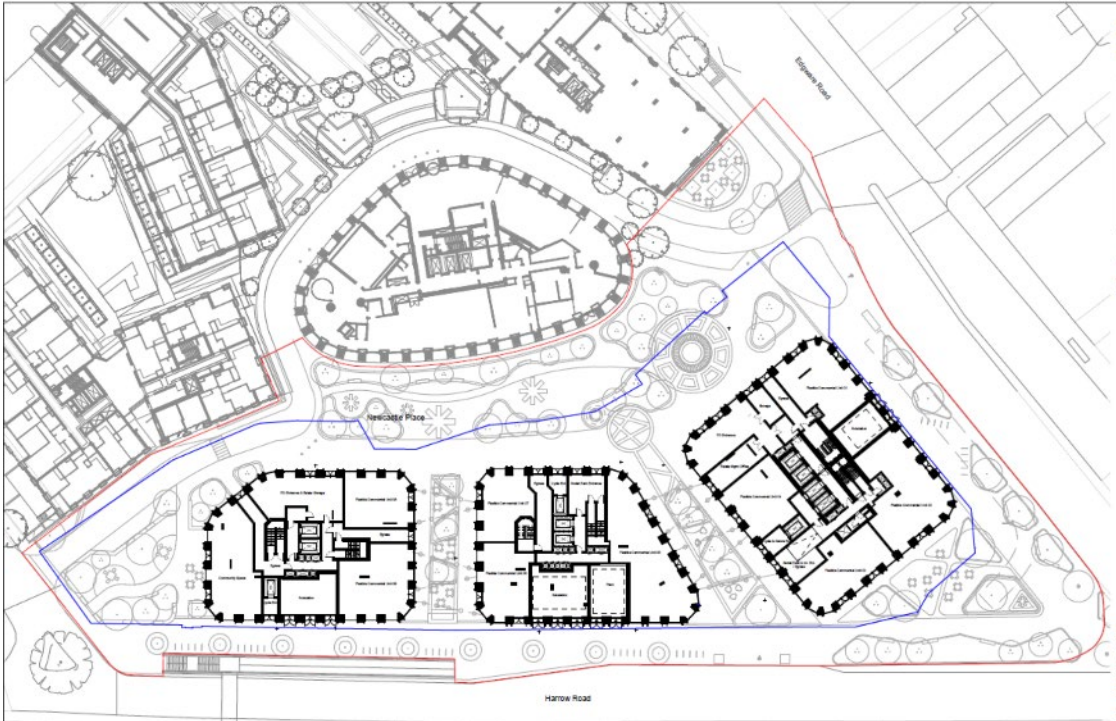
Proposed East (Edgware Road) Elevation



Proposed North (Newcastle Place) Elevation. 1 Merchant Square in Background



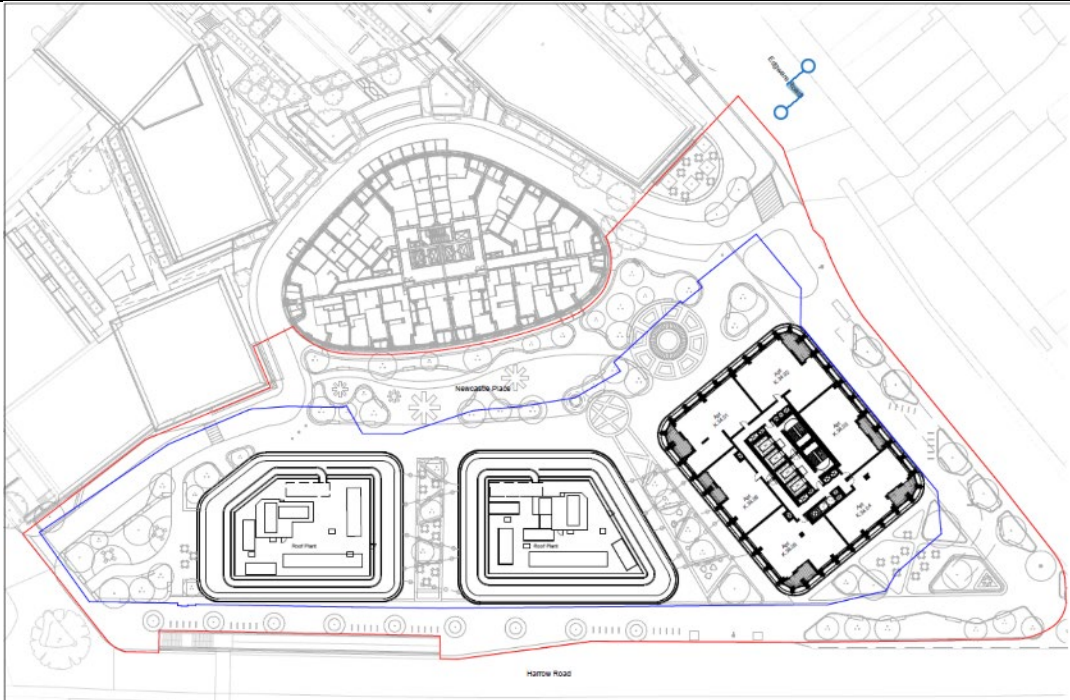
Proposed West (Paddington Green) Elevation. WEG Block A Centre Background. Yet to be Built WEG Blocks G and H in Foreground



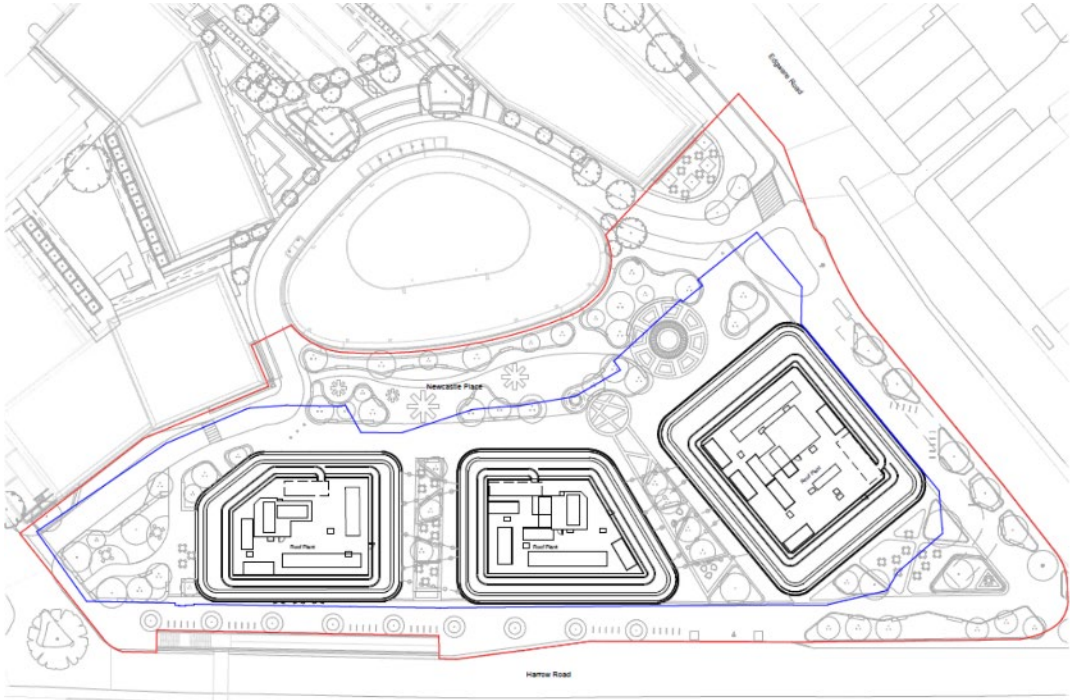
Proposed Site and Ground Floor Plans



Proposed Typical Floor Plan



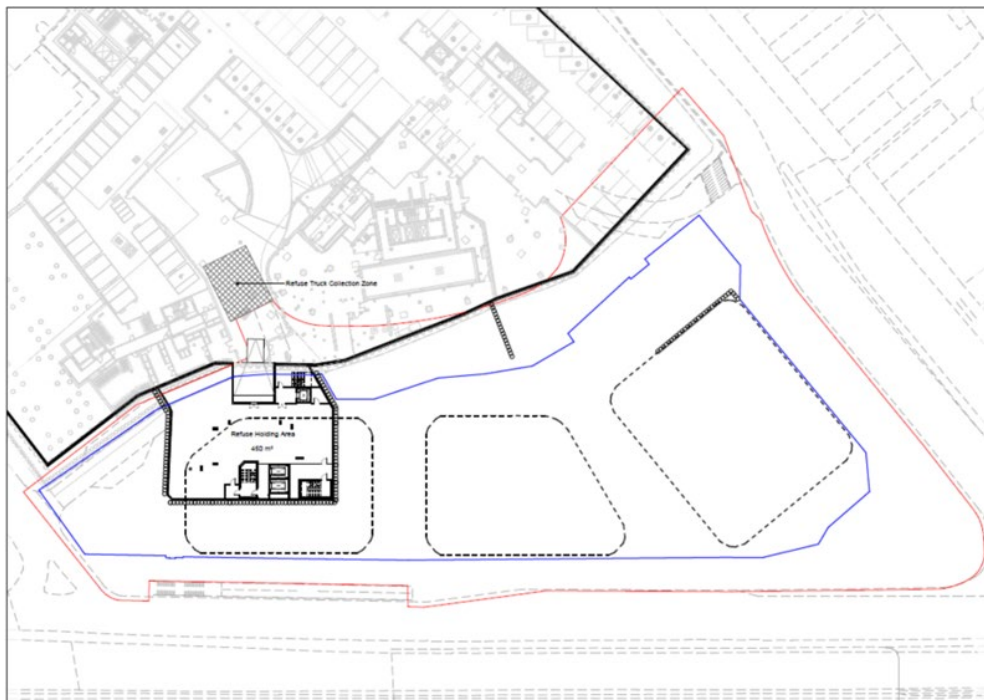
Proposed Typical Upper Floor Plan



Proposed Roof Plan



Proposed Basement Level B1 Plan

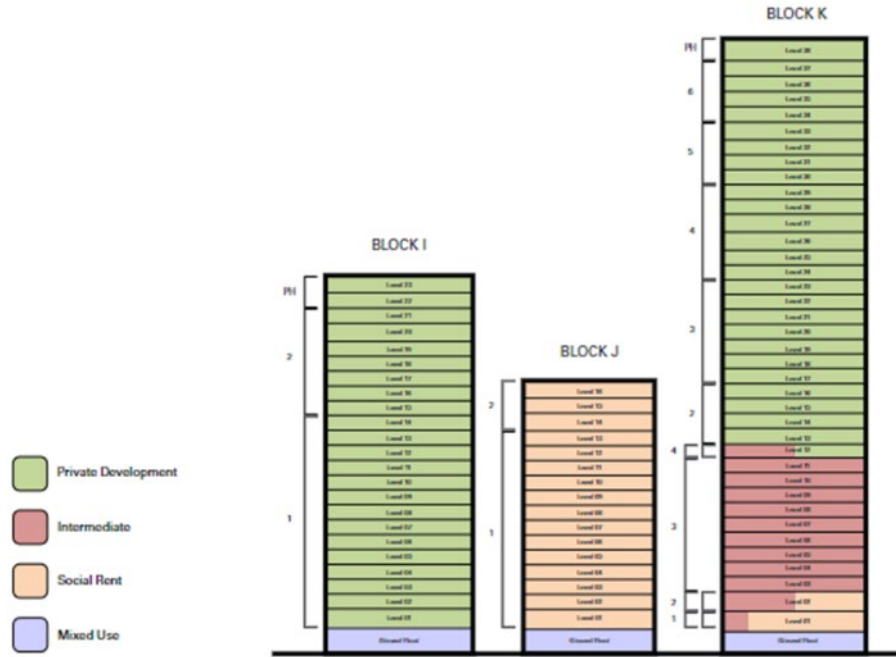


Proposed Basement Level B2 Plan



- Application boundary
- Existing trees
- Proposed hedging
- Species rich lawn
- Play elements
- Cycle stands
- Ownership boundary
- Proposed trees
- Proposed shrub planting
- Water fountain
- Pedestrian crossing

Illustrative Landscape Masterplan



Proposed Tenure Mix Diagram



Applicants Visualisation from next to Edgware Road Station Looking Westward, Block K Centre



Applicants Visualisation from Harrow Road looking Eastward. Block I Centre



Applicants Visualisation from South Side of Westway. Block J Centre



Applicants Visualisation of Newcastle Place 1



Applicants Visualisation of Newcastle Place 2

Address: Paddington Green Police Station, 4 Harrow Road, London, W2 1XJ

Proposal: Demolition of the existing building and redevelopment of the site to provide three buildings of 39, 24 and 17 storeys in height, providing residential units (including affordable units)(Class C3), commercial uses (Class E), a community use (Class F.2), landscaping, tree and other planting, public realm improvements throughout the site including new pedestrian and cycle links, provision of public art and play space, basement level excavation to provide associated plant, servicing, disabled car parking and cycle parking and connection through to the basement of the neighbouring West End Gate development.

Reference: 21/02193/FULL

Plan Nos: SITE DRAWINGS

Existing location plan	SQP-ZZ-ZZ-DP-A-PL01001 -P2
Proposed location plan	SQP-ZZ-ZZ-DP-A-PL01101-P2
EXISTING DRAWINGS	
Existing Basement 1 Plan	SQP-ZZ-B1-DP-A-PL01002-P2
Existing ground floor plan	SQP-ZZ-00-DP-A-PL01003-P2
Existing roof plan	SQP-ZZ-RF-DP-A-PL01004-P2
Existing site levels plan	SQP-ZZ-ZZ-DP-A-PL01005-P2
Existing north elevation	SQP-ZZ-ZZ-DE-A-PL01300-P2
Existing east elevation	SQP-ZZ-ZZ-DE-A-PL01301-P2
Existing south elevation	SQP-ZZ-ZZ-DE-A-PL01302-P2
Existing west elevation	SQP-ZZ-ZZ-DE-A-PL01303-P2
DEMOLITION DRAWINGS	
Demolition roof plan	SQP-ZZ-RF-DP-A-PL01006- P2
Demolition basement plan	SQP-ZZ-RF-DP-A-PL01007- P2
Demolition north elevation	SQP-ZZ-ZZ-DE-A-PL01304-P2
Demolition east elevation	SQP-ZZ-ZZ-DE-A-PL01305-P2
Demolition south elevation	SQP-ZZ-ZZ-DE-A-PL01306-P2
Demolition west elevation	SQP-ZZ-ZZ-DE-A-PL01307-P2
PROPOSED GENERAL ARRANGEMENT PLANS	
Proposed basement -2 plan	SQP-ZZ-B2-DP-A-PL01102-P2
Proposed basement -1 plan	SQP-ZZ-B1-DP-A-PL01103-P2
Proposed ground floor plan	SQP-ZZ-00-DP-A-PL01104-P3
Proposed typical floor plan	SQP-ZZ-ZZ-DP-A-PL01107-P3
Proposed typical upper floor plan	SQP-ZZ-ZZ-DP-A-PL01108-P2
Proposed roof plan	SQP-ZZ-RF-DP-A-PL01109-P2
Proposed north elevation	SQP-ZZ-ZZ-DE-A-PL01400-P3
Proposed east elevation	SQP-ZZ-ZZ-DE-A-PL01401-P3
Proposed south elevation	SQP-ZZ-ZZ-DE-A-PL01402-P3
Proposed west elevation	SQP-ZZ-ZZ-DE-A-PL01403-P3
Proposed section	A-A-SQP-ZZ-ZZ-DS-A-PL01650-P2
Proposed section	B-B-SQP-ZZ-ZZ-DS-A-PL01651-P2
Proposed section	C-C-SQP-ZZ-ZZ-DS-A-PL01652-P2
Proposed section	D-D-SQP-ZZ-ZZ-DS-A-PL01653-P2

BLOCK I DRAWINGS

Block I - Proposed Ground Floor Plan	SQP-01-00-DP-A-PL01110-P3
Block I - Proposed floor plan- levels 01-14	SQP-01-ZZ-DP-A-PL01111-P3
Block I - Proposed floor plan- levels 15-22	SQP-01-ZZ-DP-A-PL01112-P3
Block I - Proposed floor plan- level 23	SQP-01-23-DP-A-PL01113-P1
Block I - Proposed roof plan	SQP-01-RF-DP-A-PL01114-P1
Block I - Proposed south elevation	SQP-01-ZZ-DE-A-PL01404-P3
Block I - Proposed west elevation	SQP-01-ZZ-DE-A-PL01405-P4
Block I – Proposed north elevation	SQP-01-ZZ-DE-A-PL01406-P4
Block I - Proposed east elevation	SQP-01-ZZ-DE-A-PL01407-P4
Proposed Elev - Block I - Typ Bay Study 01	SQP-ZZ-ZZ-DB-A-PL01700-P3
Proposed Elev - Block I - Typ Bay Study 02	SQP-ZZ-ZZ-DB-A-PL01701-P2
Proposed Elev - Block I - Typ Bay Study 03	SQP-ZZ-ZZ-DB-A-PL01702-P2
Proposed Elev - Block I - Typ Bay Study 04	SQP-ZZ-ZZ-DB-A-PL01703-P2
Block I - WCH User Typical 01 Apt Plan	SQP-01-ZZ-DP-A-PL01200-P1

BLOCK J DRAWINGS

Block J - Proposed Ground Floor Plan	SQP-02-00-DP-A-PL01115-P1
Block J - Proposed floor plan- levels 01-14	SQP-02-ZZ-DP-A-PL01116-P2
Block J - Proposed floor plan- levels 15-16	SQP-02-ZZ-DP-A-PL01117-P1
Block J - Proposed roof plan	SQP-02-RF-DP-A-PL01118-P1
Block J - Proposed Floor Plan - Levels 01-03	SQP-02-ZZ-DP-A-PL01131-P1
Block J - Proposed south elevation	SQP-02-ZZ-DE-A-PL01408-P4
Block J - Proposed west elevation	SQP-02-ZZ-DE-A-PL01409-P2
Block J – Proposed north elevation	SQP-02-ZZ-DE-A-PL01410-P2
Block J - Proposed east elevation	SQP-02-ZZ-DE-A-PL01411-P2
Proposed Elev - Block J - Typ Bay Study 01	SQP-ZZ-ZZ-DB-A-PL01704-P3
Proposed Elev - Block J - Typ Bay Study 02	SQP-ZZ-ZZ-DB-A-PL01705-P2
Proposed Elev - Block J - Typ Bay Study 03	SQP-ZZ-ZZ-DB-A-PL01706-P2
Proposed Elev - Block J - Typ Bay Study 04	SQP-ZZ-ZZ-DB-A-PL01707-P2
Proposed Elev - Block J - Typ Bay Study 05	SQP-ZZ-ZZ-DB-A-PL01708-P2
Block J - WCH User Typical 02 Apt Plan	SQP-02-ZZ-DP-A-PL01201-P1
Block J - WCH User Typical 09 Apt Plan	SQP-02-ZZ-DP-A-PL01208-P1

BLOCK K DRAWINGS

Block K - Proposed Ground Floor Plan	SQP-03-00-DP-A-PL01119-P1
Block K - Proposed Floor Plan - Level 01	SQP-03-01-DP-A-PL01120-P1
Block K - Proposed Floor Plan - Level 02	SQP-03-02-DP-A-PL01121-P1
Block K - Proposed Floor Plan - Level 03-11	SQP-03-ZZ-DP-A-PL01122-P1
Block K - Proposed Floor Plan - Level 12	SQP-03-12-DP-A-PL01123-P1
Block K - Proposed Floor Plan - Level 13-16	SQP-03-ZZ-DP-A-PL01124-P1
Block K - Proposed Floor Plan - Level 17-23	SQP-03-ZZ-DP-A-PL01125-P1
Block K - Proposed Floor Plan - Level 24-29	SQP-03-ZZ-DP-A-PL01126-P1
Block K - Proposed Floor Plan - Level 30-33	SQP-03-ZZ-DP-A-PL01127-P1
Block K - Proposed Floor Plan - Level 34-37	SQP-03-ZZ-DP-A-PL01128-P1
Block K - Proposed Floor Plan - Level 38	SQP-03-38-DP-A-PL01129-P1
Block K - Proposed roof plan	SQP-03-RF-DP-A-PL01130-P1
Block K- Proposed south east elevation	SQP-03-ZZ-DE-A-PL01412-P3
Block K- Proposed south west elevation	SQP-03-ZZ-DE-A-PL01413-P2

Block K- Proposed north west elevation	SQP-03-ZZ-DE-A-PL01414-P2
Block K- Proposed north east elevation	SQP-03-ZZ-DE-A-PL01415-P3
Proposed Elev - Block K - Typ Bay Study 01	SQP-ZZ-ZZ-DB-A-PL01709-P3
Proposed Elev - Block K - Typ Bay Study 02	SQP-ZZ-ZZ-DB-A-PL01710-P2
Proposed Elev - Block K - Typ Bay Study 03	SQP-ZZ-ZZ-DB-A-PL01710-P2
Proposed Elev - Block K - Typ Bay Study 04	SQP-ZZ-ZZ-DB-A-PL01710-P2
Proposed Elev - Block K - Typ Bay Study 05	SQP-ZZ-ZZ-DB-A-PL01710-P1
Proposed Elev - Block K - Typ Bay Study 06	SQP-ZZ-ZZ-DB-A-PL01710-P1
Block K - WCH User Typical 03 Apt Plan	SQP-03-ZZ-DP-A-PL01202-P1
Block K - WCH User Typical 04 Apt Plan	SQP-03-ZZ-DP-A-PL01203-P1
Block K - WCH User Typical 05 Apt Plan	SQP-03-ZZ-DP-A-PL01204-P1
Block K - WCH User Typical 06 Apt Plan	SQP-03-ZZ-DP-A-PL01205-P1
Block K - WCH User Typical 07 Apt Plan	SQP-03-ZZ-DP-A-PL01206-P1
Block K - WCH User Typical 08 Apt Plan	SQP-03-ZZ-DP-A-PL01207-P1

ILLUSTRATIVE DRAWINGS

Block I – Proposed mix and tenure plan	SQP-01-ZZ-DP-A-PL01250-P3
Block J – Proposed mix and tenure plan	SQP-01-ZZ-DP-A-PL01250-P3
Block K – Proposed mix and tenure plan	SQP-01-ZZ-DP-A-PL01250-P3
Proposed Basement Waste Strategy Plan	SQP-ZZ-B1-DP-A-PL01160-P2
Proposed Basement Cycle and Refuse Plan	SQP-ZZ-B1-DP-A-PL01160-P2
Block K - Typical 1B1P Apartment	SQP-03-ZZ-DP-A-PL01300-P2
Block K - Typical 1B2P Apartment	SQP-03-ZZ-DP-A-PL01301-P2
Block K - Typical 2B4P Apartment	SQP-03-ZZ-DP-A-PL01302-P2
Block K – Typical 3b6p Apartment	SQP-03-ZZ-DP-A-PL01303-P2
Proposed Ground Floor Uses Plan	SQP-ZZ-00-DP-A-PL01150-P3
Proposed Ground Floor Access Plan	SQP-ZZ-00-DP-A-PL01153-P3

SUPPORTING DOCUMENTS

Accommodation Schedule - November 2022 - GLA0711 Rev P02 Partners
Commercial & Community Unit Areas - November 2022 - GLA0711
Unit Mix Summary - January 2023 - GLA0711 AMND Rev 02 January 2023
Design and Access Statement-January 2023 - GLA0711 AMND Rev 01 January 2023
PGPS Application Form - November 2022 - GLA0711
CIL Form - November 2022 - GLA0711
PGPS CIL Cover Letter - November 2022 - GLA0711
PGPS Planning Cover Letter - November 2022 - GLA0711
PGPS Planning Statement – Jan 2023- GLA0711 AMND Rev 01
PGPS Submission of Amendments - GLA0711 AMND Rev 01
Economic Impact Assessment - November 2022 - GLA0711
Drainage Strategy Report – November 2022 – GLA0711
Fire & Life Safety Strategy - November 2022 - GLA0711
Fire Statement (London Plan Req) - January 2023 - GLA0711 AMND Rev 01
January 2023 A
Fire Statement (National Req) - January 2023 - GLA0711 AMND Rev 01 January 2023
Fire Safety LPG Form 3 - January 2023 - GLA0711 AMND Rev 01 January 2023
Concept Qualitative Design Review Report - November 2022 - GLA0711 A
Internal DSO Report - November 2022 - GLA0711

Statement of Community Involvement - November 2022 - GLA0711
 Structural Method Statement (Part 1) - November 2022 - GLA0711
 Sustainability Statement-Jan 2023-GLA0711 AMND Rev 01 Jan 23
 Energy Statement - Jan 2023 - GLA0711 - AMND Rev 01 Jan 23
 Circular Economy Statement - November 2022 - GLA0711
 Be Seen Evidence - November 2022 - GLA0711
 GLA Be Seen Spreadsheet - November 2022 - GLA0711
 Carbon Emissions - January 2023 - GLA0711 AMND Rev 01 Jan 23
 GLA CES spreadsheet - November 2022 - GLA0711
 GLA WLC spreadsheet - November 2022 - GLA0711
 BREEAM Pre- Assessment - November 2022 - GLA0711
 Pre-Redevelopment Waste Audit - January 2023 - GLA0711 AMND Rev 01 January 2023
 Transport Assessment - January 2023 - GLA0711 AMND Rev 01 January 2023
 Operational Waste Management Plan - November 2022 - GLA0711
 Site Waste Management Plan - November 2022 - GLA0711
 Arboricultural Development Report - November 2022 - GLA0711
 Code of Construction Practice Appendix. A - November 2022 - GLA0711
 Clean Water Capacity Report - November 2022 - GLA0711
 Heritage Statement - November 2022 - GLA0711
 Ventilation Statement - November 2022 - GLA0711
 WCC Drainage Proforma - January 2023 - GLA0711 AMND Rev 01 January 2023
 Replacement Environmental Statement (Volume 1R)- January 2023 - GLA0711 Part1 AMND Rev 01 Jan 23
 Replacement Environmental Statement (Volume 2R) - January 2023 - GLA0711 AMND Rev 01 Jan 23
 Replacement Environmental Statement (Volume 3R) - November 2022 - GLA0711
 Replacement Non Technical Summary - November 2022 - GLA0711
 Replacement Biodiversity Net Gain Assessment Report - November 2022 - GLA0711
 Replacement Health Impact Assessment - November 2022 - GLA0711

Case Officer: Ian Corrie

Direct Tel. No. 020 7641
07866038370

Recommended Reasons for Refusal:

Reason:

By reason of its excessive height and bulk, Block K would have a detrimental impact on the local townscape, would result in less than substantial harm to the setting of the Little Venice, Paddington Green, Lisson Grove and Maida Vale Conservation Areas and have a detrimental impact on views from Regents Park and Hyde Park, contrary to policies 38, 39, 40 and 41 of the City Plan 2019 - 2040 (April 2021). It is not considered that the public benefits outweigh the less than substantial harm to the designated heritage assets .

Reason:

By reason of the excessive height and bulk of the proposed blocks, the proposed development would result in a significant loss of daylight and sunlight to existing

residential properties, contrary to policies 7, 38 (C) and 41 B of the City Plan 2019 - 2040 (April 2021).

Reason:

The proposed development will result in poor levels of natural daylight and outlook to a number of the affordable housing flats in Block J and the lower floors of Block K , due to the proximity and heights of the new buildings, contrary to policy 12 of the City Plan 2019-2040 (April 2021).

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 2

Item No.
2

CITY OF WESTMINSTER		
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 28 February 2023	Classification For General Release
Report of Director of Town Planning & Building Control		Ward(s) involved St James's
Subject of Report	28 - 32 Shelton Street, London, WC2H 9JE	
Proposal	<p><u>Application 1</u>: Mixed-use development at Old Brewer's Yard including: at 28-32 Shelton Street, the erection of a single storey roof extension, a rooftop plant enclosure 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 and the installation of PV panels at main roof level, 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, part-ground 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). (Site includes Old Brewer's Yard, 28-32 Shelton Street, 15A Neal Street, 5, 6 and 7 Langley Street, 1 and 3 Mercers Walk and 107-115 Long Acre).</p> <p><u>Application 2</u>: 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]</p>	

Agent	JLL		
On behalf of	Diageo Great Britain Limited		
Registered Number	22/02009/FULL	Date amended/ completed	18 January 2023
Date Application Received	21 March 2022		
Historic Building Grade	Grade II (6 and 7 Langley Street)		
Conservation Area	Within Covent Garden Adjacent to Seven Dials (within London Borough of Camden)		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

<p><u>Application 1</u></p> <p>Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. The relocation of the residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street as part of a land use swap with the City Council. The applicant not to commence development until planning applications have 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 for use of the basement at 5 Langley Street. iii. Walkways Agreement to secure access to Langley Passage and Old Brewer’s Yard. iv. Monitoring costs. <p>If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:</p> <ul style="list-style-type: none"> 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 is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not b) The Director of Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers. <p><u>Application 2</u></p> <ul style="list-style-type: none"> 1. Grant listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1.
--

2. SUMMARY & KEY CONSIDERATIONS

The application site comprises 28-32 Shelton Street, 1 Mercer Walk, 15A Neal Street (ground floor only), 5 Langley Street (basement only), the passageway underneath 6 Langley Street, the rear of 7 Langley Street and Old Brewer's Yard (an open cobbled yard) in Covent Garden. The site is located within the Covent Garden Conservation Area and adjacent to the Seven Dials Conservation Area which is within the London Borough of Camden. All the buildings on the site are unlisted except 6 and 7 Langley Street which are listed grade II. The site is within the Central Activities Zone, the West End Retail and Leisure Special Policy Area (WERLSPA) and partly within the Covent Garden CAZ retail cluster. The borough boundary with the London Borough of Camden runs along Shelton Street to the north. The buildings are mostly vacant and were previously in commercial (Class E) or night club (sui generis) use.

The proposal seeks to create a new leisure and entertainment destination centred around the Guinness brand for the buildings positioned around Old Brewer's Yard, with the yard at the centre of the scheme providing an outdoor food and drink area. A microbrewery and visitor experience is proposed at 1 Mercer Walk and connected to the wider development by an existing passageway underneath 6 Langley Street.

The application was presented to Planning (Major Applications) Sub-Committee on 9 August 2022 where it was resolved to grant permission subject to the completion of a S106 legal agreement and amendments to conditions. The S106 legal agreement has not been completed and as such planning permission nor listed building consent has been granted.

A Pre-Action Protocol Letter for Judicial Review was received by the council on 21 October 2022 on behalf of the Covent Garden Area Trust (CGAT) setting out grounds for a possible legal challenge. Legal advice has recommended that this application is returned to committee with a revised report which seeks to address in detail the complaints made by CGAT in its Pre-Action Protocol Letter.

The application has also been amended, namely a redesign of the extension at 28-32 Shelton Street with a reduction to a single storey extension with plant enclosure above.

The council carried out a full re-consultation on the revised scheme on 18 January 2023.

The revised application comprises:

28-32 Shelton Street

Erection of a single storey roof extension (plus external plant room on top) with external terrace at fifth floor level. Use of the entire building as a restaurant within Class E(b).

1 Mercer Walk

Use as a microbrewery with ancillary retail space and bar. (sui generis).

15A Neal Street

Continued use as Class E with new entirely glazed shopfront to rear to allow access to Old Brewer's Yard and new shopfront to Neal Street.

5 Langley Street (basement only)

Use for events and cultural uses together with community activities (sui generis).

Rear of 7 Langley Street and Old Brewer's Yard

Use of the former bin store as a bar and servery and use of the yard for outdoor seating / standing area (sui generis) under a new canopy. In addition to the proposed access from 15A Neal Street, public access to the yard will be from Shelton Street (an existing opening) and from an existing passageway underneath 6 Langley Street. A proposed food truck is proposed to be sited within the yard.

The key considerations in this case are:

- The acceptability of the proposed entertainment uses and new visitor attraction in land use terms.
- The opening hours, capacity and dispersal strategy for the various entertainment uses proposed.
- The impact on the amenity of neighbouring residential properties.
- The impact of the proposed extension at 28-32 Shelton Street upon the appearance of the building and the character and appearance of the Covent Garden Conservation Area and the adjacent Seven Dials Conservation Area and upon other nearby designated and non-designated heritage assets, such as the grade II listed buildings adjoining the site.
- The servicing requirements of the development.

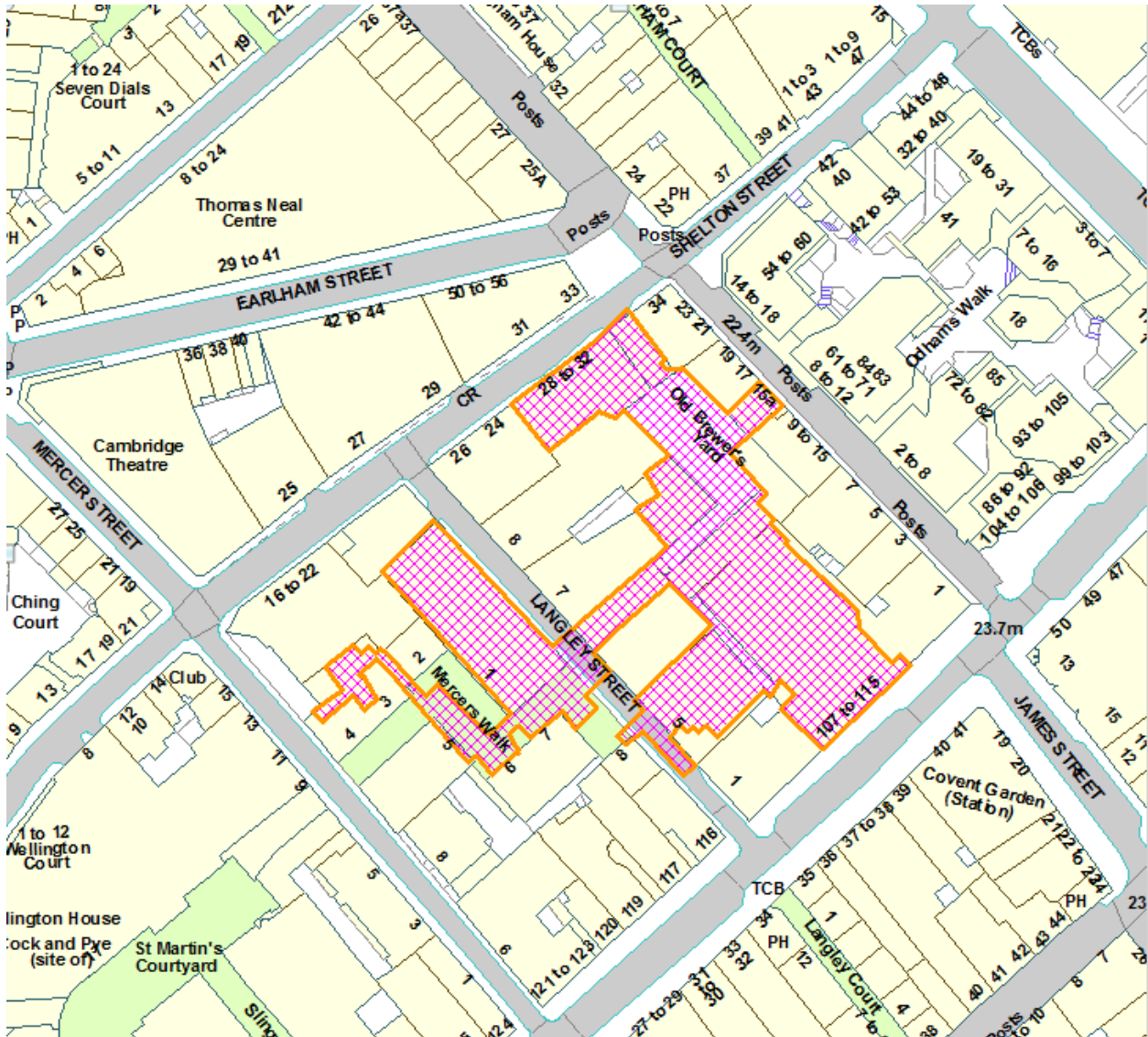
The Covent Garden Community Association, the Covent Garden Area Trust and the Seven Dials Trust have raised concerns and objections to the scheme on land use, amenity and design grounds. The associations also continue to object to the revised design of the Shelton Street roof extension on grounds that the proposed roof structure still represents an oversized and over-dominant addition to this important group of buildings within the Covent Garden Conservation Area, and facing directly onto the Seven Dials Conservation Area from where it is most visible. In addition the council has received 32 letters of objection to the proposal from local residents who raise similar concerns and objections.

The increase in food, entertainment and leisure floorspace in this location is supported by Westminster's spatial strategy (Policy 1), spatial development priorities for the West End Retail and Leisure Special Policy Area (Policy 2) and by policies 14 (Town centres, high streets and the CAZ) and policy 15 (Visitor Economy) of the City Plan. It is considered that with appropriate conditions to secure an Operational Management Plan and to restrict the capacity and opening hours of the venues proposed, the scheme would comply with policy 16 in the City Plan that control food, drink and entertainment uses and environmental policies that seek to protect residential amenity and local environmental quality. With measures to mitigate and manage noise impacts for neighbouring residents and to protect local environmental quality, the application proposal would promote good growth by diversifying the entertainment and food and beverage offer for residents, workers and visitors and by supporting the visitor and night-time economy.

The extension proposed to 28-32 Shelton Street is considered to cause a low level of less than substantial harm to the character and appearance of both the Covent Garden and Seven Dials Conservation Areas, and to the setting of nearby listed buildings and other non-designated heritage assets. This is largely due to the contemporary design of the roof extension and that it will be visible in key views of the building from within the conservation areas. However, this low level of less than substantial harm is outweighed by the public benefits of the scheme which are detailed in the main report.

The proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan). The application is therefore considered acceptable in land use, design, heritage, and amenity terms, and is recommended for approval subject to the completion of a S106 legal agreement and the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photo showing proposed entrance to Old Brewer's Yard and 28-32 Shelton Street (to the right) which is to be extended at roof level.



Old Brewer's Yard and entrance from with yard (looking towards Shelton Street)



Rear of 7 Langley Street showing location of proposed bar facing the yard



1 Mercer Walk, Langley Street



Entrance to Old Brewer's Yard from Langley Street using passageway underneath 6 Langley Street



15a Neal Street (the 'Tea House') which will provide a new through route to Old Brewer's Yard.

5. CONSULTATIONS

5.1 Application Consultations

Fourth consultation: 18 January 2023

The council consulted on the following amendments to the scheme:

- Reduction in height and bulk from a two-storey extension to a single-storey extension with plant enclosure above.
- Amendments to the detailed design of the extension.

Historic England

The roof extension has been revised and is now much reduced in scale. This is a positive change which results in it being less prominent in important conservation area views. The level of harm that we had previously identified would therefore be partly reduced and we welcome the efforts to address our concerns. However, the extension would still be relatively prominent and in our view the revised design is not compelling in its context. The extension seeks a deliberate contrast with its surroundings. Given the particular qualities of the area - notably a consistency in form and materials - it would distract from, and result in harm to, significance.

This harm could be avoided through the development of a more contextual design which better assimilates with the character which makes the conservation areas special, in accordance with relevant policy and guidance. The harm would be regrettable, and for the purposes of the NPPF, low in the range of less than substantial harm.

Covent Garden Community Association; Covent Garden Area Trust and Seven Dials Area Trust

Concerns expressed over the consultation process. The very short timeframe between consultation and intended submission suggested that there would be little if any time for the groups' concerns to be properly addressed and resolved. The groups had hoped to work with the architects and applicants to ensure an appropriate design solution could be identified, but despite their best efforts this did not take place.

The following points, which were made within the groups joint response to the revised proposals prior to their submission, still stand:

1. The revised proposals still represent a substantial addition to the building which will be clearly visible in views of the historic brewery complex from street level and nearby buildings. We strongly believe that the revised proposals do not do enough to mitigate the potential harms set out by Historic England. The proposed roof structure still represents an oversized and over-dominant addition to this important group of buildings within the Covent Garden Conservation Area, and facing directly onto the Seven Dials Conservation Area from where it is most visible.
2. The revised design is still unsympathetic to its important context. There are no other examples of glazed box roof- extensions in the area that are so clearly visible from ground level. The glazed-box roof extension on top of 27-33 Shelton Street is far less visible in the streetscape than the current proposal. The proposal would fail to respond to the prevailing character and appearance of the area. An almost entirely glazed, box-like roof-extension and an oversized plant enclosure in this location is appropriate.

3. Essential information about the proposed glazed roofs above Old Brewers Yard should be included as part of this submission. (e.g. including how they were to be supported structurally; how they were to be drained; and how they were to be lit.

4. We look forward to seeing details of the height and construction of the Shelton Street gate so as to minimise noise breakout and maximise security.

Seven Dials Trust

Reference needs to be made to the Agent of Change principle: The Agent of Change concept is adopted in the London Plan policy D13 and is a key principle in Westminster's City Plan and "Where a proposed development which requires planning permission may impact on noise sensitive land uses, a detailed Acoustic Report prepared by a competent Acoustic Consultant is required."

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 397

No. Responses: 4

1 additional letter of objection on the following grounds:

- Objection to the proposed additional floor. The surrounding streets are narrow and already have disproportionately high buildings.
- Allowing to build higher would create 'canyons' with little daylight at street level.
- The council should impose acoustic screens and silencers on any additional plant and exhausts.
- There should be no work to take place before 9 am and after 5 pm on weekdays; and no work to take place on weekends.
- There should be no additional bar because of the noise implications. If the council were to grant it, please impose a no deliveries rule from before 8 am and after 6 pm on weekdays, and no deliveries on weekends. Please impose a no refrigeration vehicles rule due to noise!
- There should be no additional plant within thirty yards of the building line between the premises and Neil Street as this would substantially impede daylight for Odhams Walk residential flats.

3 additional letters of support have been received from Shaftesbury, Stamfords and CAPCO on the following grounds:

- The proposed microbrewery and visitor experience will complement the existing uses in the area well, support the commercial and leisure industries locally and would further diversify the entertainment and food and beverage offer
Shaftesbury would ask the Council to secure a detailed management and servicing strategy to complement the activity in and around the site.
- The design to a single storey extension provides an appropriate contemporary response to the site addressing previous local concerns and respecting the character of the Conservation Area. The lightweight structure of the extension, ensures that the original character of the building is retained and adds a complementary addition to the building.
- Visitor footfall will increase, and this will help Stamfords and other neighbouring business who have seen a significant decline in footfall and revenues since the

Covid pandemic began in March 2020. As a local retailer Stamfords does have concerns about noise and ensuring that patrons can disperse quietly.

- Stamfords are pleased that the team creating the new experience understand and are sensitive to our concerns and are working actively with us to design proper solutions to any potential problems.
- Stamfords are happy to see the creation of a community collaboration space at 5 Langley Street
- Creating a new microbrewery in the area is an appropriate link to the history of Old Brewers Yard.
- CAPCO has reviewed the revisions to the roofscape which are welcomed and represent a further improvement to the application and so wish to restate our continued support.

Site and Press Notice

Yes

Third consultation:24 November 2022

No amendments to the scheme made but Historic England consulted.

Historic England

The site is not well suited for a roof extension given the views across an open area of it, and the existing consistent scale. The proposed design is not contextual and consequently results in clear harm to the conservation areas. The Art Deco aesthetic is tenuous; it is too over-scaled to be recognised as such and reflects nothing of the qualities of the existing building, or the area, in any case. In its context it is therefore poor quality and in our view falls short of the high standard which policy seeks, particularly in relation to the historic environment.

Such an important and characterful part of London deserves a more thoughtful design which respects local history and character. Particularly given the strong history of good quality, modern design in the locality which has successfully achieved that. The Covent Garden Area Action Plan provided for a pioneering heritage-led regeneration of the area for its time, including the Odhams Walk housing development. A large roof extension was also added to Nos.27-33 Shelton Street opposite the site and this was clearly designed to have minimal visibility from street level, to preserve the historic roofscape. The Comyn Ching Triangle development at Seven Dials is another celebrated example close by.

Given the consistency in scale and character, and historic efforts to maintain it, the application proposals would represent a notable departure. Harm would be caused to multiple designated heritage assets, and every effort should be made to avoid or minimise such harm in order to comply with the NPPF and the Development Plan (noting Westminster Policies 39 and 40, in particular). We therefore recommend that the design should be reconsidered.

Second Consultation: 6 July 2022

The council consulted on the following amendments to the scheme:

- The public art at 1 Mercer Walk to be retained instead of being replaced by living wall.

- Relocation of main entrance of proposed restaurant 28-32 Shelton Street from Shelton Street to Old Brewer's Yard (the courtyard).
- Opening hours of 15A Neal Street to be reduced to 10:00 to 22:30. (every day)
- Use of previously identified back of house space at 5 Langley Street as events space with a capacity of 350 persons.
- Table plan provided for Old Brewer's Yard (the courtyard).

Covent Garden Area Trust

- The Trust wishes to reinforce our earlier objection. Concerns regarding the noise and management of the site as a whole have still not been adequately addressed, and the Trust is in agreement with the additional detailed comment submitted by CGCA on 12th July. A thorough dispersal plan detailing how the responsibility for the dispersal of customers will be fulfilled has not been provided so far, and the Trust asks that a condition be imposed as part of any Planning Permission for the requirement of an amended Operational Management Plan.
- The Trust also wishes to affirm its earlier objection to the bulk and height of the proposed roof extension to 28-32 Shelton Street. The amendments made to this element of the proposals do not address the Trust's primary concerns.
- The proposed renders submitted with the revised scheme make the heavy visual impact of this overly dominant feature clear. There are no roof additions of a comparable scale anywhere else in the area.
- The sheer, cliff-face effect created by the proposed excessively tall roof extension will be visible in views into and around this important pedestrian crossroads, and will adversely impact the setting of listed buildings and the character and appearance of the conservation area.
- Please refer back to our earlier objection for our detailed analysis, which still stands.

ADJOINING OWNERS/OCCUPIERS

Two additional letters were received objecting on the following grounds:

- With the exception of the slight reduction in hours of access from Neal St., these modifications do nothing to alleviate the very real issues with this application as set out in the consultations section above.
- The very limited road space for access and egress will cause problems both for deliveries (bar deliveries are not quiet) and for people being collected by cars/taxis and vastly increased presence of pedicabs in the surrounding streets
- The potential for noise nuisance with late opening for events must be more carefully balanced with the residents rights to peacefully occupy their homes.
- The developers also need to propose how they will work to deliver
- community benefit to the residents in the surrounding areas rather than expecting residents to accept any proposals in the name of business growth
- The planning application should only be permitted once amended in line with Soho Housing Association and Covent Garden Community Association

First consultation: 30 May 2022

London Borough Of Camden

Camden has the following concerns in relation to the impact on the borough and its

occupiers:

- Loss of outlook for occupiers (particularly to 31 - 33 Shelton Street)
- Loss of light to 31 - 33 Shelton Street
- Noise and disturbance from proposed uses and associated activities
- Noise and disturbance during construction
- Risks to security of people and property
- Harm to setting of neighbouring Listed Buildings and character and appearance of Conservation Area
- Control of hours of use of Old Brewers' Yard by vehicles, as stated in the Transport Statement, by the Operations Management Plan (OMP) / Delivery and Servicing Plan (DSP).
- A Construction Traffic Management Plan.
- A commitment to remedy any construction damage to Shelton Street, with a highways contribution to LB Camden secured by way of a S.106 agreement

Designing Out Crime

No objection to the overall application but serious concerns raised about dispersal which must be limited to the main entry point on Shelton Street. Langley Street is a narrow lane which, out of office hours, has little to no natural surveillance. The gates linking the Yard to Langley Street, via a covered passage way, need to remain closed at all times. The Yard itself has a dogleg which is concealed and may cause issues. .

Covent Garden Area Trust

The Trust is not opposed to the broad principle of the development but there are elements of the proposals which will be clearly and strikingly detrimental to the character and appearance of the Covent Garden Conservation Area and adjacent and nearby listed buildings, namely the roof extension at 28-32 Shelton Street, glazing over courtyard, branding and commercial dominance and effects on residential amenity (on this issue the Trust supports the comments of the CGCA). The Trust considers any roof extension should have a more moderate scale, the canopy should be a simple, lightweight and transparent structure and questions the suitability of a single brand commercial development of this size.

Covent Garden Community Association

- The proposal is not in accordance with City Plan policies 7 [Managing development for Westminster's people] and 16. [Food, drink and entertainment]
- 1 Mercer Walk opening hours should be reduced (maximum suggested opening hours 8am to 9pm Monday to Thursday; 8am to 10pm on Fridays; 9am to 10pm on Saturdays, and 10am to 9pm on Sundays.) and other conditions attached. Some other elements of this part of the development are positive.
- 5 Langley Street could be reasonably consented with some changes/planning conditions (maximum suggested opening hours 10am to 11.30pm Monday to Thursday; 10am to Midnight on Fridays & Saturdays and 10am to 10.30pm on Sundays)
- Old Brewer's Yard and rear of 7 Langley Street is the most concerning from an amenity perspective, namely noise impact from 200 customers in the Yard. It should be refused outright. If allowed conditions should include maximum suggested hours of 10am to 11pm on any day, max 50 capacity and dispersal via Langley Street after 10pm.

- 15a Neal Street exit from Old Brewer's Yard should be closed at 8pm
- Extension at 28-32 Shelton Street fails to enhance either Covent Garden Conservation Area or setting of the Seven Dials Conservation Area.
- Roof terrace at 28-32 Shelton Street should be refused or heavily conditioned in terms of hours. (max hours 10am to 7pm) The Class E restaurant use should be conditioned including maximum hours of 10am to 11.30pm Monday to Thursday, 10am to Midnight on Fridays & Saturdays and 10am to 10.30pm on Sundays. Other conditions suggested.
- Tables and chairs on Mercer Walk not supported.
- Conditions should be imposed to limit noise outbreak from uses within the buildings and from mechanical plant.
- Delivery hours for the entire development should be restricted.
- Branding and signage should be considered at an early stage.
- The community benefit offered by the applicant should be more specific. The CGCA give examples of community benefits in their letter.
- There is a need for a clear and enforceable dispersal policy as part of the Management Plan. This should be secured by condition and should include points 1 to 7 in the CGCA's letter dated 6 July 2022.

Seven Dials Area Trust

This application sits within a highly residential area with narrow streets and footways and tall buildings where sound is liable to reverberate. Our concerns are:

1. The proposed roof extension at 28-32 Shelton Street to which we object; the proposal is considered to be wholly unacceptable in terms of its impact on heritage assets, because of a. Its height and bulk and b. Its design and use of materials.
2. The potential numbers leaving the premises after core hours. We feel any consent should be based on the licensed areas being seated service only, except possibly the events space at 5 Langley Street as long as this is limited to core hours;
3. Noise breakout from Old Brewers Yard where the applicant's Noise Impact Assessment is based on 50 people, but this could apparently be up to 250;
4. There is no assessment of the noise impact in the streets either in the day or more concerning post-midnight.

The comments made by the CGCA and CGAT are supported. The proposed roof extension would cause substantial harm to the settings of the adjacent listed buildings, especially 34 Shelton Street. It would cause a high degree of less than substantial harm to the Covent Garden Conservation Area and to the setting of the Seven Dials Conservation Area.

Highways Planning Team

Welcomes the opening up of the pedestrian links into the yard. Cycle storage provision is acceptable. Ideally the whole development should be serviced from within the yard. No objection to the capacities requested but queuing on the highway should be avoided. This can be controlled through a management plan. Concern raised about flexibility of Class E and implications for servicing.

Environmental Health

No objection to the application on environmental noise or nuisance grounds provided the recommended conditions and informatives are included on the planning permission.

Waste Project Officer
No objection subject to a condition.

Thames Water
No objection subject to conditions and informatives.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 360
Total No. of replies: 36
No. of objections: 31 (from 27 addresses)
No. in support: 4

31 letters of objection from local residents and other groups including from South Bloomsbury TRA, Bloomsbury Residents Action Group, Bloomsbury Association and Soho Housing Association on some of all of the following grounds:

LAND USE

- Over-intensification / too large. Bringing large numbers of people each week into a small residential enclave for drink led activities.
- Concerned about the number of drinking venues in Covent Garden
- It is not appropriate to have an outdoor space with events with occasional live music in the middle of a residential area.
- Any hospitality element should be significantly smaller than what is currently proposed.
- The proposal would fundamentally alter the character of the area- bustling during the day when the shops are open but quieter at night once they close.
- There are already more pubs, restaurants, bars and people than this area can accommodate.

AMENITY

- The proposal will bring more people into the area with a resulting increase in noise and disruption to local residents.
- Noise breakout from Old Brewer's Yard and from use of Neal Street as an exit.
- Increase in number of late night revellers and in anti-social behaviour will impact on residents in Shelton Street (a narrow canyon) and Earlam Street (a quiet residential street).
- Roof terrace on Shelton Street building will cause noise over a wide area as well as loss of privacy and overlooking. The roof terrace should be only for daytime hours only.
- The ambient noise in the local area is already above WHO guidelines.
- More thought needs to be given to the opening/closing hours of the eating and drinking establishments. The CGCA's comments on this are endorsed. Old Brewer's Yard should be seated only.
- Consideration needs to be given to the dispersal of the customers. The CGCA's comments on this are endorsed.
- The proposed opening hours and 200 persons capacity of the Yard need to be reduced. The CGCA's comments on this are endorsed.
- The small numbers of people who gather outside the local pubs and bars already

- cause a lot of disturbance into the night.
- Noise from servicing in the Yard.
- Potential for fumes from the brewery.

CONSERVATION AND DESIGN

- Unsympathetic 2 storey extension to 28-32 Shelton Street.
- The roof extension is unacceptable because of its height and bulk, its design and use of materials. (e.g. highly glazed facades). It is contrary to policies 39 and 40 within the City Plan.
- The roof extension will impact negatively on the surrounding street and roof-scape.
- The metal and glass design is unsympathetic to the host building.
- Roof extension would cause harm to the setting of nearby listed buildings.
- The height of the roof extension should be reduced by one storey. The restaurant plant and terrace should be incorporated into the existing building.

HIGHWAYS

- Impact on traffic congestion.
- The Shelton Street pavement is too narrow to accommodate a restaurant of this size.

OTHER

- Impact of roof extension on sunlight to the open area the junction of Neal Street and Earlham Street.
- There is a large residential population in Covent Garden. Residents and their local communities matter.
- The comments made by the Covent Garden Community Association are endorsed.
- Both the fire strategy and noise assessment need to be looked at again.

4 letters of support have been received:

- Improvements to footfall and street activation which will help businesses in the area.
- Welcome the 'Learning for Life' and 'Raising the Bar' programmes and the community collaboration space at 5 Langley Street.
- Welcome return of brewing to Covent Garden.
- Improved retail mix, buildings and local streetscape.
- There will be improved servicing and management arrangements in Old Brewer's Yard.
- Through this development, the community will benefit from improved investment in the public realm, as well as providing community benefits and employment opportunities for residents.
- The proposal will assist in driving footfall to the area and encourage dwell times into the evening supported through the additional security which is applied in the planning application.
- The planning application identifies the ability to link with Guinness to promote community activities and cohesion whilst improving the livelihoods through the increase in employment opportunities.

- Capco is supportive of improving the skills of locals and is in partnership with Westminster to improve the employment levels within the area.

Site and Press Notice

Yes

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 between 4 February and 8 March 2022. The applicant's community engagement was planned ahead of the Council's published Early Community Engagement strategy (February 2022). The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Consultation letter sent to 940 residents and businesses.	4/2/22	N/A	Directed consultees to consultation website and invited them to two public consultation events.
Public consultation event including with amenity societies.	7/2/22 (in-person) and 14/2/22 (zoom)	26 and 25 persons.	Sentiment was both positive as well as negative with the concerns reiterated around deliveries, people management, noise, security, waste management and a need to understand how the project will collaborate with the community. As well as answering the questions in person and via an e-mail documentation, a commitment was made to share updates on the consultation website as well as to have additional in-person meetings
Meeting	15/2/22	WCC councillors	Welcoming and positive towards the project but highlighted overspill and management of the site.
Meeting	16/2/22	Odhams Walk residents	Deliveries, noise, footfall (particularly on Neal Street and overlooking.
Meeting	22/2/22	Universal Consolidated Group.	Footfall, noise, cumulative effect of noise from courtyard, deliveries and management of people.
Meeting	24/2/22	Pineapple Dance Studios	Noise pollution from courtyard and bar at rear of 7 Langley Street on the upper dance

			studios and construction work. Diageo committed to putting in sound attenuation into the ceiling of the bar at 7 Langley Street and offered secondary glazing to rooms above courtyard if noise was not solved by infrastructure built into the scheme.
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The applicant's Statement of Community Involvement advises that 'there were several positive comments about the prospect of a scheme like this which will reinvigorate the space, bringing back the brewing heritage of the area while providing great opportunities to collaborate with other local business and community groups within the area and support community initiatives'. Several respondents highlighted 'traffic, egress of people from the site and servicing as a concern.'

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:

- Removal of a substantial outside terrace at 7th floor level on the Shelton Street building and its replacement with a small outside terrace at the rear;
- Screening introduced to the terrace to protect privacy of Odhams Walk residents;
- Changes to design of Shelton Street extension[reduction in size of outside terrace; and
- A detailed draft operation management plan has been created which considers all comments raised in the consultation process and which the applicant advises will ensure proper management and mitigation measures for the site.

Following the resolution of the Planning (Major Applications) Committee on 9th August 2022, the scheme has been revised and further engagement has been carried out by the applicant. The submitted Statement of Community Involvement addendum sets out the following:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Telephone call	23/12/22	CGAT on behalf of CGCA, CGAT and SDAT	To discuss the re-design proposals.
Meeting	05/01/23	CGAT on behalf of CGCA, CGAT and SDAT	RKD presentation and discussion for feedback of presentation shared via Trust. To discuss working redesign proposals.
Meeting	06/01/23	Historic England and WCC officer.	To discuss redesigned proposal.

Meeting	11/01/22	CGAT on behalf of CGCA, CGAT and SDAT	Feedback from all local amenity groups was shared with the project team.
Email	November 22	CHCA, CGAT and SDAT.	Contributions and inputs received by email on the initial draft OMP framework that formed part of the original framework.

The applicant advises that they have since engaged with the CGCA, CGAT and SDAT on the preparation and detail of the Operational Management Plan that will serve the proposed development. The applicant further advises that as a planning decision has not yet been formally issued by WCC, an operations director has yet to be hired. On this basis, existing operations teams from other Diageo sites will assist and give general support and guidance on the OMP drafting in the interim until a designated operations director is hired formally, pursuant to a planning approval.

The Covent Garden Community Association; Covent Garden Area Trust and Seven Dials Area Trust have expressed a concern over the short amount of consultation time given by the applicant on the revised proposal which was subsequently submitted on 17 January 2023.

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 application site comprises a number of properties that back onto Old Brewer's Yard in Covent Garden, namely 28-32 Shelton Street, 15a Neal Street, 5 Langley Street, the passageway underneath 6 Langley Street, the rear of 7 Langley Street and Old Brewer's Yard. The site also includes 1 Mercer Walk which sits to the west on Langley Street.

The site lies within the northern corner of the Covent Garden Conservation Area and forms part of the complex of former brewery buildings and warehouses which were established in the area from the mid-eighteenth century. Many of the former warehouses survive which architecturally distinguishes this area from the rest of Covent Garden and are fundamental the character and appearance of this part of the Conservation Area. The northern part of the site on Shelton Street is adjacent to the Seven Dials Conservation Area which lies within the London Borough of Camden.

All the buildings on the site are unlisted except 6 and 7 Langley Street which are listed grade II. The site is also surrounded by a number of grade II listed buildings including 24-26 Shelton Street, 8 Langley Street, 34 Shelton Street/21-23 Neal Street and 17-19 Neal Street. Nos. 25-33 odd (7 Dials Warehouse) are designated as Buildings Which Make a Positive Contribution (a local listing) within the Seven Dials Conservation Area in the London Borough of Camden.

In terms of other designations the site is within the Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area (WERLSPA) and partly within the Covent Garden CAZ retail cluster. The borough boundary with the London Borough of Camden runs along Shelton Street. Odhams Walk is a large residential development (105 residential flats) to the north east of the application site facing onto Neal Street.

The individual buildings that make up the application site comprise:

28-32 Shelton Street

A five storey building plus basement on the south side of Shelton Street within Class E use comprising two retail units at ground floor level with offices on the upper floors. The building dates from the 1930s and backs onto Old Brewer's Yard at the rear.

1 Mercer Walk

A four-storey plus basement building on the west side of Langley Street. The building forms part of a wider mixed-use redevelopment scheme that was granted planning permission in March 2014 and included the provision of a new pedestrian and servicing piazza 'Mercer Walk' connecting Langley Street to Mercer Street. The building is vacant having previously been occupied for Class E retail purposes as an H&M store. Langley

Street is a pedestrianised street but which is open to deliveries Monday to Saturday from 07.00 to 11.00 hours.

15A Neal Street (ground floor only)

A four-storey building within Class E use located on the west side of Neal Street. The rear of the building faces onto Old Brewer's Yard. The building comprises a retail unit at ground floor level ('The Tea House') with offices on the upper floor levels.

5 Langley Street (basement only)

A four-storey building plus basement located on the east side of Langley Street. The basement entrance is on Langley Street. It is in use as a restaurant at ground floor level (currently occupied by 'Café Pacifico'), with a vacant nightclub in the basement (formerly known as 'Bar Langley') and offices on the upper levels). The rear of the building backs onto Old Brewer's Yard.

Ground floor passageway underneath 6 Langley Street

The application site includes an existing passageway that extends underneath this Grade II listed building running from Langley Street to Old Brewer's Yard.

Rear of 7 Langley Street

A five-storey grade II listed building plus basement occupied by Pineapple Dance Studios and offices. The site relates to a single-storey bin store at the rear of this building, fronting Old Brewer's Yard at ground floor level.

Old Brewer's Yard

The yard is approximately 500sqm in size and is bordered at all sides by Neal Street to the east, Langley Street to the west, Long Acre to the south and Shelton Street to the north. The yard is accessible on-foot and by vehicle from Shelton Street, although it is not accessible to the public. The yard is used as a servicing space for buildings surrounding the Yard, including commercial properties on Neal Street and Long Acre.

7.2 Recent Relevant History

Pre-Action Protocol Letter

The council received a Pre-Action Protocol for Judicial Review (Letter before Claim) dated 21 October 2022. This sets out the claimants (the Covent Garden Community Trust's) grounds of challenge to the City Council's decision which are:

Ground 1: the voting process by which the resolution to grant planning permission was purportedly passed was improper.

Ground 2: the Council failed to assess the potential impacts of the proposed development on the significance of the following designated heritage assets: 23-33 Shelton Street, 28-32 Shelton Street, 6 Langley Street and the Seven Dials Conservation Area.

Ground 3: the Council failed to assess the impact of the proposed canopy on adjacent designated and non-designated heritage assets.

Ground 4: the Council failed to assess the extent of less than substantial harm.

Ground 5: the Council failed to consult with Historic England, failed to give weight to Historic England views or failed to await Historic England consultation response.

Legal advice has recommended that this application is returned to committee with a revised report which seeks to address in detail the complaints made by CGAT in its Pre-Action Protocol Letter.

The application has also been amended, namely a redesign of the extension at 28-32 Shelton Street with a reduction to a single storey extension with plant enclosure above. The council carried out a full re-consultation on the revised scheme on 18 January 2023.

Planning (Major Applications) Sub-Committee

The applications were presented to Planning (Major Applications) Sub-Committee on 9th August 2022. A copy of the previous committee report and minutes are provided as background papers. The committee resolved that conditional permission be granted subject to the completion of a S106 legal agreement to secure a number of benefits and amendments to conditions. The committee resolved that listed building consent be granted. The S106 legal agreement has not been completed and as such planning permission nor listed building consent has been granted.

Other relevant history

Mercers Development

Part Of Block C , Mercer's Covent Garden Estate, Mercer Street, London, WC2.

Retention and refurbishment of 13-14 Langley Street for retail (Class A1) use.

Demolition of 6, 10-14 Mercer Street, the one/two storey warehouse-type buildings and the later rear addition of 116 Long Acre and redevelopment to provide 24 residential flats (Class C3), retail (Class A1) and restaurant (Class A3) units with associated plant and ancillary space. Creation of new pedestrian and servicing piazza and street, works of hard landscaping, alterations to existing vehicular and pedestrian access together with associated enabling works. (13/06028/FULL)

6- 7 Langley Street

Alterations to the roof of no.7 Langley Street including the installation of decking, pergolas, timber banquette seating, planters, and screening for use of the roof as a roof terrace; associated works including alterations to no.6 Langley Street, in connection with the Class E use of no.6 Langley Street.

There is no other significant planning history for the buildings that make up the site.

8. THE PROPOSAL

The proposal seeks to create a new leisure and entertainment destination centred around the Guinness brand for the buildings positioned around Old Brewer's Yard, with the yard at the centre of the scheme providing an outdoor food and drink area. The applicant advises that the repurposing of Old Brewer's Yard is to contribute to the Mercers' Company's overarching strategy to improve the permeability of Covent Garden by creating a new pedestrian link and open space forming part of the public realm. The

scheme also includes a micro-brewery at 1 Mercer Walk connected to the wider scheme by the existing passage underneath 6 Langley Street.

The scheme as revised in January 2023 can be broken down as follows:

28-32 Shelton Street

Erection of a new single storey extension (with external plant room on top) with external terrace at fifth floor level for use of the building as a restaurant within Class E(b). The terrace at sixth floor level to have 16 covers. The entrance to the restaurant to be from the rear at Old Brewer’s Yard. The proposals will result in a six-storey building (plus basement). A new shopfront to Shelton Street and new rear opening to the yard are proposed. Photovoltaics are proposed at main roof level.

1 Mercer Walk

Use of the building as a microbrewery with ancillary retail space and bar. (sui generis) with guided tours. At second floor level, there will be a teaching and learning space to facilitate the applicant’s outreach programme ‘Learning for Life’. External alterations are largely restricted to the opening up of some blind windows facing Langley Street, alterations to roof plant vents and the installation of roof top photovoltaics. As originally submitted, the application included a proposal for 6 tables and 24 chairs outside the premises at 7 Mercers Walk (Stamfords) to be used by visitors of the microbrewery. However these tables and chairs have been removed from the proposal by the applicant.

15A Neal Street (Ground floor only)

Continued use of premises as retail within Class E(a), new shopfront and demolition of the rear wall and replacement with an entirely glazed openable shopfront (to allow access to Old Brewer’s Yard from Neal Street).

5 Langley Street (Basement and part ground floor only)

Use of the basement for events and cultural uses together with community activities (sui generis). Alterations include provision of a new entrance within Old Brewer’s Yard, with access to the basement achieved via a new lift and staircase. This will be the main access into the basement and will be used to access storage space to store courtyard furniture and to provide toilet facilities for the outdoor bar in the yard.

Rear of 7 Langley Street (Part of ground floor only)

Alterations and conversion of former bin store to a bar and servery (sui generis)

Old Brewer’s Yard

Use of the open yard to provide an area of semi-permanent tables and chairs, a standing area and food truck in connection with the bar at the rear of 7 Langley Street (sui generis). The capacity of the yard is to be 150 (excluding staff) with seating provided for at least 100 patrons and no more than 50 standing at any time. The furniture will be removed after operating hours and taken down to the designated storage space in the basement of 5 Langley overnight and whilst delivery and servicing takes place in the morning.

The part of the proposal includes a high-level glazed canopy (covering approximately 60% of the yard and rising approximately 7m in height) and new gates facing Shelton Street (these are to be a set of black vertically sheeted timber gates that correspond to

the historic black ‘Guinness Gates’ synonymous with the origins of the Guinness brewery at St James’s Gate in Dublin.). Access to the yard from the existing entrance on Shelton Street, via the pedestrian passageway from Langley Street and via the shop unit at 15a Neal Street.

Table: Existing and proposed land uses. (Information provided by applicant.)

Building	Existing use	Proposed use	Existing GIA (sqm)	Proposed GIA (sqm)	+/- GIA (sqm)
28-32 Shelton Street	Class E	Class E(b)	1525	1667	+142
1 Mercer Walk	Class E	Sui Generis	2318	2318	0
15A Neal Street	Class E	Class E(a)	50	50	0
5 Langley Street	Sui Generis	Sui Generis	907	907	0
Rear of 7 Langley Street and Old Brewer’s Yard.	Servicing/Back of House	Sui Generis	136	136	0
TOTAL			4936	5078	178

9. DETAILED CONSIDERATIONS

9.1 Land Use

Land Use Overview

The site lies within the Central Activities Zone and the West End Retail and Leisure Special Policy Area.

City Plan policy 1.A (*Westminster’s spatial strategy*) seeks to ensure that Westminster will continue to ‘grow, thrive and inspire at the heart of London as a World City’. Policy 1 acknowledges the need to balance the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre and home to residential neighbourhoods; and seeks to support the evolution of town centres, including the WERLSPA, as multifunctional commercial areas to shop, work, and socialise.

City Plan policy 2 (*Spatial Development Priorities: West End Retail and Leisure Special (WERLSPA)*) states that the intensification of the WERLSPA (the West End location providing a range of commercial activity including internationally renowned shopping destinations and retail and leisure destinations, including Covent Garden, and numerous tourist attractions), over the Plan period will deliver a number of priorities including: (A) Significant jobs growth through a range of commercial-led development including retail, leisure, offices and hotel use; (B) An improved retail and leisure experience that responds to innovation and change in the sector; (C) A diverse evening and night-time economy and enhanced cultural offer and (F) Protection of the unique character of central London’s distinct and iconic places and heritage assets.

The supporting text ,paragraph 2.7, anticipates that the WERLPA will absorb much of Westminster’s future commercial growth through investment in a range of commercial development including retail, food and drink uses and entertainment uses will protect

and support the arts, culture and entertainment offer for residents, workers, and visitors and diversify the food and beverage offer, to complement the retail environment whilst, at the same time, minimising negative impacts on residential neighbourhoods.

Policy 14 (*Town centres, high streets and the CAZ*) supports the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses in principle, subject to impact on townscape and heritage.” Paragraphs 14.16 and 14.17, recognise that within the WERLSPA, away from the main shopping streets, “ the land use is highly diverse, containing a mix of commercial activity, including retail, pubs, bars, restaurants, theatres, cinemas and other entertainment venues. Together, these provide a wealth of attractions that draw in visitors and make a major contribution to London’s world city status..... Alongside retail growth, a balanced mix of complementary leisure, entertainment, food and drink and cultural and employment offers are welcomed to help the West End to grow, not only as a global shopping destination, but also as an enhanced leisure and employment destination”.

Policy 15 (*Visitor economy*) states that the Council will maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities

Policy 16 (*Food and drink*) requires proposals for food and drink and entertainment uses to be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

Related residential amenity policies

City Plan Policy 7(B) (*Managing development for Westminster’s people*) requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality.

City Plan Policy 33 (C) (*Local environmental impacts*) relates to noise and states development should prevent adverse effects of noise, with particular attention to:

- i. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
- ii. minimising noise from plant machinery and internal activities;
- iii. minimising noise from servicing and deliveries; and
- i. protecting the relative tranquillity in and around open spaces.

City Plan Policy 33 City Plan Policy 33 (D) (*Local environmental impacts*) relates to odour, and states development will effectively address the adverse impact of odour through the incorporation of appropriate mitigation measures using a precautionary approach.

Environmental Supplementary Planning Document (Adopted 2022)

This Supplementary Planning Document (SPD) provides guidance for developers on how they can meet the environmental policies within Westminster’s City Plan 2019 – 2040. The ESPD covers seven environmental topics of which local environmental

impacts (e.g. noise and vibration and odour), energy and waste management are the most relevant to this application.

Legislation

Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health, or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity. The consequence of this is that planning permission is not needed for changes of use within Class E, subject to the provisions of the Use Classes Order.

Proposed Restaurant (Class E), Bar (Sui Generis) , Microbrewery (Sui Generis) and Event Space (Sui Generis)

The designation of Covent Garden within the West End Retail and Leisure Special Policy Area reflects the highly diverse land uses within the area in what is predominantly a commercial neighbourhood. The application site itself has a commercial character, however, there are multiple residential uses nearby including to the west in Mercer’s Walk, to the east as part of the Odhams Estate (105 residential flats) and to the north along Neal Street.

Covent Garden provides a wealth of attractions that draw in visitors and make a major contribution to London’s world city status. The application proposal would promote good growth by diversifying the entertainment and food and beverage offer for residents, workers and visitors and by supporting the visitor and night-time economy. The use of the application site to provide entertainment, retail and visitor attraction uses is considered to support the aims of City Plan spatial policies 1 and 2.

The application comprises a mix of uses in the form of a restaurant, bar, microbrewery visitor attraction and event space. These uses offer a balanced mix of complementary leisure, entertainment, food and drink and visitor attraction offerings that will not only help the West End to grow as an enhanced leisure and employment destination but also maintain and enhance the attractiveness of Westminster as a visitor destination in line with Policies 14 and 15.

Given the recent changes in the Use Classes Order, the council cannot control growth of cafes and restaurants that are now in a new Class E. Paragraph 16.1 of the City Plan sets out that the focus of policy 16 ‘will therefore be on other uses such as takeaways, shisha smoking bars and other drinking establishments that are sui generis uses.....Proposals for the provision of these mix of uses within the WERLSPA will be supported provided they do not lead to over-concentration owing to the impacts on servicing and amenity.’

The application proposal provides entertainment uses in the form of a restaurant (Class E), an event space (sui generis) and a bar with a substantial area of outdoor seating (sui generis). This part of Covent Garden along Shelton Street and Neal Street has a strong

commercial feel with a mix of office, retail, food and drink and other commercial uses, particularly at ground floor level. Further to the west is the Mercer's Yards development which provides a number of food and drink uses at ground floor level in addition to some retail uses. Taking into account the fact that 28-32 Shelton Street is already in Class E use and the basement of 5 Langley Street was formerly in use as a nightclub, the proposed food and drink and entertainment uses are considered to be of a type and size appropriate to their location. Given the broad mix of commercial uses in the vicinity of the site, it is not considered that the proposal would result in an over-concentration of food and drink and entertainment uses which could harm residential amenity or the vitality and character of the local area. In fact the proposal would be likely to enhance the vitality and character of the area given the place shaping benefits from the opening up of Old Brewer's Yard to public use. Measures within the scheme to protect residential amenity are set out below and issues relating to the servicing of the development are set out in paragraph 9.5.

Letters of support to the proposal have been received from local businesses Stamfords and Hawksmoor and from the Long Acre Business alliance, CAPCO and Shaftesbury.

Impact on Residential Amenity

Food, drink, and entertainment uses need to be carefully managed to prevent harmful impacts on residential amenity and local environmental quality. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. Although, it is recognised that there can be considerable variation between the effects of different types of food / drink / entertainment uses.

A key issue with the proposal is the impact on nearby residential occupiers in terms of noise and disturbance from the uses proposed and the mitigation measures that are proposed to safeguard residential amenity. In this regard, the City Plan 2019-2040 sets out that the council will utilise the Agent of Change principle, which places the burden on the applicant to ensure mitigation measures are included to safeguard future local amenity.

Noise

The Covent Garden Community Association, the Covent Garden Area Trust and Seven Dials Area Trust have raised noise concerns, particularly in relation to the proposed bar and outdoor drinking area within Old Brewer's Yard and from the roof terrace that forms part of the restaurant at 28-32 Shelton Street. Furthermore detailed comments have been made from the CGCA about the opening hours of the yard, its capacity, the dispersal strategy of customers from the bar late at night and appropriate controls that should form part of a detailed operational management plan. Local residents have also raised similar objections and concerns and consider that the scheme would be harmful to residential amenity. Concerns to this part of the scheme have also been raised by the London Borough of Camden.

The distribution of residential units within close proximity to the site is shown on the plan below and marked as letters A to S. (information provided by the applicant)



The residential properties that are closest to the application site can be summarised as:

- A: 25 Shelton Street (13 flats)
- B: 23 Neal Street (6 flats)
- C: 17-19 Neal Street (1 flat)
- E: 22 Neal Street (maisonette above Crown and Anchor PH)
- F: 24 Neal Street (1 flat)
- G: 26-28 Neal Street (1 flat)
- H: Multiple residential flats at Mercers development.
- S: Multiple residential flats (105) at Odhams Walk.

It is the outdoor spaces which have the greatest potential to cause noise and disturbance to neighbouring residential occupiers. The scheme features two outdoor spaces, namely the fifth floor terrace at 28-32 Shelton Street and the external space at Old Brewer's Yard. In accordance with our Environmental SPD the applicant has provided a Noise Impact Assessment with the application for the outdoor areas.

Environmental Health advise that although this type of assessment will provide an indication of the noise experienced by nearby sensitive receptors, it can only be used as guidance. Actual impacts may be greater or less than what is predicted depending on many factors. In this instance Environmental Health consider that the proposed reduced operating hours of the yard and fifth floor terrace and reduced capacity, would reduce the number of potential noise sources compared to the originally submitted scheme. Noise associated with the use will be audible at nearby sensitive receptors. However, any impacts can be mitigated and reduced, using control measures such as limiting the numbers of patrons able to access the area and conditioning the operational hours to daytime only (0700 -23.00hrs).

Licensing position

The Westminster Licensing Sub-Committee determined applications for a New Premises Licence under the Licensing Act 2003 for the various sites that form part of this application on 30 June 2022 and again on 24 November 2022 for Old Brewer's Yard and 5 Langley Street. A summary of the licensing position for each property and any key licensing conditions is included in the assessment of opening hours for each part of the site.

The hours of use and capacity for each venue is set out in the table below.

Table: Occupancy Schedule and Hours of Use

Site Address	Proposed Customer Capacity	Proposed Staff Occupancy	Opening Hours
28-32 Shelton Street	319 (including 16 covers on external roof terrace)	81*	Monday-Thursday 10:00-23:30 Friday and Saturday 10:00-00:00 Sunday 10:00-22:30 The external roof terrace to open 10:00 to 21:00 each day.
1 Mercer Walk	220	50	Monday-Sunday 10:00-22:30
15A Neal Street	15	2	Monday to Sunday: 10:00 to 22:30
Basement of 5 Langley Street	350	1	Monday-Thursday 10:00-23:30 Friday and Saturday 10:00-00:00 Sunday 12:00-22:30

Rear of 7 Langley Street & Old Brewer's Yard	150 (with at least 100 people seated and a maximum of 50 standing)	0	Monday-Saturday 10:00-23:00 Sunday 10:00-22:30 The access gate to Old Brewer's Yard from Shelton Street shall be closed at 22.00 and there shall be no new entry to Old Brewer's Yard or egress via the Shelton Street gates after that time.
Total	1054	134	

* There is capacity calculated in 28-32 Shelton Street to deal with the other spaces as necessary, so this is the utmost capacity required. A proportion of this staff count would be used for serving OBY/7 Langley and 5 Langley Street.

28-32 Shelton Street

The opening hours sought for this Class E are acceptable within the CAZ and align with those agreed by licensing. The property already has lawful Class E use and the existing floorspace could be used for restaurant purposes without needing planning permission. It is accepted that the current scheme proposes an additional 142sqm of Class E floorspace, however, this is not considered so significant as to warrant a reduction in opening hours sought by the applicant. The CGCA recommends the same opening hours as those sought by the applicant.

The opening hours sought for the external terrace at fifth floor level have been revised to 10:00 to 21.00 hours. The CGCA consider this should be reduced to 19.00 hours and have provided officers with examples of nearby terraces linked to office uses which have this terminal hour controlled by condition. The terrace is partially enclosed with a glass balustrade but because it is at high level it has the potential to cause noise and disturbance. The submitted Noise Impact Assessment identifies the residential property above the Crown and Anchor PH (approx. 36m away from the centre of the roof terrace) as being the most affected noise sensitive property. The report predicts that noise from the terrace will exceed the noise limits applied by the City Council at night (23.00 -07.00 hours) but is within acceptable limits during the day. Given that the terrace will cease operating at 21.00 hours, it is not considered reasonable to restrict its use until 19.00 hours as requested by the CGCA.

1 Mercer Walk

In addition to the microbrewery, this building will have a retail area and bar with a total capacity of 220 persons. There are residential flats in close proximity at 7 Mercer Walk fronting onto Langley Street. The CGCA are however seeking a terminal hour of 21.00 hours Monday to Thursday and Sundays and 22.00 hours on Fridays and Saturdays. The opening hours agreed by licensing are Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours and Sunday 12:00 to 22:30 hours. The opening hours sought for this property, namely Monday-Sunday 10:00-22:30 are considered acceptable within the CAZ. A condition is recommended that from 22:00 hours on

Sunday no patrons shall use the West door onto Mercer's Walk except in case of an emergency.

15A Neal Street

Whilst it is not considered appropriate to restrict the opening hours of the proposed retail use, as it already has lawful Class E use, it is considered appropriate to ensure the use of the retail shop as a through route between Neal Street and Old Brewers Yard ends at 21:00 hours (and not the 22.00 hours sought by the applicant or 20.00 hours sought by the CGCA). The reason for this restriction is to reduce noise and disturbance to residents in Odhams Walk. As with the micro-brewery, the applicant has advised that refrigeration is to be taken out of the retail shop for the purposes of alcohol sales to discourage drinking in the immediate vicinity. The licensing position with regards to opening hours and sale of alcohol for this property is Monday to Sunday 09:00 to 21:00 hours.

5 Langley Street

This premises was previously used as a nightclub (the Langley). Given the planning history of the site, the hours of use sought by the applicant for this property are considered acceptable. The CGCA recommends the same opening hours as those sought by the applicant. Licensing has granted opening hours to the public 10:00 to 23:00 hours Monday to Thursday and 12:00 to 22.30 hours on Sunday with extended non-standard timings of 23.30 Monday to Thursday and 00:00 Friday and Saturday for a specific area with the basement.

Rear of 7 Langley Street and Old Brewer's Yard

The opening hours sought by the applicant for the bar and external drinking area align with those agreed by the Planning (Major Applications) Sub Committee on 9 August 2022 and are considered acceptable. The CGCA consider the external drinking/dining element of the development should be refused outright but if allowed then the capacity should be reduced to 50 persons. (see 'Capacity' paragraph below).

In accordance with the licensing position it is recommended that the access gate to Old Brewer's Yard from Shelton Street be closed at 22.00 and there shall be no new entry to Old Brewer's Yard after that time save for emergency or for patrons leaving any of the premises abutting Old Brewer's Yard in order to use the Langley street exit. The licensing position with regards to the yard is as follows: opening hours Monday to Saturday 10:00 to 23:00 hours, Sunday 12:00 to 22:30 hours. The terminal hour for the supply of alcohol in Old Brewer's Yard is 22.30.

Old Brewer's Yard is mostly surrounded by commercial properties, which include the Pineapple Dance Studios which has upper level windows that overlook both the yard and Langley Passage. The submitted Noise Assessment Report identifies 23 Neal Street (6 flats) and 17-19 Neal Street (1 flat) as being the most affected noise sensitive properties when the proposed external seating area will exceed noise limits applied by the council. However, it is the intention of the applicant to convert these properties to commercial use as part of a land use swap with other properties in the vicinity of the site. It is recommended that the land use swap is secured by legal agreement with the requirement not to commence development until a planning application has 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.

The terminal hour of 23:00 for Old Brewer's Yard (Monday to Saturday) will have the benefit of allowing a staggered dispersal of customers from the yard rather than an earlier sudden cut off whereby customers all leave the premises at the same time. It is also considered that noise can be mitigated through appropriate management controls at the yard (e.g. the dispersal strategy) through an Operational Management Plan.

Management Controls

Capacity

The capacities sought by the applicant for the various uses proposed are set out in the above table. The capacity of Old Brewer's Yard has been reduced to 150 people (with at least 100 people seated and a maximum of 50 standing). The concerns of the CGCA with regard to the capacity of the yard are understood. They consider the external drinking element of the scheme should be refused outright but if allowed then conditions should limit capacity to 50. It is considered that with appropriate management measures in place through a robust operational management plan and with reduced operating hours until 23:00 Monday to Saturday, the capacity of 150 persons is acceptable.

Dispersal of customers from Old Brewer's Yard

A number of objections and comments have been raised by local amenity societies, local residents and the Metropolitan Police's Designing Out Crime Officer in relation to the dispersal strategy proposed for the yard. The application proposes that after 22.00 all patrons shall exit Old Brewer's Yard via the Langley Street exit save for emergency exit via Shelton Street.

The Metropolitan Police's Designing Out Crime Officer takes the view that due to the quiet nature of Langley Street, it would be preferable and safer for dispersal in the evening to take place from the main gates on Shelton Street. The view of the Designing Out Crime Officer is noted but the above approach is considered to be the preferred option in terms of protecting the amenity of neighbouring residential occupiers.

Operational Management Plan

A key aspect of the proposal will be appropriate management controls in order to minimise any negative impacts from the uses, and in particular from the yard, on local environmental quality and residential amenity. The applicant submitted a draft Operations Management Plan (OMP) with the application and has confirmed that they will continue to consult with the local amenity societies prior to the final version being drafted. The applicant sets out that the principal objectives of the plan will be to maintain the buildings, open space and streetscape to the highest standards for the benefit of occupiers, the public, and the local community; maintain security for occupiers and members of the public; and maintain public safety. The key features of the draft OMP are:

- Diageo will have a security team who will be responsible for the overall 'Guinness buildings at Old Brewers Yard' scheme and will have an office located within the scheme itself. This will be in addition to Mercer's own security within its Covent Garden estate.
- At night-time, the patrolling security officer will be located within Mercer Walk between the hours of 9.00pm and midnight to encourage diners to exit the area

- quietly and via Langley Street if possible.
- The Shelton Street gates and passageway from Langley Street will be closed overnight.
- The applicant will install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team
- Buskers and street performers shall not be permitted to operate within the site
- Smoking is to be permitted within Mercer Walk and in designated areas within the yard.

Officers consider that a much more comprehensive and robust OMP should be secured by condition including more detail on how the dispersal of the yard will be managed, full details of how many security staff will be employed and where they will be located on site, full details of a direct telephone number at the premises to be made available for residents and businesses, the policy on takeaway alcohol sales, full details of CCTV, details of staff training and use of virtual queuing through smart phone apps. The council expects the OMP to be developed in consultation with the Covent Garden Community Association, the Covent Garden Area Trust and the Seven Dials Trust.

Odours

An odour assessment report has been submitted with the application. This was revised following the redesign of the roof extension at Shelton Street.

The Class E restaurant use at 28-32 Shelton Street includes multiple kitchens serving food to customers both inside the restaurant and within Old Brewer's Yard. The proposed kitchen extract duct will terminate at roof level from within the proposed external roof plant.

For the micro-brewery at 1 Mercer Walk, emissions are proposed to be exhausted at roof level. The potential for odours from the proposed microbrewery, such as fermented malt, hobs and barley odours, yeasty odours and alcohol odours. has been assessed in the odour assessment. Mitigation measures to prevent odour release have been detailed within the report. Environmental Health do not object and recommend that a pre commencement condition is applied to the development requiring the odour abatement measures to be installed and maintained prior to first use of the brewery and thereafter retained.

The odour assessment confirms that there will be no primary cooking within the proposed bar at the rear of 7 Langley Street and within the basement of 5 Langley Street.

The odour report sets out that from time to time within Old Brewer's Yard, there may be additional food odours within the courtyard, such as the Guinness Food truck to support events. A condition is recommended to require an updated odour assessment to deal with odours from the food truck.

The applicant is advised by informative that they must register a food business with the council, where under environmental health legislation, the food business must meet our standards on ventilation and other equipment so it does not cause noise, smells, or other types of nuisance.

Social & Community Use

Policy 16 of the City Plan states that 'Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate'

The applicant is proposing to provide a community space in the basement of 5 Langley Street in the form of an events space which will be a multi-purpose room able to host local community events. The applicant has provided details of how it intends to serve the community in its document entitled 'Diageo Executive Summary on serving the community at Old Brewers' Yard' which is provided as a background paper. In summary the applicant advises that the event space could be used for meetings by local amenity the societies, by local residents or by community groups in the wider area.

Officers welcome the proposal by the applicant to allow the use of part of the space within the basement at 5 Langley Street. It is recommended that full details of a community strategy are secured as part of a legal agreement. The strategy will need to set out who will be eligible to use the space and the proposed minimum no of hours for the space to be made available. Details of monitoring arrangements to include annual reports on usage, no of local residents who have used it, any requests by local residents which were declined but unable to be fulfilled etc. will also be required

Land use conclusion

The application site is located within a predominately commercial part of the CAZ, typical of the WERLSPA. However, residential units can be found to the west on Mercer's Walk and Shelton Street, to the north on Neal Street and to the east at Odhams Walk. Despite this, measures will be in place to mitigate and manage noise impacts for neighbouring residents and to protect local environmental quality. Taking into account the Agent of Change principle these measures include controlled hours of use and capacity, method of customer dispersal after 22:00 hours, a requirement for the applicant to submit a robust operational management plan and an updated delivery and servicing management an (see para 9.5) for the council's approval and a S106 Agreement to secure the land use swap.

This planning application also provides an element of community use at 5 Langley Street (basement) and an opportunity through the recommended conditions to gain greater control over the use of 28-32 Shelton Street, which would not otherwise have been possible if the existing building without an extension is converted into a restaurant and over the use of the basement of 5 Langley Street which appears to be an unrestricted nightclub use in planning terms. In these circumstances, the proposed scheme to provide a number of hospitality and entertainment uses and a visitor attraction is considered acceptable.

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.

The proposal is largely for the repurposing and refurbishment of existing buildings with the aim to limit heat losses and gains through improvements to the building fabric. Other measures include the use of low carbon energy in the form air source heat pumps at 1 Mercer Walk and 28-32 Shelton Street and energy efficiency measures such as low lighting power and advanced lighting controls and high efficiency mechanical plant. Photo voltaic panels are provided at roof level on the Mercer Walk(133sqm) and Shelton Street (100 sqm) buildings. A BREEAM pre-assessment has been submitted which shows a score of 70.22% with the potential of targeting credits to bring the score up to 96%. The lower threshold of EXCELLENT equates to a score of 70%. This is welcome in policy terms.

Energy Performance

Policy 36 (Energy) of the City Plan expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.

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 56% reduction in regulated carbon dioxide savings. This is welcome in policy terms. As the application is not a major development the scheme does not have to achieve net zero in terms of Policy 36 (B).

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	63.9	25
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	79.4	31
Cumulative on-site savings	143.6	56

Air Quality

Policy 32 (Air quality) states that the council is committed to improving air quality in the city and expects development to reduce exposure to poor air quality and maximise opportunities to improve it locally without detriment of air quality in other areas.

The proposed development is not expected to lead to a significant change in vehicle traffic on the local roads or generate any significant on site emissions related to combustion. The impacts of the proposed development in the applicant’s air quality assessment have been found to be negligible. The development is considered to be air quality neutral and adopts an air quality positive approach. Environmental Health has raised no concerns with regard to the development of the air quality assessment carried

out.

Flood Risk & Sustainable Drainage

The application is located within a surface water flood risk hotspot and has submitted a flood risk assessment and drainage strategy as part of the application in accordance with policy 35(B) of the City Plan. This concludes that it is not feasible to provide surface water attenuation within the scheme and that the existing drainage network would be retained. However, rainwater harvesting from the canopy will be incorporated into the scheme with a new rainwater harvesting tank located in the basement of 28-32 Shelton Street and used for toilet flushing. Details of this are recommended to be secured by condition.

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

As originally submitted the scheme included a living wall to be sited on the west side of 1 Mercer Walk facing the public piazza. Whilst the provision of a living wall was welcome in policy terms, it was proposed to replace an existing piece of public art that was provided as part of the Mercer development which was considered unacceptable. The applicant was asked to find an alternative location for the living wall but has advised that there are no other suitable sites within the development. This is regretted but is considered acceptable given the nature of the site.

9.4 Townscape, Design & Heritage Impact

TOWNSCAPE AND DESIGN:

Old Brewers Yard lies to the north of Long Acre, bound by Shelton Street to the north, Neal Street to the east and Langley Street to the west. Currently the yard is accessed via Shelton Street, between nos. 28-32 and 34, and a passageway through 6 Langley Street. The proposals relate to 28-32 Shelton Street, 1 Mercer Walk, 15A Neal Street, 5 and 7 Langley Street.

The site lies within the northern corner of the Covent Garden Conservation Area and forms part of the complex of former brewery buildings and warehouses which were established in the area from the mid-eighteenth century. Many of the former warehouses survive which architecturally distinguishes this area from the rest of Covent Garden and are fundamental the character and appearance of this part of the Conservation Area.

Heritage Assets

Covent Garden Conservation Area:

The Covent Garden Conservation Area covers an area to the north of Strand, centred

around the market building (IISTAR) and piazza originally developed in the 1630's and designed by Inigo Jones. The market was established in the area in the 1670s, with the current building being constructed in the 1830s. Other notable landmarks in the area include St Pauls Church, sited on the western side of the piazza, as well as the Royal Opera House and former Floral Hall, sited on Bow Street. The area is also characterised by its 18th century street pattern, with notable buildings of that period surviving along King's Street and Henrietta Street. The area also includes numerous listed theatres, which form part of the wider West End Theatre district. To the north of the market and piazza and Long Acre, the character consists of a mix of Victorian warehouses and commercial buildings.

Many of the buildings within the vicinity of Covent Garden Market, were historically used as storage for the market as well as merchant's offices, such as 21-23 Neal Street/34 Shelton Street. The application site itself lies partially on the site of the Woodyard Brewery which was established in the area in 1740. The brewery expanded between Long Acre and Shelton Street, with many of the warehouse buildings linked at high level by cast iron bridges creating a very distinct townscape character. The brewery ceased operating in 1940, and the area was also affected by bombing in the second world war, particularly along Neal Street, nevertheless many of the warehouses survive giving the area its distinct character and appearance.

Seven Dials Conservation Area:

The site also borders the Seven Dials Conservation Area, which lies to the north within the London Borough of Camden. The Seven Dials Conservation Area has three sub areas, the site lies directly to the south of sub-area 1: Seven Dials, and includes the distinctive layout of Seven Dials, devised by Thomas Neal at the end of the 17th century. The buildings which line the northern side of Shelton Street, opposite the site, include nos. 25-33 Shelton Street, a typical warehouse building with a contemporary glass roof extension which has been designated in the Seven Dials Conservation Area Statement as a building that makes a positive contribution to the conservation area.

The Seven Dials Conservation Area Statement describes the area and it states that, *'the special character of the area is found in the range and mix of building types and uses and the street layout. The character is not dominated by one period or style of building but rather it is their combination that is of special interest'*. In relation to Shelton Street, the statement describes the area as, *'dominated by the former Woodyard Brewery buildings which line both sides of this narrow street. Evidence of the high-level linking iron bridges remain on some of the buildings and these form part of the distinctive industrial character of this part of the Conservation Area. At the junction of Shelton Street with Neal Street and Earlham Street is the Seven Dials Warehouse.'*

Listed Buildings:

Whilst 28-32 Shelton Street, 1 Mercer Walk and 15A Neal Street are all unlisted, the site is surrounded by a number of listed buildings. These are listed for architectural and historic interest and all make a significant contribution the character and appearance of the conservation area. They are

- 24-26 Shelton Street – a grade II listed former warehouse, early nineteenth century, originally part of brewery complex.
- 6 Langley Street - a grade II listed former warehouse, early nineteenth century,

- originally part of brewery complex.
- 7 and 8 Langley Street - a grade II listed former warehouse, early nineteenth century, originally part of brewery complex;
 - 34 Shelton Steet (also known as 21 Neal Street) a grade II listed former warehouse, early nineteenth century, originally part of brewery complex.
 - 17 and 19 Neal Street – a grade II listed former warehouse, early nineteenth century, originally part of brewery complex.

28-32 Shelton Street

This is a ground plus 4-storey brick built former warehouse that was part of the 19th century Combe & Co Brewery. Whilst unlisted, the building is not without merit and makes a positive contribution to the character and appearance of the conservation area. Unembellished, its brick facade is articulated by a uniform arrangement of large multi-paned Crittall windows. At its base, the ground floor features modern shopfronts replicating a traditional retail aesthetic, but which falls short of reinforcing the warehouse character of the building and streetscape. The top of the building features a late twentieth century saw tooth pitched roof incorporating patent glazing along the two northern pitches. The roof is largely concealed by the building's parapet and only visible from high-level private views.

The Covent Garden Area Trust, Covent Garden Community Association and Seven Dials Area Trust and Historic England all raised concerns with the original initial proposals which sought a two-storey extension to the building. The proposals have subsequently been revised to address concerns of height, bulk, and detailed design. Whereas the previous scheme sought a brick vertical extension at fifth floor level with a metal framed glass extension at sixth floor level, the revised proposal seeks a one-storey upward extension at fifth floor level with a plant enclosure above. The largely glazed extension will be set back from the parapet of the host building and the party wall of the grade II listed 24-26 Shelton Street. On the east elevation the extension would feature a solid metal panelled facade. The extension will feature a partially solid roof with the glazing of the facade continuing at 90 degrees to run along the parameter of the roof plane. The façade treatment of the fifth floor is an intentional departure from the robust solidity of the host building and is distinctly contemporary. That said, its set back position from the Shelton Street facade, and solidity exhibited to the eastern façade and roof, to some extent, moderates the glazing. The internal soffit beam, which will be glimpsed through the glazing, provides an appreciable horizontal plane and defined termination to the roof.

Whereas the plant room in the original scheme was internalised and contained within the previously proposed brick extension at fifth floor level, the revised scheme proposes plant at roof level, enabling the height and bulk of the scheme to be significantly reduced. Set back from Shelton Street, and positioned towards the western end of the roof, the plant will be screened within a metal louvered enclosure. Whilst the plant will present some additional height and bulk to the roofscape, it has been positioned to avoid appearing in key views of the building. It also avoids impairing the gable end and roof profile of no. 24-26 Shelton Street, which is grade II listed. The placement of the plant to roof level has enabled the height and bulk of the scheme to be significantly reduced. Roof top plant is not unusual within this part of Covent Garden with many neighbouring buildings exhibiting similarly design roof plant.

The local amenity societies and Historic England have objections to the height of the initial scheme and its resulting overbearing relationship with the neighbouring listed buildings. The revised development is significantly lower in height, allowing a gradual step-up in height from 34 Shelton Street to 24-26 Shelton Street, successfully mediating between the buildings without appearing overbearing. The revised scheme sits more comfortably in its context, and notably below the ridge of no. 24-26, allowing much of its roof profile to be perceived.

It is felt that the height and bulk of the scheme has been successfully reduced to an acceptable level. However, it is recognised that due to its contemporary design, the proposed roof extension will be a noticeable addition to the townscape. The proposal will be apparent in only a small number of townscape views, but most notably, directly opposite the site at the junction of Neal Street, Shelton Street and Earlham Street, within the Seven Dials Conservation Area. Here the building's increased height and the glazed nature of the extension will be most apparent. However, when viewed a short distance north along Neal Street, the extension becomes completely concealed by the opposing building. When viewed from the west along Shelton Street and from Endel Street, the extension and the additional height proposed would be read in the context of an undulating roof line and the comparable scale of the warehouse buildings opposite the site along Shelton Street. Due to the tight-knit townscape and street pattern around Shelton Street and Seven Dials, the proposals are barely perceivable in key directional views within the wider area.

The additional height and contemporary design of the roof extension will have an impact upon the character and appearance of the building and wider area, including both conservation areas. This impact is for the most part considered to be benign due to the modest scale of the extension and the restricted number of views from which it can be seen. In terms of the impact on 28-32 Shelton Street the reduced size of the extension and its lightweight design ensures that it does not overly dominate or erode the industrial character of the building, which is a key component of its positive contribution to the conservation areas. That the extension is appreciably different in architectural style will draw some attention and will be visible in key views of the building from within the conservation areas and this element of discordancy is the reason why a low level of less than substantial harm is identified. This 'low level' attribution is identified because the host building will remain a strong and positive contributor to the character of the Covent Garden Conservation Area and to the setting of the Seven Dials Conservation Area; and because the visual impacts of the roof extension are restricted.

In terms of the impact on the setting of neighbouring listed buildings, the revised scheme would no longer obstruct long views of the distinctive roof profile of no. 24-26 Shelton Street and would no longer appear discordant with the prevailing height and scale of the area, including the neighbouring listed buildings identified. Whilst the design of the extension is contemporary and to some extent at variance with its context, except that is for the glass roof top extension at nos. 25-33 Shelton Street directly opposite the application site, this is not however considered to detract from the setting or appreciation of neighbouring listed buildings. It is noted however that because of its height, the glass roof top extension at no. 25-33 Shelton Street is not readily visible from street views, it can be glimpsed from the east on Shelton Street.

Old Brewers' Yard

Located to the south of Shelton Street and currently accessed through 34 Shelton Street and 6 Langley Street, Old Brewer's Yard is presently used as a service yard for many premises fronting Neal Street, Shelton Street and Langley Street. Whilst the traditional and historic facades of no. 8 Langley Street and 34 Shelton Street/21-23 Neal Street, and to some extent the application site, contribute to the aesthetic quality and character of the space, the historic character of the yard has been significantly diluted by post war extensions and alterations, which have not been sympathetic.

The reinvigoration of the yard would be hugely beneficial in conservation and design and place shaping terms, not only by enhancing the aesthetic of the yard through the removal of clutter but by permitting public access to a currently private space that also links with the Mercer's Yards development to the west. It is important that the openness of the yard is not entirely lost with the introduction of the canopy.

The canopy will exhibit a saw tooth profile with glass roof, supported by industrial rafters which would span the courtyard. The raised height of canopy is fitting for the scale of the adjacent warehouse buildings which front the yard and allows a degree of openness to be retained. Its industrial appearance is also fitting for the space. The canopy will be attached directly to the rear of no. 7 Langley Street. Whilst listed, the rear of no.7 is entirely modern, of no historic interest and of low architectural and aesthetic value and could be considered to detract from the significance of the host building. Fixing the canopy to the modern facade of no. 7 is therefore not considered contentious from a listed building perspective.

The canopies relationship with the buildings at 8 Langley Street, 34 Shelton Street and 17-19 Neal Street is of more importance. As grade II listed buildings (though no.8 was rebuilt following fire damage), their facades are of significance from a heritage asset perspective, and they make a considerable contribution to the character and appearance of the yard. Subsequently, the canopy has been designed to be set back from these facades to avoid physically impacting upon them. Also, the transparent quality of the canopy will allow the upper levels of these buildings to be viewed from within the yard. Whilst the canopy will be an addition to their setting it is not considered to adversely affect it or diminish their appreciation within the space.

The rear elevations of 5 and 7 Langley Street are later rear extensions and lack the architectural or historic interest of their host buildings. Modifying and repurposing their modern openings onto the yard strikes the right balance between retaining some of the informal industrial feel of the space whilst improving their aesthetic. For the same reason above, the introduction of a short glass canopy over the existing passageway between no.7 and no.5 Langley Street will have a negligible impact on the significance of these listed buildings. This area is also very discrete from the main area, and not readily viewed from within the yard itself.

Although grade II listed, there are no alterations proposed to the 6 Langley Street. The passageway underneath the building will, however, form part of the site providing an exit and entrance via Langley Street.

As part of the proposals, it is intended to install a new gate to the coach way under the grade II listed no. 34 Shelton Street. Modern metal gates are currently in place within the existing double height opening and their removal raises no concerns from a listed building or townscape perspective. The new gates, which will be traditionally detailed hard wood double gates, are considered more in keeping with the character of the area.

15A Neal Street

An unlisted building, no. 15A Neal Street has a characterful shopfront, but overall, the building makes a neutral contribution to the conservation area. The removal of the existing shopfront and installation of a contemporary, largely glassed frontage is not felt to detract from the character and appearance of the Covent Garden Conservation Area and therefore is not opposed. Similarly, and for the same reason, the alterations to the rear of the building to allow for the provision of an additional pedestrian route through to Brewers' Yard from Neal Street are not opposed in design terms. The modern shopfront to the rear will not harm the setting of the adjacent grade II listed building at 17-19 Neal Street.

1 Mercer Walk

1 Mercer Walk is a former warehouse building and an unlisted Building of Merit. The proposal intends to use the building as a microbrewery, resulting in some external alterations such as modifications to the roof top plant area and the addition of external openings on its eastern side. Generally, the proposals will maintain the building's architectural character resulting in a negligible impact on the character and appearance of the Covent Garden Conservation Area.

Balance of Harm

The extension proposed to 28 -32 Shelton Street is considered to cause a low level of less than substantial harm to the character and appearance of the Covent Garden Conservation Area, the Seven Dials Conservation Areas and to the setting of nearby listed buildings and other non-designated heritage assets. This is largely due to the contemporary design of the roof extension and that it will be visible in key views of the building from within the conservation areas. Historic England, whilst noting the acceptability of the height and bulk of the proposals, has expressed reservations with the contemporary design of the extension, and they also conclude that the proposal will cause a low level of less than substantial harm.

In accordance with para 202 of the NPPF, the wider scheme provides a number of substantial public benefits which are considered to adequately outweigh this low level of less than substantial harm, notably the revitalisation of Old Brewer's Yard and historic buildings, providing public access to the yard and place shaping benefits through increased connectivity in this part of Covent Garden. These public benefits are set out in more detail in paragraph 10 of this report.

Representations

The Covent Garden Area Trust, Covent Garden Community Association and Seven Dials Trust have jointly responded to the revised proposals. Whilst they acknowledge

that the height of the Shelton Street extension has been reduced, they feel it still represents a substantial addition which is oversized and over dominant and inconsistent with the character of the area. They also feel that the proposals do not go far enough to mitigate the harm proposed.

In terms of its design, the Trusts and the Association do not feel that the glazed design is appropriate for this location and that a more restrained approach should be taken with more solidity introduced. They also highlight policy SD25C of the Seven Dials Conservation Area Statement that states “All external works should be carried out in materials that match as closely as possible in colour, texture and type those of the original building or are common in the area.”

As discussed above, the height and bulk of the scheme has been meaningfully reduced to lessen the impact on townscape views. Whilst acknowledging that the extension will change the appearance of the roofscape, the extension mediates successfully between the varying heights exhibited by the neighbouring buildings. The overall reduction in height and bulk is a marked improvement on the original scheme resulting in a much-reduced level of harm.

In terms of its design, its glazed appearance is a striking addition to the building. For the most part, in wider views, the extension will be obscured by neighbouring buildings, with it being most noticeable within the immediate setting of the site. Given that the positive attributes of the existing building will be maintained and the impact on townscape and conservation areas is limited in terms of the townscape views the impact on the designated heritage assets is assessed to be at a low level of less than substantial harm. It is acknowledged that the difference in the materials does not comply with policy SD25C of the Seven Dials Conservation Area Statement and that this contributes to the harm to the Seven Dials Conservation Area but that the harm is nonetheless considered to be less than substantial.

Archaeology

The site is located within an Archaeological Priority Area. The following ground works are proposed:

- Two new lift pits will be inserted into the basement of 28–32 Shelton Street;
- A new lift pit will be inserted into the basement of 5 Langley Street;
- A new lift pit will be inserted into the basement of 1 Mercer’s Walk;
- The columns in the Yard will require the excavating of foundations approximately 0.45m deep.

Historic England (Archaeology) has no objections subject to a pre-commencement condition to secure a written scheme of investigation.

9.5 Residential Amenity

Daylight & Sunlight

Policy 7. Managing development for Westminster’s people seeks to promote neighbourly development by ‘Protecting and where appropriate enhancing amenity, by preventing

unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.’ under part A and ‘Protecting and where appropriate enhancing local environmental quality’ under Part B.

The only part of the proposed development where there will be an increase in massing is at 28-32 Shelton Street, where a single storey extension (with external plant room) is proposed at roof level. Therefore, this is the only part of the development which has the potential to affect neighbouring properties with respect to daylight.

The applicant has provided a daylight and sunlight report that identifies the nearest residential properties that could be affected by the proposal, namely second and third floor windows at 22 Neal Street and windows facing the proposed development at 14-18 Neal Street. The daylight and sunlight report concludes that the proposal is fully compliant with the BRE’s publication ‘Site layout planning for daylight and sunlight’ (second edition) in terms of the vertical sky component (VSC), Daylight Distribution and Annual Probably Sunlight Hours (APSH) analysis.

Following the submission of the current application, the BRE published a new edition of its daylight and sunlight guidance ’ (third edition 2022). However the applicant’s daylight consultant has advised that no update to the assessment is required. This is because the main changes in the new BRE guide relate to daylight and sunlight within new developments. The analysis methodology and assessment criteria for daylight and sunlight to existing neighbouring buildings remains the same. As such, the applicant confirms that the VSC and APSH analysis performed remains valid and no changes are required.

The CGCA has raised a concern that the open area at the junction of Neal Street and Earlham Street will lose some of its sunlight at 12pm and 2pm in March and in the morning in June. In general streets are not analysed in detail and are not considered to have a special requirement for sunlight. The daylight and sunlight report did include shadow analysis of the “Existing” and “Proposed” scenarios and the results show negligible differences on sunlight to neighbouring streets.

Sense of Enclosure

The LB Camden has raised concerns about the impact of the proposal on 31-33 Shelton Street (also known as 39-51 Earlham Street) in daylight terms but the analysis provided by the applicant confirms that whilst there will be some breaches of the BRE guidance to windows in the elevation facing the application site this will not be significant and will not prejudice the use of the building for commercial purposes (retail and offices). Similarly given the commercial use of the building it is not considered that there will be any significant impact in terms of loss of outlook from this property.

Privacy

Given the commercial use of 31-33 Shelton Street (also known as 39-51 Earlham Street) it is not considered there will be any significant harm arising from any overlooking from the proposed roof extension. The fifth floor roof terrace at the rear of the proposed roof extension to the Shelton Street building would have a obscured glazed balustrade. This

will mitigate overlooking from the terrace to residential properties to the east, such as Odhams Walk, located approximately 24m away.

Noise & Vibration

The application includes mechanical plant equipment at roof level on 1 Mercer Walk, 28-32 Shelton Street and on the roof of 7 Langley Street with pipework running on the roof of 8 Langley Street. Environmental Health has no objection in terms of noise and vibration subject to the standard noise conditions and a condition to secure a supplementary noise report. A condition is also recommended to prevent the transmission of noise and vibration to residential units adjoining 1 Mercer Walk. The application therefore complies with Policy 33(D) Local environmental impacts.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager welcomes the promotion of sustainable transport by prioritising walking by the opening up of the pedestrian link into the Yard. It is recommended that this new route is secured through a walkways agreement. It is acknowledged that the new pedestrian link will have to be closed when the development is not open to the public which is considered sensible. The proposal is considered to support the aims of Policy 25 of the City Plan.

Servicing and Waste & Recycling Storage

Policy 29 (B) states that ‘Servicing, collection and delivery needs should be fully met within a development site and applicants will produce Delivery and Servicing Plans which encourage provision for low-emission, consolidation and last mile delivery modes.’

The draft Delivery and Servicing Management Plan (DSMP) submitted with the application sets out that up to 30 deliveries could be generated by the proposed land uses at the outset per day and that this is similar to the current site uses in full occupation.

The DSMP envisages that the buildings that form part of Old Brewer’s Yard would be serviced off-street from within the yard itself between 07.00 to 10.00 hours (to allow use of the yard by the public after this time.) This is welcome in policy terms and will reduce the impact of servicing the development on neighbouring occupiers, particularly residents in Odhams Walk. The servicing arrangements for the microbrewery at 1 Mercer Walk are slightly different in that it is intended that some servicing takes place from Langley Street (subject to the hours restrictions on that street) which is not supported by policy 29. The Highways Planning Manager is disappointed with this arrangement and would like as much servicing as possible for the microbrewery at 1 Mercer Walk to take place from within the yard itself and then wheeled across the road by trolley. Given the enclosed nature of the yard, this would also be preferable in amenity terms.

It is therefore recommended that a condition secures a revised DSMP that sets out the level of servicing for 1 Mercer Walk that will take place from the yard, and includes full justification for any on-street servicing. The plan would also need to set out how the

servicing in the yard will be managed and the measures which will encourage low-emission, consolidation and last mile delivery modes.

Cycling & Cycle Storage

The long stay cycle parking provision is acceptable in policy terms. Whilst 20 short stay spaces is not fully policy compliant with London Plan standards, the existing development has no short-stay cycle parking and the overall uplift in floorspace is only 531 sq. m, and what is proposed is considered enough to serve that amount of floorspace. It is recommended that the cycle parking is secured by condition.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by providing new employment and job opportunities through operation and construction and will provide new upskilling and training programmes that will benefit the local community.

The applicant has advised that

- The scheme will secure investment of £73m
- The applicant (Diageo) will create up to 150 jobs to support the microbrewery operation and restaurants split between permanent, hospitality and supply positions. 20 will be full time hospitality and supply, the rest will be hourly hospitality, operations, and management.
- The site will become the Southern UK hub of Diageo's award-winning Learning for Life Bartending and Hospitality Programme. The programme has provided skills and improved the employability and livelihoods of over 5,500 people across the UK to date. The ambition is for over 100 London based students to graduate from the 'Guinness at Old Brewer's Yard' programme each year, with a proportion of the employment opportunities to be ring-fenced for Learning for Life graduates

9.8 Other Considerations

Given the character of the surrounding area which has narrow streets which are busy with pedestrians (and in the case of Shelton Street) also with vehicles, it is recommended that the council's standard condition requiring the applicant to demonstrate that any implementation of the scheme, by the applicant or any other party, will be bound by the council's Code of Construction Practice. This is to protect the environment of neighbouring occupiers and those who work and visit the area as set out in Policies 7 and 33 of the City Plan .

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

- 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 have 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.

The estimated CIL payment is: £33,040 Mayoral CIL and £82,600 Westminster CIL.

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

10. Conclusion

The proposed scheme will add to the highly diverse mix of uses within this part of Covent Garden which is located within the CAZ and the West End Retail and Leisure Special Policy Area. The retail and leisure experience will provide a more diverse evening economy for those who work, visit and live in Covent Garden. The concerns of the amenity societies and local residents about noise and disturbance are understood but as set out in this report, measures will be put in place to mitigate and manage noise impacts for neighbouring residents and to protect local environmental quality.

Section 9.4 of this report identifies that the roof extension to 28-32 Shelton Street will cause a low level of less than substantial harm to the character and appearance of the Covent Garden and Seven Dials Conservation Areas and the setting of neighbouring listed buildings. This is largely due to the contemporary design of the roof extension and that it will be visible in key views of the building from within the conservation areas. However, this low level of less than substantial harm is outweighed by the public benefits of the scheme. These public benefits are considered to be:

- The provision of a new £73 million retail and leisure destination and micro-brewery visitor attraction within Covent Garden and the economic benefits the increased footfall will bring to the area. This will positively contribute to the function of Covent Garden and the West End;
- The proposals intend to provide a unique experience which will complement the current visitor experience and encourage footfall to spread beyond the historic market area; .
- Economic benefits from new employment and job opportunities through operation and construction;

- Community benefits from the use of the basement of 5 Langley Street as a community space in accordance with details secured as part of a s106 agreement;
- Public access to Old Brewer's Yard;
- Place shaping benefits from the proposed through routes that will increase permeability in this part of Covent Garden and improve connectivity to existing public spaces and public routes at Mercer Walk and St Martin's Courtyard;
- Heritage benefits through the reinvigoration of existing historic buildings that face onto Old Brewers Yard and the revealing of the historic yard to the public through its use as a social space.

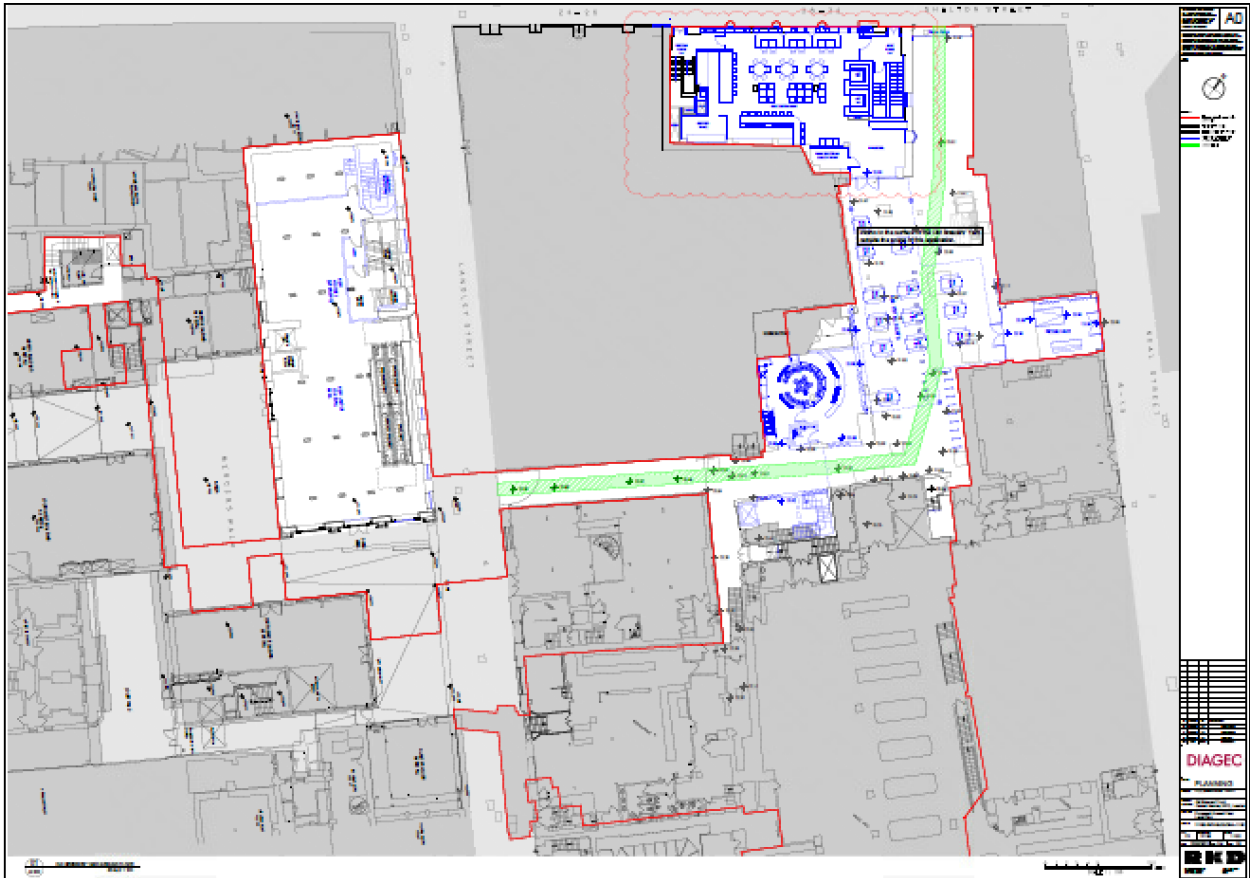
A condition is recommended to ensure that the extension at 28-32 Shelton Street is not occupied until the public route through Old Brewer's Yard, the community space in the basement of 5 Langley Street and the micro-brewery have been provided in accordance with the terms of the planning permission and the S106 legal agreement.

As such, whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, which are set above, the proposal is considered acceptable in terms of its impact on the designated heritage asset(s). Therefore, the recommendation to grant conditional permission and consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

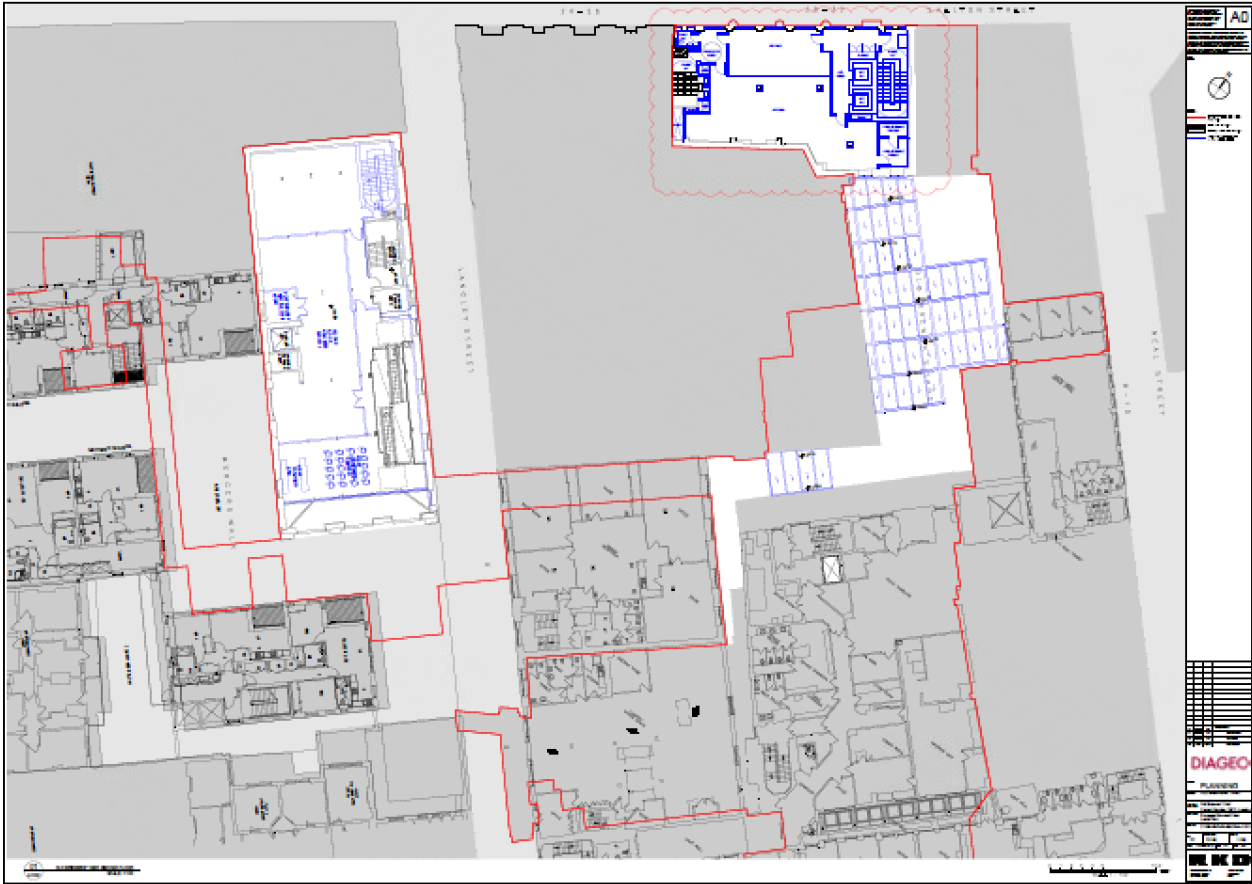
11. KEY DRAWINGS



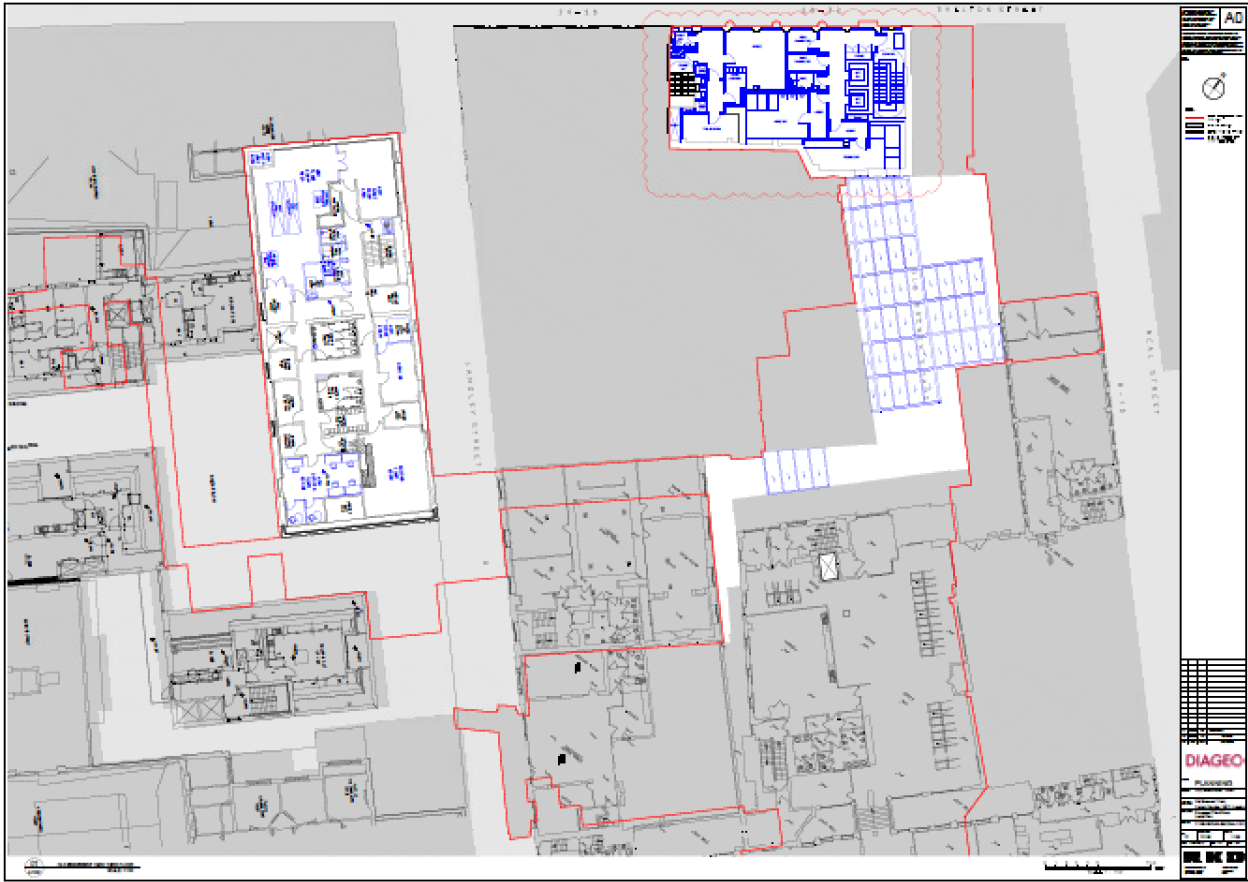
PROPOSED GROUND FLOOR PLAN



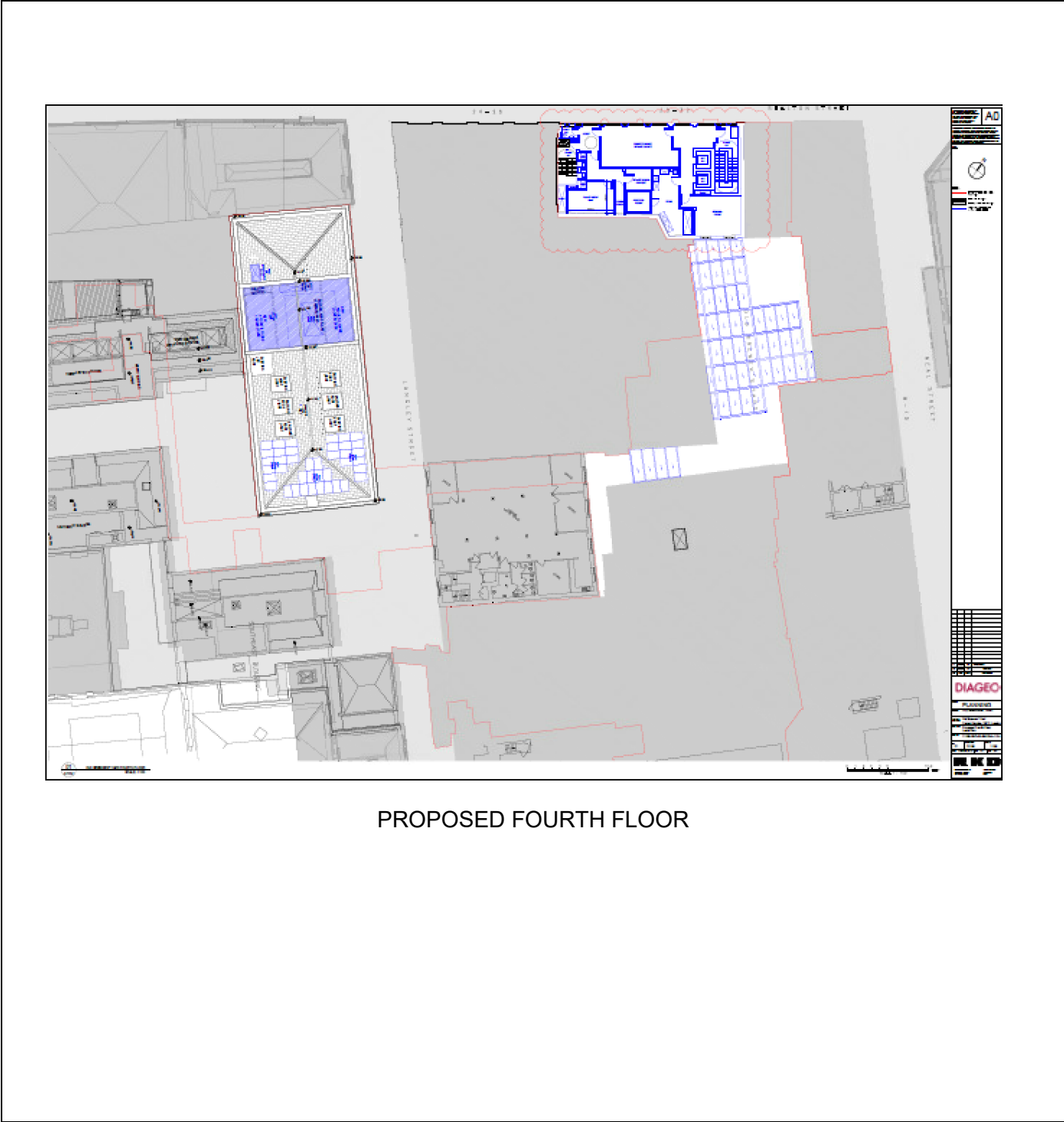
PROPOSED FIRST FLOOR PLAN

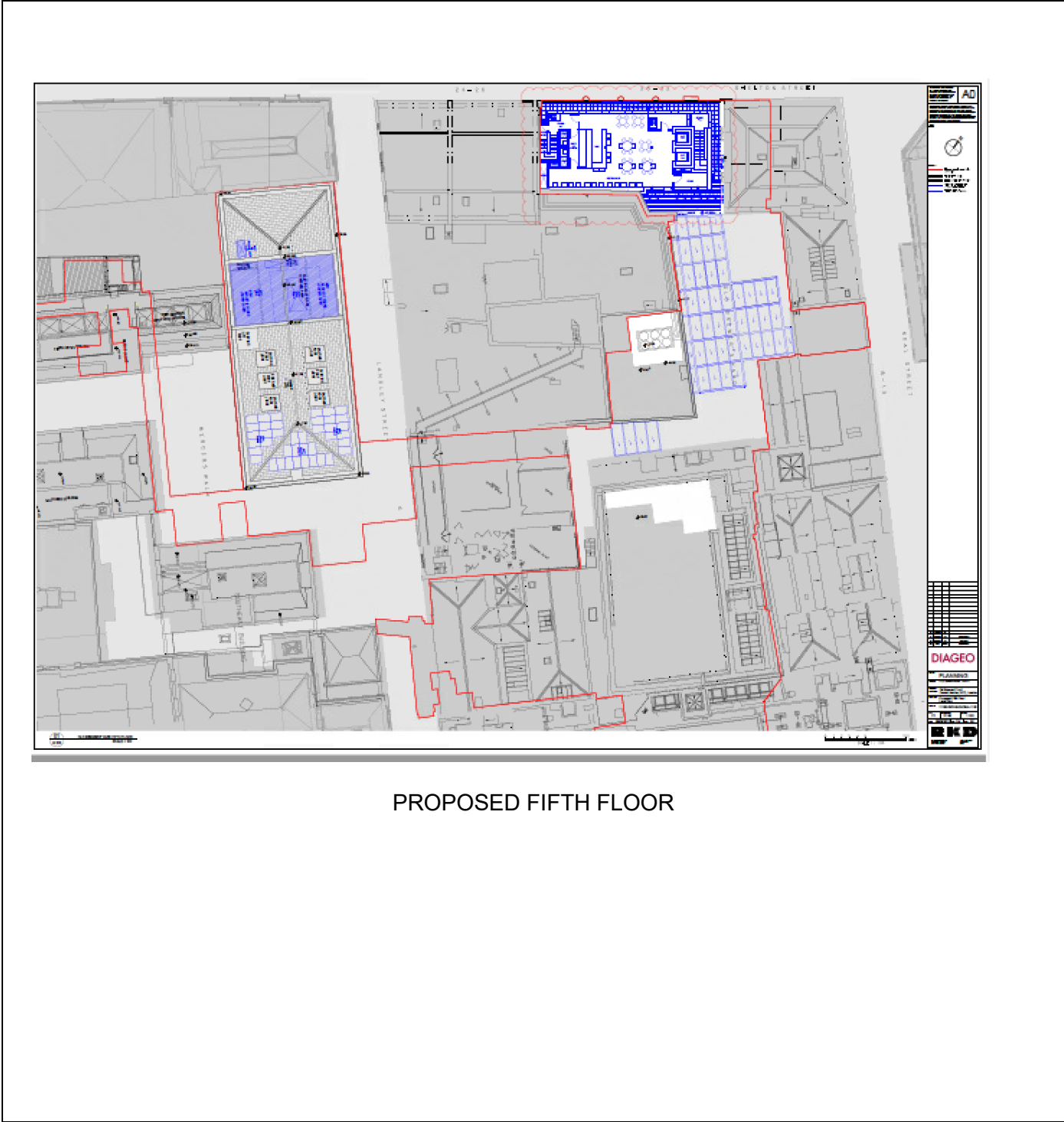


PROPOSED SECOND FLOOR

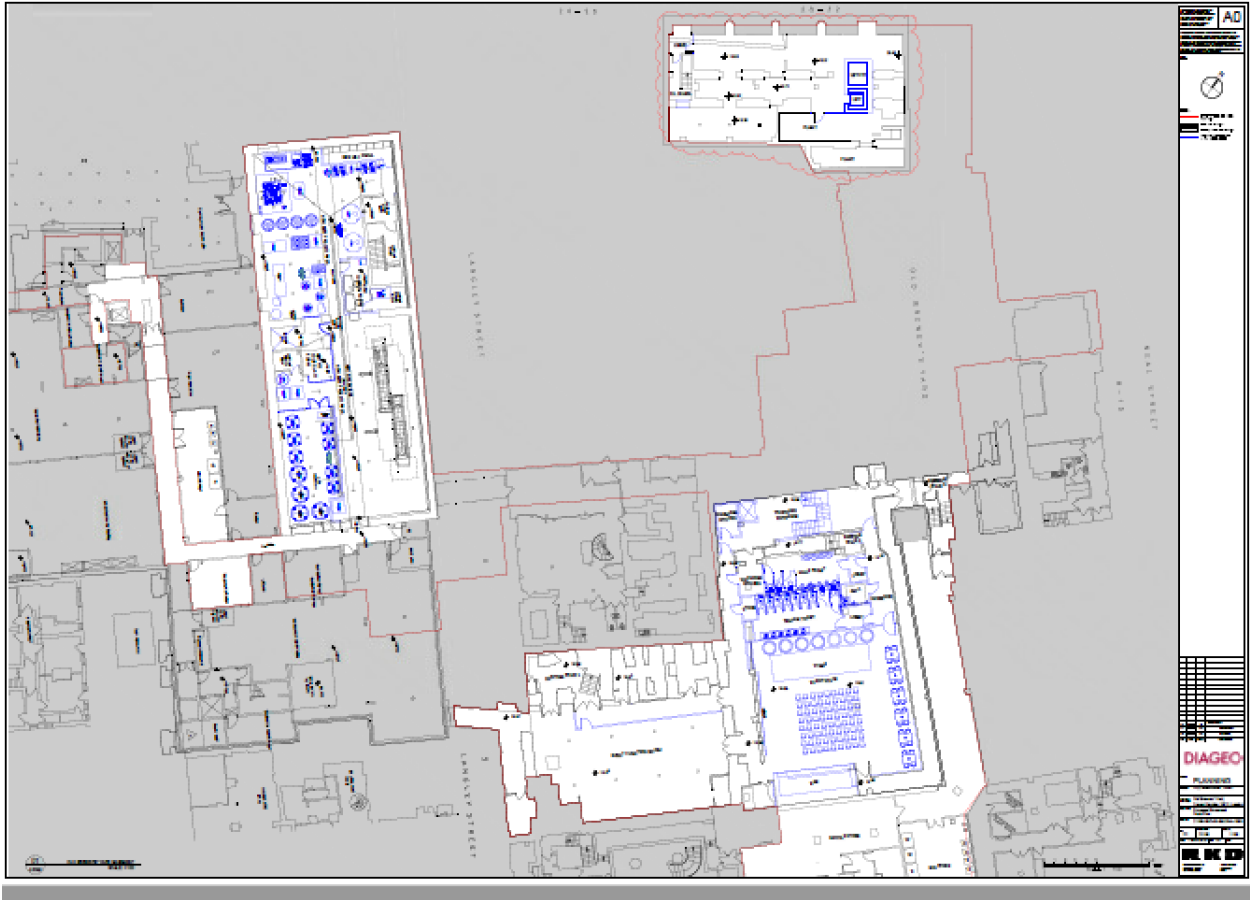


PROPOSED THIRD FLOOR





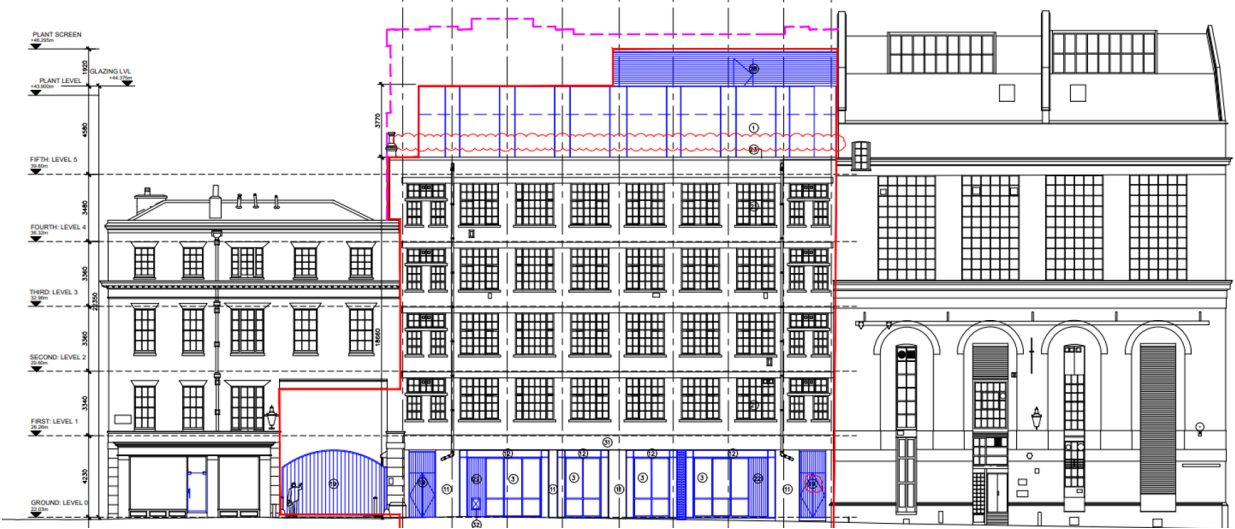
PROPOSED FIFTH FLOOR



PROPOSED BASEMENT



EXISTING SHELTON STREET ELEVATION



PROPOSED SHELTON STREET ELEVATION



© AVZ LONDON

1.6 m above ground

08:39 6 January 2023

SHELTON STREET VISUAL



15A, Neal Street – Existing West Façade



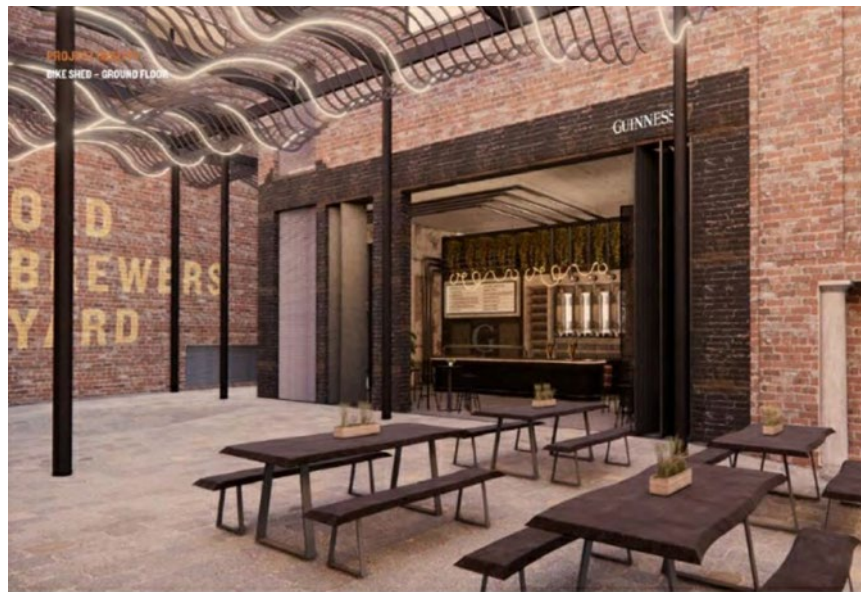
15A, Neal Street – Proposed West Façade



PROPOSED 1 MERCER WALK VISUAL



REAR OF 7 LANGLEY STREET (EXISTING)



PROPOSED VISUAL OF NEW BAR AT REAR OF 7 LANGLEY STREET

Item No.
2

DRAFT DECISION LETTER

Address: 28 - 32 Shelton Street, London, WC2H 9JE

Proposal: Mixed-use development at Old Brewer's Yard including: at 28-32 Shelton Street, the erection of a single storey roof extension, a rooftop plant enclosure 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 and the installation of PV panels at main roof level, 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, part-ground 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). (Site includes Old Brewer's Yard, 28-32 Shelton Street, 15A Neal Street, 5 and 7 Langley Street, 1 and 3 Mercers Walk and 107-115 Long Acre).

Reference: 22/02009/FULL

Plan Nos: , Existing , 21166-RKD-SI-00-DR-A-1000, 21166-RKD-SI-00-DR-A-1010, 21166-RKD-SI-00-DR-A-0099, 21166-RKD-SI-00-DR-A-0100, 21166-RKD-SI-00-DR-A-0101, 21166-RKD-SI-00-DR-A-0102, 21166-RKD-SI-00-DR-A-0103, 21166-RKD-SI-00-DR-A-0104, 21166-RKD-SI-00-DR-A-0105, 21166-RKD-SI-00-DR-A-0106., , 21166-RKD-ME-00-DR-A-1200, 21166-RKD-SH-00-DR-A-2200, 21166-RKD-SH-00-DR-A-2201, 21166-RKD-NE-00-DR-A-3200, 21166-RKD-LA-00-DR-A-5200., , 21166-RKD-ME-00-DR-A-1300, 21166-RKD-SH-00-DR-A-2300, 21166-RKD-SH-00-DR-A-2301, 21166-RKD-SH-00-DR-A-2302, 21166-RKD-NE-00-DR-A-3300, 21166-RKD-OB-00-DR-A-4300, 21166-RKD-OB-00-DR-A-4301, 21166-RKD-OB-00-DR-A-4302, 21166-RKD-LA-00-DR-A-5300., , , , Proposed, - To be confirmed

Case Officer: Matthew Mason

Direct Tel. No. 020 7641 07866037944

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the

drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

- 2 **Pre Commencement Condition.** Prior to the commencement of any: , (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction , , on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

- 3 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and , A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works , B. Where appropriate, details of a programme for delivering related positive public benefits, C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason:

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

- 4 The opening hours for the uses hereby approved shall be: , (i) 28-32 Shelton Street - customers shall not be permitted within the restaurant premises (Class E) before 10:00 or after 23.30 Monday to Thursday, before 10:00 or after 00:00 (midnight) Friday and Saturday and before 10:00 or after 22:30 on Sundays., (ii) 1 Mercer Walk, - customers shall not be permitted within the micro-brewery premises (sui generis) before 10:00 or after 22.30 on any day. , (iii) 5 Langley Street (basement) - customers shall not be

permitted within the event space premises (sui generis) before 10:00 or after 23.30 Monday to Thursday, before 10:00 or after 00:00 (midnight) Friday and Saturday and before 10:00 or after 22:30 on Sundays., (iv) Rear of 7 Langley Street - customers shall not be permitted within the bar premises (sui generis) before 10:00 or after 23.00 Monday to Saturday and before 10:00 or after 22:30 on Sundays., (v) Old Brewer's Yard - customers shall not be permitted within the external seating area (sui generis) before 10:00 or after 23.00 Monday to Saturday and before 10:00 or after 22:30 on Sundays.,

Reason:

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

- 5 The access gate to Old Brewer's Yard from Shelton Street shall be closed at 22.00 and there shall be no new entry to Old Brewer's Yard or egress via the Shelton Street gates after that time save for emergency or for patrons leaving any of the premises abutting Old Brewer's Yard in order to use the Langley Street exit.

Reason:

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

- 6 You must only allow customers to use the external terrace area on the fifth floor at 28-32 Shelton Street between 10:00 to 21.00 hours on any day. The external terrace shall be vacated by 21.00 hours each day.

Reason:

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

- 7 The capacity for the uses hereby approved, excluding staff, shall be: , (i) 28-32 Shelton Street - 303 customers within the restaurant premises at any one time. (excluding the roof terrace at fifth floor level) , (ii) 1 Mercer Walk - 220 customers at any one time., (iii) 5 Langley Street (basement) - 350 customers at any one time., (iv) Rear of 7 Langley Street and Old Brewer's Yard - 150 customers at any one time (with at least 100 people seated and a maximum of 50 standing at any one time).

Reason:

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

- 8 You must not allow more than 16 customers (excluding staff) onto the fifth floor roof terrace at 28-32 Shelton Street at any one time. Apart from movement to access or leave tables before, during or after a meal, you must ensure customers are seated at all times while on the roof terrace.

Reason:

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

- 9 You must not allow access by members of the public from 15a Neal Street into Old Brewers Yard or from Old Brewer's Yard into 15a Neal Street before 10.00 and after 21.00 hours each day.

Reason:

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

- 10 Notwithstanding the submitted information, you must apply to us for approval of an operational management plan for each of the permitted uses within the development hereby approved. You must not use any part of the development until we have approved what you have sent us. Thereafter you must manage the development in accordance with the details approved. (see informative 2)

Reason:

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

- 11 No alcoholic drink shall be sold in connection with the development except for consumption upon the premises with the exception of 1 Mercer Walk and 15A Neal Street where alcoholic drink can be sold from the retail shop.

Reason:

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

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

Reason:

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

- 13 You must not play any recorded or live music 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). (R12AD)

- 14 You can only use the ground floor of 15A Neal Street for (i) Display or retail sale of goods, other than hot food (Class E(a)); (ii) Provision of Financial, Professional and

other appropriate services (Class E(C) and (iii) Offices to carry out any operational or administrative functions and research and development of products or processes (Class E(g). You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05AB), , ,

Reason:
 The application does not include sufficient information to assess alternative uses within Class E and for this reason we cannot agree to unrestricted use as restaurant, indoor sport, provision of medical or health services, creche, day nursery or day centre. This is to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 7, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 15 You must use 28-32 Shelton Street only for (i) Display or retail sale of goods, other than hot food (Class E(a); (ii) Sale of food and drink for consumption (mostly) on the premises (Class E(b); (iii) Provision of Financial, Professional and other appropriate services (Class E(C); and (iv) Offices to carry out any operational or administrative functions and research and development of products or processes (Class E(g). You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05AB)

Reason:
 The application does not include sufficient information to assess alternative uses within Class E and for this reason we cannot agree to unrestricted use as indoor sport, provision of medical or health services, creche, day nursery or day centre. This is to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 7, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 16 You must apply to us for approval of details of all external lighting for the terrace at fifth floor level at 28-32 Shelton Street and for Old Brewer's Yard. You must not start work on this part of the development until we have approved what you have sent us. Thereafter you must carry out the lighting in accordance with the details approved. You must ensure that all lighting is switched off when the terrace is not in use.

Reason:
 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area and to protect neighbouring occupiers from light pollution, as set out in Policies 7 , 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 17 The design and construction of the separating building fabric within 1 Mercer Walk should be such that the received noise value in any neighbouring residential dwelling(s), with music/entertainment occurring, should achieve a value of 10 dB below that measured/assessed without music/entertainment events taking place, at the

quietest time of day and night, measured/assessed over a period of 5 minutes and in the indices of Leq & LfMax in 63 Hz & 125 Hz octave bands. , , Maximum noise levels generated by the proposed development should be demonstrated not to exceed NR30 Leq / NR35 LfMax (day) and NR25 Leq / NR30 Leq (night) inside residential dwellings with the music/entertainment occurring. This includes noise from all sources (including music noise, impact noise from patrons, moving tables/chairs etc).

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 18 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole kitchen extract ventilation system(s) and any associated equipment for the development. You must not start on these parts of the development until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BC)

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 19 You must install the odour abatement measures set out in the Odour assessment: Old Brewers Yard Covent Garden document dated 8th April 2022 (as varied by the Odour Addendum dated 12 January 2023) prior to the uses commencing. Thereafter you must retain and maintain these odour abatement measures for as long as approved premises remain in use.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 20 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. , , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency

auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:;

- (a) A schedule of all plant and equipment that formed part of this application;;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:
 Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 21 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:
 To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

(R48AB)

- 22 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 20 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels.

(R51AC)

- 23 You must apply to us for approval of a sample panel of brick for the ground floor courtyard of 28-32 Shelton Street. The sample panel of brick to be provided on site, showing brick, brick bond and type of mortar. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved samples. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

(R26BF)

- 24 You must apply to us for approval of a sample of the following parts of the development - ventilation louvre to Shelton Street. 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 sample(s). (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

(R26BF)

- 25 You must apply to us for approval of details of the metal panels to the eastern flank of the fifth floor extension, showing any seem details. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

(R26BF)

- 26 You must apply to us for approval of details of the following parts of the development: , ,
i. Canopy details: including fixings to no. 7 and 8 Langley Street and 28-32 Shelton Street and column/supports and beam details.(see informative 8), ii. Details of the new shopfronts and entrance doors to Shelton Street (scaled 1:10); , iii. Details of the new frontage to 15A Neal Street (scaled 1:10); , iv. Details of all new external doors and windows to 1 Mercer Walk; and , , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings. (C26DB),

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 27 Unless otherwise set out in the Servicing Management Plan approved under condition 258of this decision, all servicing of the development, which includes deliveries and refuse collection, must be from within Old Brewer's Yard and take place between 07.00 to 10.00 hours on any day.

Reason:

To avoid blocking the surrounding streets, to protect the environment of people in neighbouring properties and 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 Street Passage and Old Brewer's Yard as public realm. This is as set out in Policies 25, 29 and 39 of the City Plan 2019-2040 (April 2021).T

- 28 Notwithstanding the submitted information, you must apply to us for approval of an Servicing Management Plan for the development hereby approved. You must not occupy any part of the development until we have approved what you have sent us. Thereafter you must manage the development in accordance with the details approved. (see informative 6)

Reason:

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

- 29 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces for people using the development in accordance with

Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 30 The provision for the storage of waste and recyclable materials for the development, as shown on drawing number 21166-RKD-SI-00-DR-A-1099 Rev P2 is to be made permanently available and used for no other purpose. All occupants within the development must have access to the two bin stores located at the basement. Waste servicing must be carried out within the site demise as stated in the Transport Statement dated March 2022. No waste should be left on the public highway., , ,

Reason:

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 33 The glass that you put in the side (east) elevation of the roof extension and east facing glass balustrade to 28-32 Shelton Street must not be clear glass and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 34 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., , - Photovoltaic panels to the roof of 1 Mercer Walk and 28-32 Shelton Street., - Recovery

of waste heat from ventilation systems, , , You must not remove any of these features. (C44AA)

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

- 35 You must apply to us for approval of details of the rainwater harvesting system. You must not start work on this part of the development until we have approved what you have sent us. Thereafter you must carry out the rainwater harvesting in accordance with the details approved and prior to occupation of the Yard and bar at rear of 7 Langley Street. Thereafter you must retain and maintain the rainwater harvesting system in accordance with the details approved.

Reason:
In accordance with policy 35(B) of the City Plan 2019 - 2040 (April 2021) as the site is located within a surface water hotspot.

- 36 The development hereby permitted shall be carried out so as to have a minimum target rating of 'Excellent' under the BREEAM Refurbishment and Fit Out category. Upon certification by the Building Research Establishment (or equivalent) a copy of the certificate detailing the awarded score for each building will be submitted to the local planning authority within 6 months of completion for our approval. ,

Reason:
To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 37 You must apply to us for approval of detailed drawings of a soft landscaping scheme for Old Brewer's Yard. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 3 months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 2 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:
To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Covent Garden Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 38 You must apply to us for approval of details of the food truck within Old Brewer's Yard. You must not start work on this part of the development until we have approved what you have sent us. Thereafter you must install the food truck in accordance with the

details approved.

Reason:

To make sure that the footprint and appearance and of the food truck is suitable to allow sufficient pedestrian movement within the yard and to ensure that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 25, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 39 Notwithstanding the approved plans, you must apply to us for approval of details of an updated odour report that includes an assessment of the odour from the food truck and details any mitigation measures. You must not use the food truck until we have approved what , you have sent us. Thereafter you must carry out development in accordance with the details approved and thereafter retain them.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 40 Customers shall not use the West door within 1 Mercer Walk building onto Mercer's Walk from 22:00 hours on Sunday except in case of an emergency.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that the Operational Management Plan should include, but not be restricted to, matters including: how the dispersal of the yard will be managed, full details of how many security staff will be employed and where they will be located on site, full details of a direct telephone number at the premises to be made available for residents and businesses, the policy on takeaway alcohol sales, full details of CCTV, details of staff training and use of virtual

queuing through smart phone apps. The OMP should include the restrictions/conditions imposed by licensing.

- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 You are advised that advertisement consent will be required for any external signage on the building.
- 5 You are advised that painting the flank wall of 23 Neal Street may require listed building consent - a visually contrasting paint scheme, or murals are likely to be considered harmful and unacceptable.
- 6 The revised Delivery and Servicing Management Plan will need to include a full justification for any on-street servicing for 1 Mercer Walk together with details of how the servicing in the Yard will be managed to ensure there is no conflict between servicing vehicles arriving at the same time and vehicles being able to fully turn around within the site. The Plan will also need to set out the measures which will encourage low-emission, consolidation and last mile delivery modes.
- 7 The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 8 With regard to condition 26(i) you are advised that fixings to no. 7 and 8 Langley Street, which is grade II listed, must be limited and avoid compromising architectural details.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

Address: 28 - 32 Shelton Street, London, WC2H 9JE

Proposal: 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 Old Brewer's 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 undercroft shared with listed building 34 Shelton Street. [Addresses include 7-8 Langley Street and 34 Shelton Street].

Reference: 22/02163/LBC

Plan Nos: 21166-RKD-LA-00-DR-A-5200 Rev P0, 21166-RKD-SI-00-DR-A-0100 Rev P1, 21166-RKD-SH-00-DR-A-2302 Rev P0, 21166-RKD-SH-00-DR-A-2201 Rev P0, 21166-RKD-SI-00-DR-A-1100 Rev P1, 21166-RKD-SI-00-DR-A-1101 Rev P1, 21166-RKD-SI-00-DR-A-1102 Rev P1, 21166-RKD-SI-00-DR-A-1107 Rev P1, 21166-RKD-LA-00-DR-A-5210 Rev P0, 21166-RKD-OB-00-DR-A-4320 Rev P0, 21166-RKD-OB-00-DR-A-4311 Rev P0., , Townscape, Heritage and Visual Impact Assessment (February 2022),

Case Officer: Matthew Mason

Direct Tel. No. 020 7641
07866037944

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040

(April 2021). (R27AC)

- 3 You must apply to us for approval of details of the following parts of the development: ,
 i. The canopy and details of fixings to 7 and 8 Langley Street and column/supports and beam details. , ii. The new shutters/doors to the rear of 7 Langley Street, , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
 In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.