

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	283 - 329 Edgware Road and 5 Newcastle Place, London, W2 1DH,		
Proposal	Variation of Condition 1 of the planning permission granted 28 April 2016 (ref: 15/11677/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. NAMELY, incorporation of 283 Edgware Road into site, extension of Block B to provide 20 additional residential units (672 in total), with associated swap in housing tenure with Blocks E and F, associated amendments to permitted public realm and landscaping strategy.		
Agent	Turley		
On behalf of	Berkeley Homes (Central London) Ltd		
Registered Number	16/07226/FULL	Date amended/ completed	29 July 2016
Date Application Received	29 July 2016		
Historic Building Grade	Unlisted (Listed buildings on adjacent sites at 17-18 Paddington Green, the Children's Hospital and St. Mary's Church)		
Conservation Area	Paddington Green (part of site only)		

1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the section 106 agreement for application ref: 15/11677/FULL to secure:
 - a) Provision of 130 affordable units on-site comprising 51 intermediate units and 79 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
 - b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
 - c) Provision of a financial contribution of £863,630 (index linked) toward provision of social and community facilities;
 - d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;
 - e) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
 - f) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle

- hire docking station or enlargement of an existing docking station within the vicinity of the site;
- g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
 - h) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;
 - i) Provision of lifetime car club membership (25 years) for each residential unit in the development;
 - j) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
 - k) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
 - l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
 - m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;
 - n) Offering local employment opportunities during construction; and
 - o) Payment of cost of monitoring the agreement (£15,000).

2. If the S106 legal agreement has not been completed by 15 May 2017 then:

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

2. SUMMARY

The application site is located on the south west side of Edgware Road, north west of the main junction at Harrow Road and Marylebone Road. The site is located within the CAZ, the Edgware Road Housing Zone and is a Strategic Proposals Site within NWEDA. An area roughly corresponding to the south western half of the site is located within the Paddington Green Conservation Area. The remaining half of the site is not within a conservation area. The Edgware Road frontage is located within the Core Frontage of the Church Street/Edgware Road District Shopping Centre. The application site is also located within the Paddington and Lilestone Villages Archaeological Priority Area.

The applicant proposes the following amendments to the development approved under application ref: 15/11677/FULL, which was approved by this committee on 28 April 2016. The following amendments are proposed:

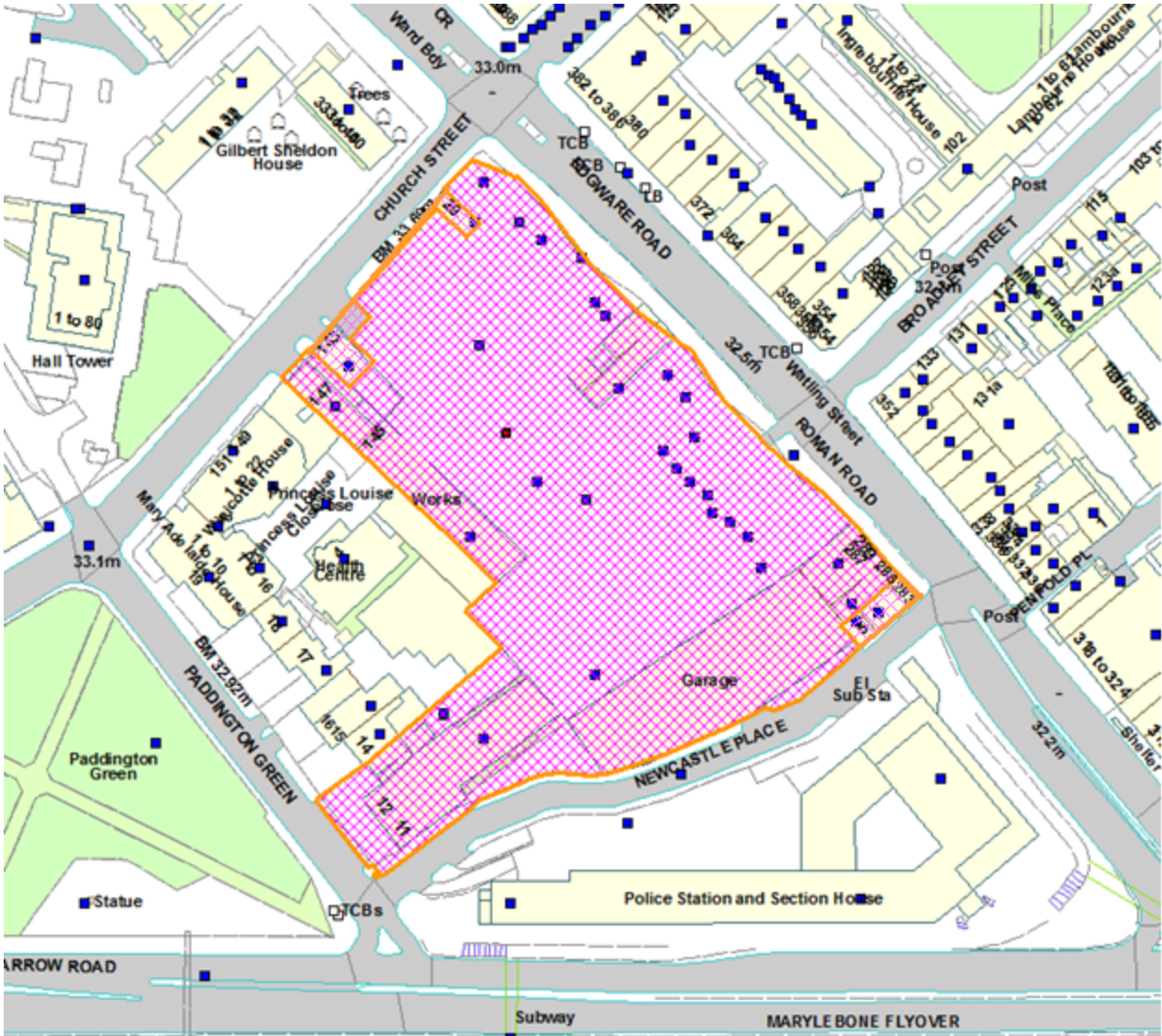
- incorporation of 283 Edgware Road into site;
- an extension of Block B to provide 20 additional residential units. This results in a total of 672 units on-site;
- housing tenure swap between with Blocks B and E/F; and
- associated amendments to permitted public realm and landscaping strategy.

The key issues are:

- Provision of additional residential units, including affordable units;
- Impact on the character and appearance of the area;
- Impact on the amenity of nearby residential units; and
- Impact on parking and highways from the additional units.

Objections have been received to the development, primarily to the level of affordable housing proposed and the height of approved Block A. The proposals are considered to accord with City Council policies within the City Plan and Unitary Development Plan (UDP). The amendments would also result in a development that's scale and nature is not substantially different from the one which has been approved. Accordingly, it is recommended that conditional permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of application site from northern corner of Church Street/Edgware Road junction.



View of application site as seen from Church Street/Newcastle Place junction.

5. CONSULTATIONS

GREATER LONDON AUTHORITY

Given the scale and nature of the proposals, the amendments do not give rise to any new strategic planning issues. Therefore, under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this application. The City Council may proceed to determine the application without further reference to the GLA.

LITTLE VENICE WARD COUNCILLORS

Any response to be reported verbally.

CHURCH STREET WARD COUNCILLORS

Any response to be reported verbally.

HYDE PARK WARD COUNCILLORS

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

No response received.

HYDE PARK ESTATE ASSOCIATION

No response received.

SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

No response received.

HISTORIC ENGLAND

This application should be determined in accordance with national and local policy guidance and on the basis of the City Council's specialist conservation advice.

HISTORIC ENGLAND (ARCHAEOLOGY)

A Written Scheme of Investigation (WSI) has been agreed under condition 21 of the original permission and should be applied to the proposed development.

ENVIRONMENT AGENCY

Advise that they did not recommend the conditions that are the subject of this application and have no comments to make.

LONDON UNDERGROUND LIMITED

Advise that they have no comment to make on this application.

TRANSPORT FOR LONDON

No more than 8 additional parking spaces should be provided to maintain a parking ratio consistent with the previous permission. As landscaping on the Edgware Road frontage will change as a result of the proposal, the obligations contained within the previous section 106 agreement should be amended and TFL should be party to this. TFL welcome the incorporation of no. 283 into the site as it provides an opportunity to remove a significant pinchpoint for northbound traffic, cyclists and buses.

NATURAL ENGLAND

Advise that they have no comment to make on this application.

SPORT ENGLAND

Advise that they do not consider it necessary to be consulted on this application.

THAMES WATER

No response received.

NATIONAL HEALTH SERVICE

No response received.

METROPOLITAN POLICE SERVICE

No response received.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Object. Public realm, room sizes and sight lines insufficient. Insufficient greening, common space, Sustainable Urban Drainage Systems and energy saving devices.

NORTH PADDINGTON SOCIETY

No response received.

PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT (PRACT)

No response received.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No objection.

MARYLEBONE ASSOCIATION

No response received.

THE ST MARYLEBONE SOCIETY

No objection to changes.

ST JOHN'S WOOD SOCIETY

Advise that they have no comment to make.

LONDON FIRE AND EMERGENCY PLANNING AUTHORITY (LFEP)

No response received.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT

No response received.

CHURCH STREET LOCAL AREA RENEWAL PARTNERSHIP

No response received.

BUILDING CONTROL

No response received.

WASTE PROJECT OFFICER

Object. Reiterates concerns raised with previous waste strategy and management.

CHILDREN'S SERVICES

No response received.

CITYWEST HOMES

No response received.

PLANNING POLICY

No response received.

HIGHWAYS PLANNING MANAGER

Welcomes the acquisition and inclusion of 283 Edgware Road and the provision of 16 additional car parking spaces and additional cycle parking spaces to go with the 20 extra dwellings. These should be integrated into the overall car parking management so that all of the spaces are unallocated and available to anyone in the wider development as a whole.

Demolishing the existing building and setting back its replacement to sit in line with the rest of the overall development provides for an improved public realm at the junction with Newcastle Place.

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

ADULT & COMMUNITY SERVICES

Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER

No objection on noise and nuisance grounds, subject to recommended conditions. As the additional area of 283 Edgware Road was not considered under the previous site investigation and remediation strategy, a condition is recommended requiring the submission of this additional information. Several other amendments to conditions are recommended to address discrepancies within the previous permissions conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5729

Total No. of replies: 8

No. of objections: 6

No. in support: 3

In summary, the objectors raise the following issues:

- Additional units will strain existing infrastructures, including schools, GP surgeries and hospitals;
- The 29 storey tower is contrary to the City Council's policy on tall buildings;
- The proposal causes "substantial harm" to its immediate surroundings, heritage assets, and views;
- The proposal will negatively impact the local economy;
- The type of flats proposed are not needed in the area;

- Concerns that due process is not being followed;
- Proposal is too dense and overbearing; and
- Not enough affordable homes are proposed.

In summary, the supporters raise the following issues:

- The incorporation of 283 Edgware Road into site is a welcome development that would improve clarity at the junction of Edgware Road and Newcastle Place and create a better pedestrian gateway to the site;
- This entire area is in need of investment and this project would have a positive impact; and
- More homes are needed to address the housing crisis.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the south west side of Edgware Road, north west of the main junction at Harrow Road and Marylebone Road. It is largely vacant and is surrounded by a recently erected hoarding.

The entire site is located within the Central Activities Zone (CAZ) and the North Westminster Economic Development Area (NWEDA). Within NWEDA, the application site is a Strategic Proposals Site as its development would contribute significantly to the City Council's strategic housing targets.

An area roughly corresponding to the south western half of the site is located within the Paddington Green Conservation Area. The remaining half of the site is not within a conservation area. The Edgware Road frontage is located within the Core Frontage of the Church Street/Edgware Road District Shopping Centre. The application site is also located within the Paddington and Lilestone Villages Archaeological Priority Area.

The Paddington Opportunity Area (POA) is located to the south of the application site, on the southern side of the Westway. Several heritage assets are also located in the area surrounding the site. The Grade 2 listed Paddington Green Children's Hospital is located on the corner of Church Street and Paddington Green; two Grade 2 listed Georgian houses are located at 17 and 18 Paddington Green; and the Grade 2 star listed St Mary's Church to the west.

The application site is also located within the Edgware Road Housing Zone.

6.2 Recent Relevant History

15/11677/FULL

Redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. This application is accompanied by an Environmental Impact Assessment (EIA).

Application Permitted 28 April 2016

16/06543/APAD

Notification of proposed demolition of 283 Edgware Road (prior approval under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

Application Permitted 5 August 2016

16/08442/NMA

Amendments to planning permission dated 28 April 2016 (RN: 15/11677) for redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4, and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. Namely, internal alterations to all floors of Blocks and C. Amendments proposed to the unit mix on floors 1-10 of Block A at ground floor of Block C and all floors of Blocks G and H. Amendment to include an additional bay of private residential balconies on floors 1-10 of the south facing elevation of Block A. Reduction in the footprint of Block C.

Application Permitted 4 October 2016

7. THE PROPOSAL

Following their acquisition of 283 Edgware Road, the applicant seeks to incorporate it into the development site for the West End Green development (see ref: 15/11677/FULL) and amending the development as follows:

Extension to Block B and Tenure Swap Between Blocks B and E/F

Block B would be extended southward to add an additional 20 units to the development (672 in total). The building would be extended laterally with no additional height added.

The 20 additional units would include four new affordable homes (two intermediate and two social rent). The mix of the twenty additional units would comprise 10x one bedroom flats (9 private sale and 1 intermediate) and 10x two bedroom apartments (7 private sale, 1 intermediate, 2 social rented).

The consented Block B would be an entirely affordable block, containing 49 intermediate homes and 3 social rented homes. To maintain Block B as an entirely affordable block, the applicant proposes a tenure swap between Blocks E/F and Block B. The 16 additional private sale units would be accommodated within blocks E/F in exchange for 16 of the affordable units consented within that block. This results in the following housing tenure and mix for the entire development:

TENURE	NUMBER OF BEDROOMS					TOTAL	TOTAL (%)
	STUDIO	ONE	TWO	THREE	FOUR+		
Private Sale	40	176	197	118	11	542	80.6
Intermediate	0	22	29	0	0	51	7.6
Social Rent	0	10	23	31	15	79	11.8
TOTAL UNITS	40	208	249	149	26	672	

TOTAL (%)	6	31	37	22	4
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The extension to Block B would also create an enlarged restaurant unit at ground floor. This unit would increase in size from 296 sqm GEA to 452 sqm GEA.

Basement Revision

The consented double level basement would be extended into the area occupied by 283 Edgware Road. This would provide an additional 16 car parking spaces for a total of 286 parking spaces for the entire development.

Public Realm Amendment

The consented development included a public square and pedestrian access between Block B and 283 Edgware Road. The applicant proposes moving this square and pedestrian access southward, onto the corner of Edgware Road and Newcastle Place.

8. DETAILED CONSIDERATIONS

8.1 Scope of Consideration

As an application pursuant to s73 of the Town and Country Planning Act 1990 (as amended), the City Council's consideration is limited only to the question of the conditions to which planning permission should be granted (s73(2)). Accordingly, only planning matters arising from the proposed amendments can be considered under this application. For the avoidance of doubt, the principle of the development and the height and/or bulk of Block A cannot be revisited.

8.2 Land Use

8.2.1 Residential

Policies H3 of the Unitary Development Plan (adopted 2007) ("the UDP") and S14 of Westminster's City Plan (adopted 2016) ("the City Plan") seek to encourage the provision of more residential floorspace including the creation of new residential units and encourage changes of use from non-residential uses to residential use. Policy S8 of the City Plan also states that this part of Edgware Road is an appropriate location for residential uses. As a Strategic Proposals Site located within the Edgware Road Housing Zone, the provision of new residential units on this site is also a priority. The additional affordable units would also provide decant space for the estate renewal programme stated within policy S12. Accordingly, the provision of residential flats on this site is supported in principle.

Other relevant residential use considerations are set out below.

Density

The consented development already exceeds the density range set out in policy 3.4 of The London Plan (FALP – March 2015) ("the London Plan") (i.e. 215-405 u/ha or 650-1100 hr/ha). The proposed amendments would further increase the developments density to

625 u/ha from 612 u/ha. However, this increase is relatively minor (i.e. approx. 2%) in comparison to the consented development. Furthermore, policy 3.4 of the London Plan and policy H11 note that density is a useful starting point for protecting local character and is not definitive. Policy 3.4 of the London Plan acknowledges that other factors are relevant to optimising potential, including local context, design and transport capacity, as well as social infrastructure. Policy H11 also notes that development densities that exceed the limits contained therein will be expected to meet complementary policies on townscape and design; residential amenity; provision of off-street parking; mix of housing units; affordable housing; garden space; and the desirability of maintaining any special feature of the urban fabric of the area. These matters are considered further later in this report.

Affordable Housing

Policy 3.12 of the London Plan states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regards to several factors, including the need to encourage rather than restrain residential development and the specific circumstances of individual sites. The latter includes development viability.

In accordance with policy S16 of the City Plan and the City Council's Interim Guidance Note on Affordable Housing (November 2013) ("the Interim Note"), the additional units proposed would necessitate the provision of an additional affordable housing contribution.

Under the consented development, 126 affordable units were proposed, with a total floor area of approximately 13,557 sqm GEA or approximately 18% of the residential floorspace proposed. The applicant proposes providing an additional four affordable units. This would increase on-site provision to 130 affordable units, with a total floor area of approximately 13,785 sqm GEA. Like the consented development, this equates to approximately 18% of the residential floorspace proposed.

The applicant has provided a viability appraisal by Gerald Eve that indicates that this is the maximum possible contribution that the amended scheme can afford to make without becoming unviable. This viability appraisal has been reviewed on behalf of the City Council by GVA Grimley Limited who concur with its findings. Accordingly, the 130 unit contribution proposed is the maximum reasonable contribution that the applicant can make.

Under the amended development, 79 of the affordable housing units would be provided as social rented units and 51 would be provided as intermediate housing. This tenure split would remain consistent with the GLA guidance of 60:40.

Subject to a deed of variation to the original legal agreement to secure the additional units, the proposed affordable housing offer is considered acceptable.

Residential Mix

Policy H5 of the UDP requires 'one third' of the units to be family sized units (i.e. with 3 bedrooms or more), as specified in policy H5 of the UDP.

In this instance, 26% of the proposed units would be family sized. This is a 1% reduction in comparison to the consented development. Whilst this reduction is regrettable, the City

Council previously accepted a lower proportion due to the flexibility allowed by policy H5 and this sites location in a very busy, noisy environment. As the shortfall proposed is generally consistent with the consented development, the proposed development would remain consistent with policy H5 of the UDP in this instance.

Standard of Residential Accommodation

The 20 additional flats would all meet or exceed size requirements of the Governments Nationally Described Space Standard (March 2015) (“the Space Standard”). The additional units would also be Lifetime Homes compliant and 10% of the units would be wheelchair accessible or easily adaptable, consistent with policy H8 of the UDP.

The additional flats would have also private outdoor amenity space, in the form of balconies and terraces, in accordance with policy H10 of the UDP and standards 26 and 27 of the Housing SPG. These balconies and terraces are also designed so as not to result in unacceptable noise and overlooking of neighbouring properties and flats within the development and are therefore acceptable. In addition to this, all residents would have access to the communal garden areas located within the site.

The Environmental Health Officer has reviewed the proposal and raises no objection, subject to some minor amendments to the previously imposed conditions so that satisfactory internal noise levels are achieved. Subject to the recommended conditions, the proposal would be consistent with policy S32 of the City Plan and policies ENV 6 and ENV 7 of the UDP.

8.2.2 Restaurant

Policy S12 of the City Plan notes that the City Council may be flexible about uses within the Church Street/Edgware Road District Shopping Centre. The supporting text to policy S12 also notes that A3 uses can help support the retail function of the District Shopping Centre. The application site is outside a Stress Area but within the CAZ. Accordingly, policy TACE 8 of the UDP also applies.

The enlarged A3 unit would remain a small part of the reinstated frontage. It would also provide a point of interest and activity at a key entrance to the site and would support the retail function of the District Shopping Centre. The conditions already proposed would also ensure that the enlarge A3 unit would not have an adverse effect on amenity, character of function of the area or traffic. Accordingly, the enlarged A3 unit proposed would be consistent with policy S12 of the City Plan and policies SS6 and TACE 8 of the UDP.

8.3 Townscape and Design

8.3.1 Demolition of 283 Edgware Road

Demolition of the buildings on 283 Edgware Road has already been permitted under prior approval ref: 16/06543/APAD. Notwithstanding this, the existing building at 283 Edgware Road is an incongruous feature in the Edgware Road streetscene and has an awkward relationship with the consented development. It also obscures views of the consented development to northbound traffic on Edgware Road and pedestrians visiting the site from

the south, including from Edgware Road Underground Station. Accordingly, its demolition is a welcome amendment to the development.

8.3.2 Public Realm Amendment

The consented scheme included an entry bosque of trees between Block B and 283 Edgware Road connecting the latter to Block A. This bosque is a key pedestrian access to the site and, with its seating and planning, an attractive amenity and point of interest in itself. However, the legibility of this access point as well as the attractiveness of this space is hindered by the sheer northern elevation of the building at 283 Edgware Road.

Removal of this building would allow this bosque to be relocated to the corner of Edgware Road and Newcastle Place. In this position, it would make this pedestrian access more legible, thus improving the pedestrian experience and permeability in and around the site. It would also improve the attractiveness of this bosque for persons using it by removing a significant source of sense of enclosure and improving sunlight to this area. In the corner position, the bosque itself also softens views of the application site when seen from the south.

Details of the hard and soft landscaping treatment for the amended bosque would be secured by the conditions already imposed on the original development. Subject to the conditions recommended, the proposed amendment would be consistent with policies S12 and S41 of the City Plan and policy TRANS 23 of the UDP.

8.3.3 Extension to Block B

The extension to Block B maintains the same building line along Edgware Road and the height of the consented block. The red brick mansion block design with grid of bays and balconies as seen on the consented Block B would also be repeated on the extension to Block B. The enlarged Block B would also remain narrower than the central block on the Edgware Road frontage (i.e. Block C) and the gap between blocks would be maintained. This ensures that the rhythm of blocks along Edgware Road and appreciation of scale in the entire development and found acceptable previously is maintained. The extension to Block B is also not so large as to compete with the greater height and visual presence of the tower (i.e. Block A). The conditions imposed on the original permission would also ensure that appropriate design detail and materials are provided.

The extension would make Block B more visible when viewed along Edgware Road from the south. However, this increased visibility would be marginal in comparison to the bulk and height of the consented development and an objection to the development on this basis would not be sustainable.

The extension to Block B would also be screened from the Paddington Green Conservation Area and nearby listed buildings by the other blocks. Accordingly, the extension would have no greater impact on these heritage assets than the consented development.

Overall, the extension to Block B would be consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 4, DES 9 and DES 10 of the UDP.

8.4 Residential Amenity

8.4.1 Loss of light

Due to the screening effect of the bulk of the consented development, most properties would be unaffected by the additional bulk from Block B. However, the proposal would decrease light levels below BRE guidelines for several properties on the east side of Edgware Road that were tested when the consented development was considered. The relevant properties are 330 - 352 Edgware Road.

The applicant has submitted a supplementary Daylight and Sunlight assessment by Deloitte (“the Light Study”) as part of the Environmental Statement that accompanies this application to demonstrate compliance with the BRE Guide.

Daylight

The Light Studies conclusions on daylight are summarised in the table below:

Daylight Loss				
330-352 Edgware Road	No. of Windows With VSC Losses Exceeding 20%	VSC Losses (%)	No. of Rooms with NSL Losses Exceeding 20%	NSL Losses (%)
Consented Development	10 out of 48	21-23	16 out of 31	22-48
Proposed Development	19 out of 48	23-33	16 out of 31	21-57

Whilst these additional losses are regrettable, they affect a comparatively small number of properties and are modest relative to a development of this scale. The BRE guidelines are also intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location such as this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout the CAZ have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live. In this context, the level of additional daylight loss does not outweigh the public benefits of the development, particularly given its strategic importance to housing delivery, to warrant refusal of this application.

Sunlight

The Light Studies conclusions on sunlight are summarised below:

Sunlight Loss	
330-352 Edgware Road	No. of Eligible Windows With Sunlight Loss Exceeding BRE Guidelines

Consented Development	10 out of 45
Proposed Development	12 out of 45

The additional sunlight loss proposed would be relatively modest for a Central London site such as this. When considered against the public benefits of this development and the strategic importance of this site for housing delivery, this level of sunlight loss would not warrant refusal of this application.

8.4.2 Sense of Enclosure

Due to the screening effect of the bulk of the consented development, most properties would be unaffected by the additional bulk from Block B. The additional bulk would be visible from properties on the east side of Edgware Road and the Paddington Police Station Section House. However, it would be separated from them by the width of Edgware Road and Newcastle Place (i.e. 22 to 30 m and 8 m, respectively). Given this separation distance, the additional bulk would not result in a significant sense of enclosure for the occupants of residential properties surrounding the site. Accordingly, the proposal would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.4.3 Privacy

As noted above, the additional bulk to Block B is separated from the nearest residential properties by the widths of Edgware Road and Newcastle Place. These separation distances provide adequate mitigation for potential overlooking for the nearest residential properties. The additional bulk would also have a comparable outlook to the consented development.

Given the above, the proposed development would not result in significant overlooking of neighbouring properties and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.5 Transportation/Parking

8.5.1 Trip Generation.

As per the consented development, the consented development with the additional units proposed would still result in a significant reduction in trip generation compared to the 2005 permission. Accordingly, the trip generation resulting from the consented development with the additional units would be acceptable.

8.5.2 Car Parking

The applicant proposes an additional 16 car parking spaces in the enlarged basement area proposed. This would result in a parking ratio of 0.43 spaces per unit which is marginally higher than that on the consented development. Whilst TFL consider this ratio excessive, they have not formally objected on this basis and the Highways Planning Manager supports the ratio now proposed. This ratio is an improvement in comparison to the consented

development when considered against the parking standards appended to policy 6.13 of the London Plan and policy TRANS23 of the UDP and is therefore supported.

Like the consented development, the applicant has offered to provide the parking on an unallocated basis and to provide lifetime car club membership for the occupants of all flats. This is supported by TFL and the Highways Planning Manager. Should permission be granted, it is recommended that this is secured via a deed of variation to the existing section 106 agreement.

Given the above, the proposed parking arrangements are considered consistent with the development plan.

8.5.3 Cycle Parking

The applicant proposes additional cycle spaces for the additional units proposed, in accordance with the requirements of policy 6.9 of the London Plan.

8.5.4 Waste Provision

The Cleansing Manager has raised several concerns with how waste will be managed for the amended development. However, this concern can be addressed through the conditions imposed on the existing permission and which would apply to the proposed development. Subject to these conditions, the proposed development would accord with policy ENV 12 of the UDP.

8.5.5 Impact on Public Transport Infrastructure

TFL and London Underground have raised no objection to the additional units proposed. Subject to the conditions and planning obligations imposed on the existing permission, the proposed development would be consistent with policies 6.7 and 6.9 of the London Plan.

8.5.6 Road Widening

Inclusion of 283 Edgware Road would provide an opportunity to remove a significant pinchpoint for northbound traffic, cyclists and buses. On this basis, TFL and the Highways Planning Manager support the development and the proposed development would be consistent with policy TRANS 18 of the UDP.

8.6 Economic Considerations

The proposed amendment would further increase the length of shopping frontage restored on Edgware Road, within the Church Street/Edgware Road District Shopping Centre. This would enhance the retail offer within the shopping centre.

The proposed development would also provide further affordable units to enable decant from the Church Street and Paddington Green area to be decanted. This would contribute further to the regeneration envisaged under the Futures Plan and Edgware Road Housing Zone.

8.7 Access

The additional units and enlarged restaurant unit all benefit from level access from the street. Ten percent of the proposed units are wheelchair user adaptable, as per part M4 (3) (2) b of the building regulations.

Overall the scheme is considered to comply with Policy DES1 in the adopted UDP and Policy S28 in the City Plan in terms of accessibility.

8.8 Other UDP/Westminster Policy Considerations

8.8.1 Contamination

The additional site area of 283 Edgware Road is contaminated. Accordingly, the Environmental Health Officer has recommended a condition requiring further site investigation and preparation of an adequate mitigation strategy. Subject to this condition, the proposed development would be consistent with policy ENV 8 of the UDP.

8.9 London Plan

As a variation to a GLA referable development, the GLA were notified of the propose amendment. They advise that the scale and nature of the proposals do not give rise to any new strategic planning issues and the City Council may proceed to determine the application without further reference to the GLA.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

The proposed amendment would include provision of four additional affordable housing units. These would need to be secured by a planning obligation. Should this amendment to the original permission be granted, a deed of variation to the original section 106 agreement will also be required to ensure that the planning obligations previously secured are also secured under this new permission. The draft 'Heads' of agreement are as follows:

- a) Provision of 130 affordable units on-site comprising 51 intermediate units and 79 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
- b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
- c) Provision of a financial contribution of £863,630 (index linked) toward provision of social and community facilities;
- d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;

- e) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
- f) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
- g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
- h) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;
- i) Provision of lifetime car club membership (25 years) for each residential unit in the development;
- j) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
- k) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
- l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
- m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;
- n) Offering local employment opportunities during construction; and
- o) Payment of cost of monitoring the agreement (£15,000).

The additional floorspace created would also be Westminster CIL liable. Subject to any exemptions that may be applicable, the estimated CIL payment is £34,588,000.00.

8.12 Environmental Impact Assessment

The applicant has submitted a revised Environment Statement (ES) that takes account of the proposed amendments.

The revised ES has been reviewed on behalf of the City Council by Waterman Infrastructure and Environment Limited ("Waterman's"). In summary, Waterman's advise that there are no material changes to the conclusions of any of the assessments of residual effects and the mitigation measures previously proposed remain valid requirements. No further points of clarification or any requests for further information under Regulation 22 of the EIA Regulations are identified. Accordingly, the ES submitted is satisfactory.

8.13 Other Issues

8.13.1 Basement Development

Since the original permission was granted, the Council has adopted its revised basement policy (CM28.1 of the City Plan). However, the proposed extension to the approved basement does not adjoin residential properties. Accordingly the provisions of the new basement policy do not apply in this instance.

9. BACKGROUND PAPERS

1. Application form.
2. Response from the Greater London Authority, dated 30 September 2016.
3. Response from Highways Planning Manager, dated 24 October 2016.
4. Response from Environmental Health Officer, dated 7 September 2016.
5. Response from Waste Project Officer, dated 23 August 2016.
6. Response from Transport for London, dated 11 August 2016.
7. Response from Historic England (Listed Builds/Con Areas), dated 15 August 2016.
8. Response from Historic England (Archaeology), dated 30 August 2016.
9. Response from London Underground, dated 16 August 2016.
10. Response from Environment Agency, dated 10 August 2016.
11. Response from Natural England.
12. Response from Sport England, dated 15 August 2016.
13. Response from St John's Wood Society, dated 22 August 2016.
14. Response from PRACT, dated 8 September 2016.
15. Response from The St Marylebone Society, dated 11 September 2016.
16. Response from Notting Hill East Neighbourhood Forum, dated 8 September 2016.
17. Response from South East Bayswater Residents Association, dated 8 September 2016
18. Response from Marylebone Association, dated 30 August 2016
19. Letter from occupier of 11 Gilbert Sheldon House, London, dated 4 September 2016
20. Letter from occupier of 99 St Mary's Mansions, St Mary's Terrace, dated 20 August 2016
21. Letter from occupier of Flat 54 St Mary's Mansions, St Mary's Terrace, dated 14 August 2016
22. Letter from occupier of Flat 15, The Old Aeroworks, 17 Hatton Street, dated 15 August 2016
23. Letter from occupier of Paddington Green Health Centre, 4 Princess Louise Close, dated 2 November 2016
24. Letter from occupier of 13 St Michael's St, London, dated 18 September 2016
25. Letter from occupier of 2 Harewood Row, London, dated 28 August 2016
26. Letter from occupier of Goldney Road, London, dated 24 August 2016

Selected relevant drawings

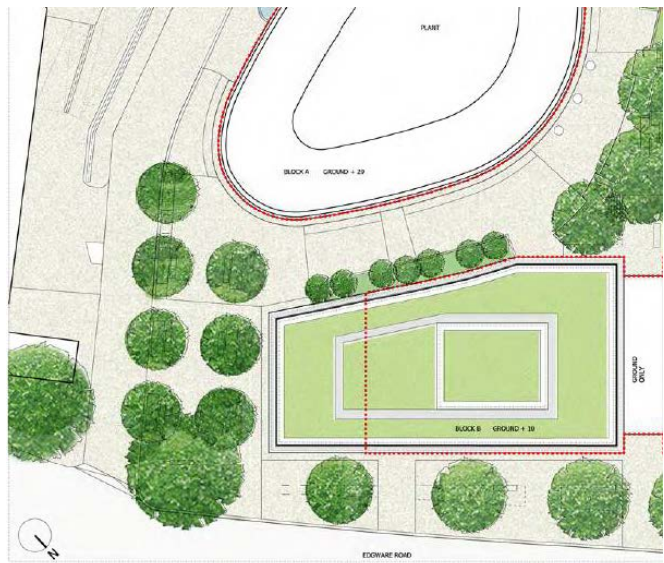
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

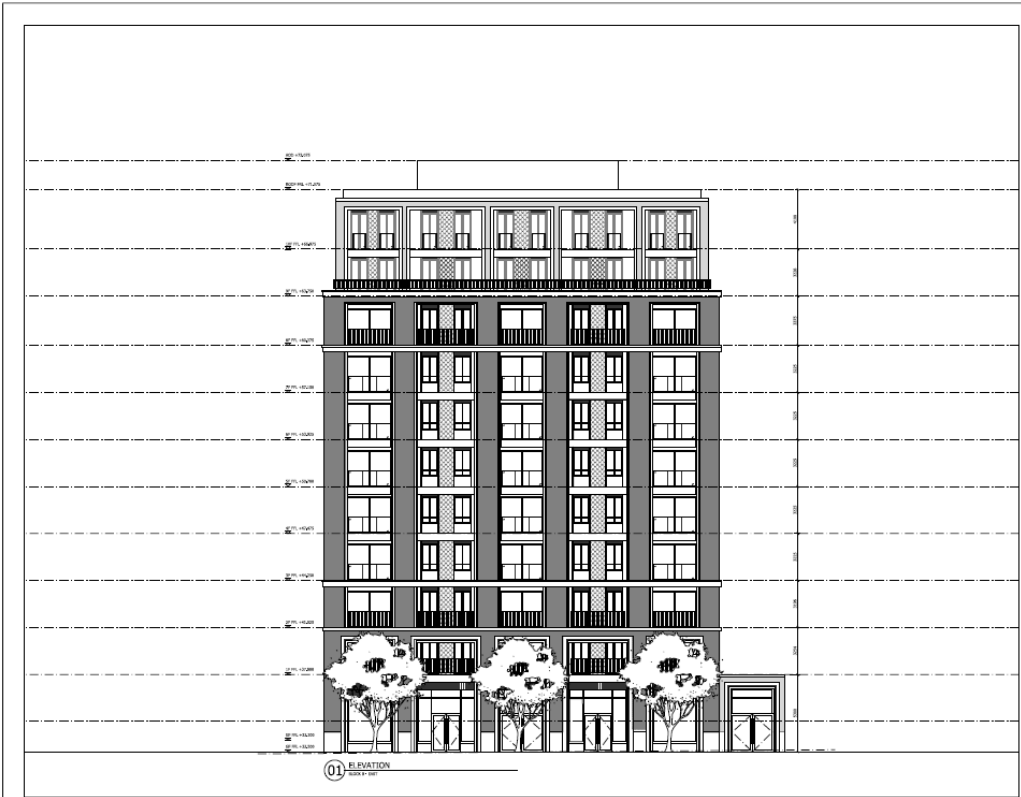
10. KEY DRAWINGS



Block B – Approved Position



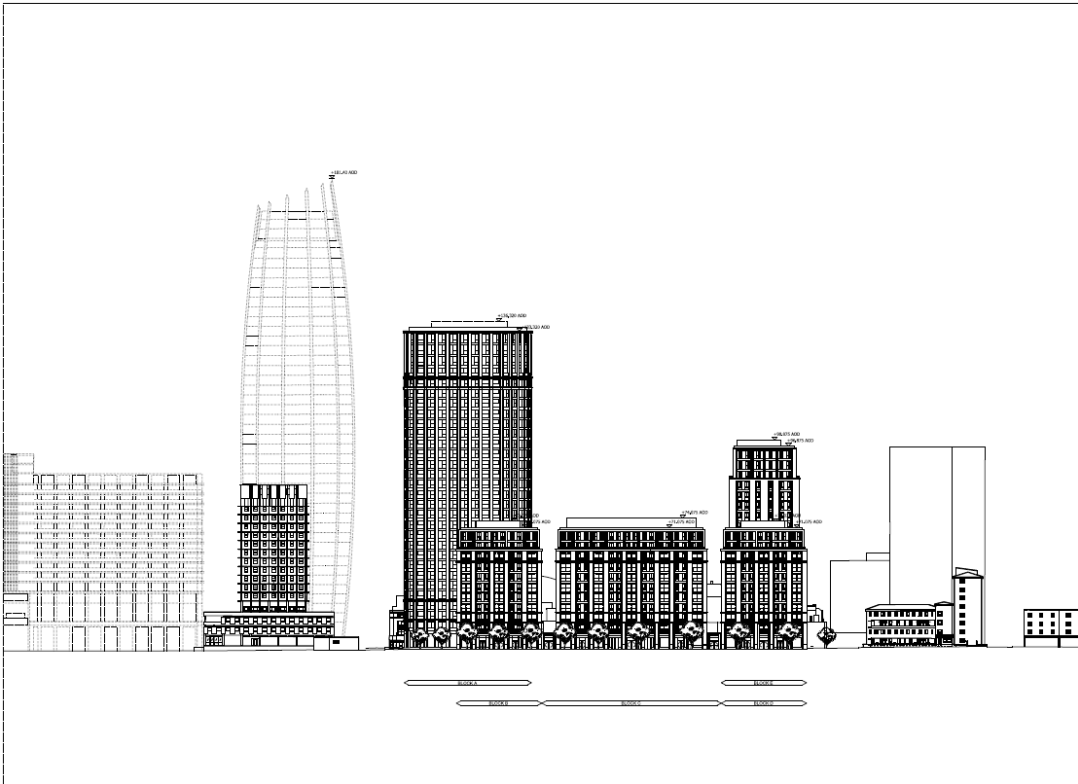
Block B – Extended Position Following Demolition of 283 Edgware Road



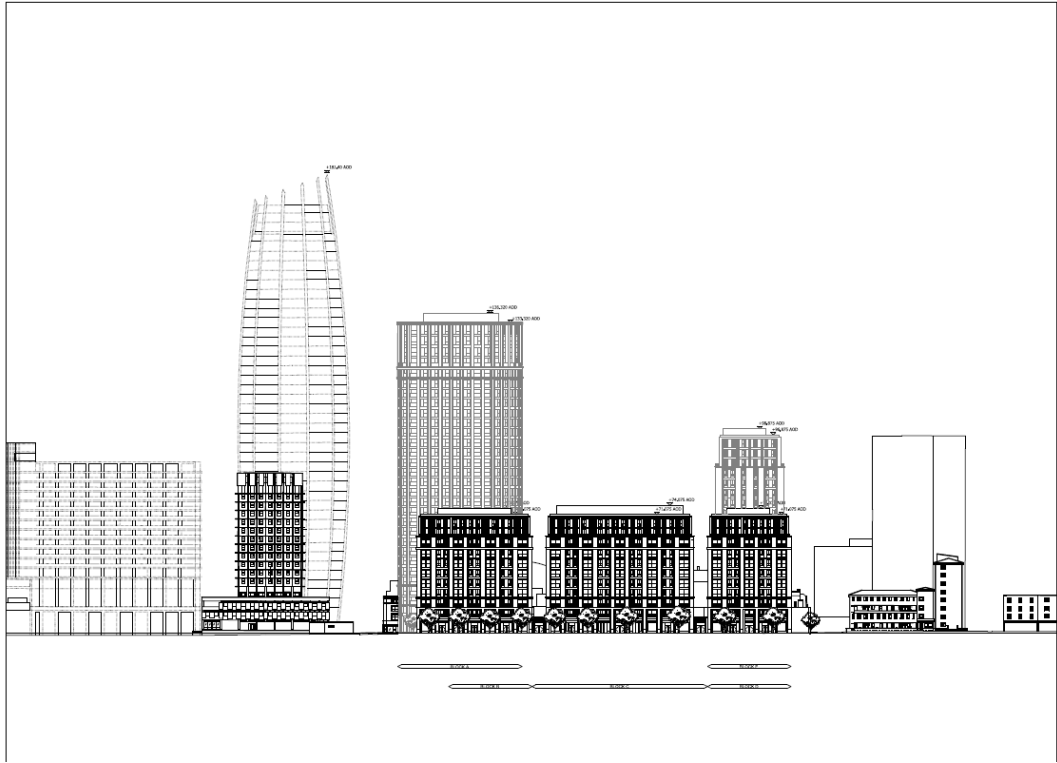
Block B – Approved Eastern (Edgware Road) Elevation



Block B – Proposed Eastern (Edgware Road) Elevation



Approved Eastern Elevation of Whole Site



Proposed Eastern Elevation of Whole Site



Visualisation from Corner of Edgware Road and Newcastle Place

DRAFT DECISION LETTER

Address: 283 - 329 Edgware Road And 5 Newcastle Place, London, W2 1DH,

Proposal: Variation of Condition 1 of the planning permission granted 28 April 2016 (ref: 15/11677/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. NAMELY, incorporation of 283 Edgware Road into site, extension of Block B to provide 20 additional residential units (672 in total), with associated swap in housing tenure with Blocks E and F, associated amendments to permitted public realm and landscaping strategy.

Reference: 16/07226/FULL

Plan Nos: Drawing numbers 0203_JA12_P_00_100 Rev B, 0203_C645_E_N_H_001 Rev C, 0203_C645_P_D_T3_001 Rev D, 0203_C645_P_00_100 Rev B, 0203_C645_E_E_H_001 Rev B, 0203_C645_P_D_T4_001 Rev C, 0203_JA12_P_00_001 Rev B, 0203_C645_E_S_H_001 Rev C, 0203_C645_P_D_T5_001 Rev D, 0203_JA12_P_00_002 Rev B, 0203_C645_E_W_H_001 Rev B, 0203_C645_P_E-F_00_001 Rev B, 0203_JA12_P_00_003 Rev B, 0203_C645_E_NW_H_001 Rev B, 0203_C645_P_E-F_T1_001 Rev C, 0203_JA12_P_00_004 Rev B, 0203_C645_P_D_TY_T_001 Rev B, 0203_C645_P_E-F_T2_001 Rev C, 0203_JA12_E_N_001 Rev B, 0203_C645_P_D_TY_T_002 Rev B, 0203_C645_P_E-F_T3_001 Rev C, 0203_JA12_E_E_001 Rev B, 0203_C645_P_D_TY_T_003 Rev C, 0203_C645_P_E-F_T4_001 Rev C, 0203_JA12_E_S_001 Rev B, 0203_C645_P_D_TY_T_004 Rev B, 0203_C645_P_E-F_T5_001 Rev C, 0203_JA12_E_W_001 Rev B, 0203_C645_P_D_TY_T_005 Rev B, 0203_C645_P_E-F_T6_001 Rev C, 0203_C645_P_D_TY_T_006 Rev B, 0203_C645_P_E-F_T7_001 Rev D, 0203_C645_P_RF_100 Rev C, 0203_C645_P_D_TY_T_007 Rev B, 0203_C645_P_E-F_T8_001 Rev D, 0203_C645_P_B1_001 Rev D, 0203_C645_P_D_TY_T_008 Rev B, 0203_C645_P_E-F_T9_001 Rev A, 0203_C645_P_B2_001 Rev D, 0203_C645_P_00_001 Rev C, 0203_C645_P_D_TY_M_001 Rev B, 0203_C645_P_G_00_001 Rev A, 0203_C645_P_TY_001 Rev C, 0203_C645_P_D_TY_M_002 Rev B, 0203_C645_P_G_T1_001 Rev A, 0203_C645_P_RF_001 Rev C, 0203_C645_P_D_TY_M_003 Rev B, 0203_C645_P_G_T2_001 Rev A, 0203_C645_P_RF_003 Rev C, 0203_C645_P_D_TY_M_004 Rev B, 0203_C645_P_H_00_001 Rev B, 0203_C645_E_N_001 Rev B, 0203_C645_P_D_TY_M_005 Rev B, 0203_C645_P_H_T1_001 Rev C, 0203_C645_E_N_002 Rev B, 0203_C645_P_D_TY_M_006 Rev B, 0203_C645_P_H_T2_001 Rev B, 0203_C645_E_E_001 Rev B, 0203_C645_P_D_TY_M_007 Rev B, 0203_C645_P_H_T3_001 Rev C, 0203_C645_E_E_002 Rev B, 0203_C645_P_A_00_001 Rev C, 0203_C645_P_H_T4_001 Rev C, 0203_C645_E_S_001 Rev C, 0203_C645_P_A_T0_001 Rev C, 0203_C645_E_S_002 Rev B, 0203_C645_P_A_T1_001 Rev C, 0203_C645_P_AP_W_001 Rev B, 0203_C645_E_W_001 Rev B, 0203_C645_P_A_T3_001 Rev C, 0203_C645_P_AP_W_002 Rev A,

0203_C645_E_W_002 Rev B, 0203_C645_P_A_T2_001 Rev C, 0203_C645_P_AP_W_003 Rev A, 0203_C645_S_AA_001 Rev B, 0203_C645_P_A_T4_001 Rev C, 0203_C645_P_AP_W_004 Rev A, 0203_C645_S_BB_001 Rev B, 0203_C645_P_AP_W_005 Rev A, 0203_C645_S_CC_001 Rev B, 0203_C645_P_A_PH1_001 Rev D, 0203_C645_P_AP_W_006 Rev B, 0203_C645_S_DD_001 Rev B, 0203_C645_P_A_PH2_001 Rev D, 0203_C645_P_AP_W_007 Rev B, 0203_C645_P_A_PH3_001 Rev D, 0203_C645_E_S_A_001 Rev C, 0203_C645_P_AP_W_008 Rev B, 0203_C645_E_E_B_001 Rev B, 0203_C645_P_B_00_001 Rev B, 0203_C645_E_S_B_001 Rev B, 0203_C645_P_B_T1_001 Rev D, 0203_C645_P_AL_01 Rev B, 0203_C645_E_W_B_001 Rev B, 0203_C645_P_B_T2_001 Rev D, 0203_C645_P_AL_02 Rev B, 0203_C645_E_S/N_B/C/D_001 Rev B, 0203_C645_P_B_T3_001 Rev D, 0203_C645_P_AL_03 Rev B, 0203_C645_P_B_T4_001 Rev D, 0203_C645_P_AL_04 Rev B, 0203_C645_E_E_C_001 Rev B, 0203_C645_P_B_T5_001 Rev D, 0203_C645_P_AL_05 Rev B, 0203_C645_E_W_C_001 Rev B, 0203_C645_P_B_T6_001 Rev A, 0203_C645_P_AL_06 Rev B, 0203_C645_E_N_D_001 Rev B, 0203_C645_P_B_T7_001 Rev A, 0203_C645_E_AL_001 Rev B, 0203_C645_E_E_D_001 Rev B, 0203_C645_P_C_00_001 Rev B, 0203_C645_P_00_003 Rev C, 0203_C645_E_W_D_001 Rev B, 0203_C645_P_C_T1_001 Rev B, 0203_C645_P_00_004 Rev C, 0203_C645_E_N_EF_001 Rev B, 0203_C645_P_C_T2_001 Rev B, 0203_C645_P_RF_002 Rev B, 0203_C645_E_E_EF_001 Rev B, 0203_C645_P_C_T3_001 Rev B, 0203_C645_E_S_EF_001 Rev B, 0203_C645_P_C_T4_001 Rev B, 0203_C645_E_W_EF_001 Rev B, 0203_C645_P_C_T5_001 Rev C, 0203_C645_E_N_G_001 Rev B, 0203_C645_P_D_00_001 Rev B, 0203_C645_E_E_G_001 Rev B, 0203_C645_P_D_T1_001 Rev D, 0203_C645_E_S_G_001 Rev B, 0203_C645_P_D_T2_001 Rev D, 0203_C645_E_W_G_001 Rev C; Environment Statement Volumes 1, 2 and 4B by Ramboll Environ (February 2016); Environment Statement Volume 3 (Planning Application Addendum) by Ramboll Environ (March 2016); Environment Statement Volume 3 (Planning Application Further Addendum) by Ramboll Environ (24 March 2016); Design and Access Statement by Squire and Partners (Rev B - February 2016); Amended Transport Assessment by Vectos (February 2016); Planning Statement by Turley (December 2015).

AS AMENDED BY:

Drawing numbers 0203_02_JA12_P_00_10 0 Rev B, 0203_02_C645_P_D_T00 Rev C, 0203_02_C645_P_00_100 Rev D, 0203_02_C645_P_EF_T00 Rev B, 0203_02_JA12_P_00_001 Rev B, 0203_02_C645_P_EF_T01 Rev C, 0203_02_JA12_P_00_002 Rev B, 0203_02_C645_P_EF_T02 Rev C, 0203_02_JA12_P_00_003 Rev B, 0203_02_C645_P_EF_T03 Rev C, 0203_02_JA12_P_00_004 Rev B, 0203_02_C645_P_EF_T04 Rev C, 0203_JA12_E_N_001 Rev B, 0203_02_C645_P_EF_T05 Rev C, 0203_JA12_E_E_001 GA Rev B, 0203_02_C645_P_EF_T06 Rev B, 0203_JA12_E_S_001 GA Rev B, 0203_02_C645_P_EF_T07 Rev B, 0203_JA12_E_W_001 Rev B, 0203_02_C645_P_EF_T08 Rev B, 0203_02_C645_P_EF_T09 Rev B, 0203_02_C645_P_RF_100 GA Rev C, 0203_02_C645_P_EF_T10 Rev B, 0203_02_C645_P_RF_001 GA Rev D, 0203_02_C645_P_RF_003 GA Rev D, 0203_C645_P_AP_W_002 Rev A,

0203_02_C645_P_00_001 GA Rev E, 0203_C645_P_AP_W_003 Rev A,
 0203_02_C645_P_TY_001 Rev C, 0203_C645_P_AP_W_004 Rev A,
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 0203_02_C645_P_00_003 Rev C, 0203_02_C645_E_W_F_001 Rev B,
 0203_02_C645_P_00_004 GA Rev C, 0203_02_C645_E_N_EF_001 Rev B,
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 0203_02_C645_P_B_T01 Rev C, 0203_02_C645_P_B_T02 Rev C,
 0203_02_C645_P_B_T03 Rev C, 0203_02_C645_P_B_T04 Rev C,
 0203_02_C645_P_B_T05 Rev C, 0203_02_C645_P_B_T06 Rev C,
 0203_02_C645_P_B_T07 Rev C

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s):

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

Reason:

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.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 **Pre Commencement Condition.** No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 4 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan, which identifies efficiency and sustainability measures to be carried out while the development is being built. You must not carry out the development until the plan has been approved. You must then carry out the development in accordance with the approved plan.

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan (July 2016) and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 5 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Reason:

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

- 6 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must apply to us for approval of full size benchmark mock ups of the following sections of the façades:

- The 'bronze feature rainscreen panel'
- The 'bronze coloured PPC Ventilation Grill'

The mock ups should demonstrate finished construction appearance/detailing, and should be constructed on site and retained on site as benchmarks to be replicated on the new building. You must not start any work on the relevant part of the development until we have approved the mock ups. You must then carry out the work according to the approved mock ups.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 Notwithstanding the 'brick façade panel' system referred to on the drawings, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

A revised form of external brick construction which incorporates brick facing as a continuous facing material without jointing between panels and avoids the use of brick panels or brick slips or other similar cladding systems at the following locations:-

- To ground, first, second and third floor levels of Bloc A;
- To ground to eight floor levels on Block B, C and D;
- To ground to fifteenth floor levels on Block E;
- To ground to tenth floor levels on Block F;
- To ground to sixth floor levels on Block G; and
- To the sheer elevations from ground to seventh floor levels on Block H.

You must not start work on these parts of the development until we have approved detailed drawings which show the revised construction and also show the location(s)/arrangements for movement joints in the brickwork, and a sample panel of the revised construction which also shows the colour, texture, face bond and pointing proposed. You must then carry out the work according to the approved sample and form of construction shown.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 Subject to condition 8 , you must apply to us for approval of a sample of the 'brick façade panel system' which shows two separate panels (or sections thereof) including the joint detailing/gap proposed between the panels, and elevation drawings showing where the junctions between panels will be located with reference to other elevational features. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this sample and elevation drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 You must not paint any elements of the outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order that may replace it).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 11 You must apply to us for approval of detailed drawings and manufacturers specifications, including details of colour and finish, of the building maintenance unit proposed to main roof level of Block A, including drawings showing the unit in its fully retracted/parked position. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved drawings / manufacturers specifications.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 12 The Building Maintenance Unit to main roof level of Block A shall be retained in its retracted/parked position within the plant enclosure (to the size and details submitted and approved in relation to condition 11) when 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 the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we

adopted in January 2007. (R26AD)

- 13 A scheme for the installation and use of window washing and other external maintenance equipment, hoists and cradles etc. shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment, including details of any edge protection to main roof levels. The approved scheme shall be implemented and maintained and the equipment shall thereafter be kept in its stored positions other than at those times when it is in use for the intended purpose.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 14 You must apply to us for approval of detailed plan/section/elevation drawings/manufacturers specifications (as appropriate) of the following parts of the development:-
- (A) External doors and windows (including reveal depth and detail);
 - (B) Balcony details, including external reveals inside balcony areas, balustrades and method of drainage;
 - (C) Shopfronts, including indicative locations for display of all external signage;
 - (D) Fixed canopies to ground floor (including underside of canopy);
 - (E) Fencing/railings to the southern end of the central garden square;
 - (G) Gates to vehicular entrances;
 - (H) Roof top plant and plant enclosures;
 - (I) Elevation of the Church Street facing sub-station façade and west facade to Block F;
 - (J) Typical bay elevations showing structural and cladding joints and detailing (to include details of each elevation to each building);
 - (K) Details of ventilation and other services termination at façade or roof;
 - (L) Details of any centralised satellite dish and tv system(s) to serve the development;
 - (M) Details of 'fins' to south side of the tower and their relationship with the water feature to ground floor level; and
 - (N) External integral lighting to buildings.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 15 You must apply to us for approval of a scheme of public art as described in the Design and Access Statement. You must not start work on the public art until we have approved what you have sent us. Unless we agree an alternative date by which the public art is to be provided, you must carry out each part of the scheme of public art that we approve according to the approved details within six months of occupation of the most immediately adjacent building as part of the

development. You must then maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R26GC)

- 16 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- Green roofs.

You must not remove any of these features.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 17 You must apply to us for approval of a roof plan showing the location of the plant room to the roof of block E. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this drawing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 18 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 19 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 20 You must put up any plant screens for the plant and machinery shown to main roof level of each of the buildings on the approved drawings, and to the details approved under the conditions of this permission, before you use that machinery. You must then retain and maintain it in the form shown for as long as the machinery remains in use.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 21 The development shall be carried out in accordance with the Written Scheme of Investigation (WSI) approved pursuant to application ref: 16/05016/ADFULL.

Post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material, shall be submitted to and approved by the local planning authority before completion of the development hereby approved.

Reason:

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

- 22 Customers shall not be permitted within the A1 and A3 premises before 0700 or after 2300 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 23 For the A3 unit, you must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

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

- 24 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1 and 2 before any demolition or excavation work starts, and for phase 3 when the development has been completed.

Phase 1: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 2: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 3: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 25 No tables and chairs shall be placed outside the ground floor retail and restaurant units unless separate permission has been given by the City Council as local planning authority.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 26 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. The landscaping strategy shall include measures to mitigate window turbulence from the faces of the buildings hereby approved. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 27 All servicing must take place between 0700 and 2100 on Monday to Saturday and 0700 to 1900 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in

neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 28 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is

protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 29 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

planning permission.

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 31 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 32 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 Conditions 30 and 31 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Particular attention shall be given to the issues of low frequency noise and vibration through Structure-Borne pathways and the design and mitigation shall also ensure that room modes (standing waves) are not created within the new residential dwellings as a result of low frequency noise from the substation..

Reason:

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

- 33 The residential properties must not be occupied until a statement from a suitably qualified engineer to confirm that the Electro Magnetic frequency (EMF) levels associated with the substations are in accordance with current legal requirements and/or appropriate guidance.

Reason:

To ensure that the substations do not harm the health of future residents.

- 34 The design of the separating walls should be such that the received value in the residential

habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFMax in the octave bands of 63 Hz & 125 Hz.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 35 The spa and gym facilities within Block A and the basement levels shall only be used in an ancillary capacity to the residential uses.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007.

- 36 A scheme of mechanical ventilation incorporating appropriate air quality filtration should be provided to the residential properties. Details of the scheme must be submitted to and approved in writing by the local planning authority prior to the occupation of the residential units. The mechanical ventilation shall be installed and maintained in accordance with the approved scheme.

Reason:

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 37 Before occupation of the residential units, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

(a) Targets and actions set out in the Travel Plan to reduce car journeys to the site;
(d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Travel Plan are not being met over a period of 5 years from the date the buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 38 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the A3 unit from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the A3 unit until we have approved

what you have sent us. You must then carry out the measures included in the management plan at all times that the A3 unit is in use. (C05JB)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 39 The development hereby approved shall not be occupied until a Delivery and Servicing Plan (DSP) has been submitted to and approved in writing by the City Council, in consultation with Transport for London. You must then carry out the development in accordance with the approved details.

Reason:

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

- 40 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. Car parking for each residential block shall be provided before that block is occupied.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 41 You must apply to us for approval of the following parts of the development:

- the location of 57 Electric Vehicle Charging Points within the basement parking level.

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

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (FALP - March 2015).

- 42 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose. Cycle parking for each residential block shall be provided before that block is occupied.

Reason:

To provide cycle parking spaces for people using the development, as set out in policy 6.9 of The London Plan (FALP - March 2015).

- 43 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 44 You must provide a headroom of at least 4.5 (clear unobstructed height above the floor surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. (C23EA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

- 45 The disabled parking spaces marked on the approved drawings shall be for the use of Blue Badge holders only (or any other scheme that may supersede it).

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (July 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 46 You must apply to us for approval of measures (such as, but not limited to, CCTV and card access) to provide secure cycle parking within the basement levels. You must not use this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation.

Reason:

To ensure that the cycle parking spaces are secure, as set out in policy 6.9 of The London Plan (FALP - March 2015).

- 47 You must apply to us for approval of details of how waste and recycling is going to be stored and managed on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste and recycling store and manage waste in line with the approved details. You must not use the waste store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 48 The retail (A1) units hereby approved shall only accommodate uses within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). You must not use it for any other purpose, including any change of use permitted by The Town and Country Planning (Use (General Permitted Development) (England) Order 2015 (or any order that may replace it).

Reason:

To ensure that the retail use secured and its associated benefit to the CAZ frontage and the streetscene are retained as set out in SS 4 and DES 9 of our Unitary Development Plan that we adopted in January 2007.

- 49 Before the development hereby approved is first occupied, a post-construction certificate shall be submitted to and approved in writing by the Local Planning Authority. This certificate shall demonstrate that the office and retail units have been constructed to meet BREEAM 2014 'Very Good'. You must then ensure that this standard is maintained thereafter.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 50 Before first operation of the energy centre, details of its long term operation and maintenance shall be submitted to and approved in writing by the local planning authority. The energy centre shall be operated and maintained in accordance with the approved details thereafter.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 51 You must apply to us for approval of details of children's playspace / equipment to be provided as part of the development. You must not start work on this part of the development until we have approved what you send us. You must then carry out the development in accordance with the details we approve.

Reason:

To ensure that the development provides play and information recreation space for children in accordance with Policy SOC6 in the Unitary Development Plan we adopted in January 2007 and Policy 3.6 in the London Plan (with Further Amendments) published March 2015.

- 52 You must apply to us for approval of detailed drawings indicating the location, number and type of bird and bat boxes to be incorporated within the development. You must then install these boxes on the development in accordance with the details we approved. The boxes shall be installed prior to the occupation of the residential part of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 53 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (July 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 54 This permission must be commenced no later than 27 April 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 28 April 2016 (RN 15/11677/FULL) which must be commenced no later than the above date.

Informative(s):

- 1 In regard to the CLP, TfL wishes to ensure that construction vehicles are fitted with cycle specific safety equipment, including side-bars, blind spot mirrors and detection equipment to reduce the risk of collisions on the capital's roads. TfL requests that these requirements be secured in the s106 agreement. TfL would also encourage more effective steps to discourage the use of on site parking provision, and greater incentives towards the use of sustainable travel by construction workers, than that suggested within the draft CMP.
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing www.riskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

- 3 The details required under condition 11 shall show the building maintenance unit as invisible from view from any street level location when in its retracted/parked position.
- 4 With regards to condition 13 and with reference to roof level maintenance, you are strongly advised to propose a fall-arrest system or other form of low profile installations allowing for fall protection avoiding any large fixed projecting structures or upstands to main roof level on all the

buildings.

- 5 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 8 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
- Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 9 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 10 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from

within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

* Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 Our Environmental Health officers advise that, although it is not possible to be certain from your submitted plans, the scheme may not provide sufficient natural light into and a reasonable view from the main habitable rooms. You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view. The dwelling may therefore be considered for action under the Housing Act 2004 by our Residential Environmental Health team. In those circumstances, that team would have the power to require works to improve natural light and the view to the affected rooms (which may require planning permission) or alternatively, where this is not practicable, to prohibit the use of those rooms. For further advice, please contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
Website www.westminster.gov.uk
Email res@westminster.gov.uk
Tel : 020 7641 3003 Fax : 020 7641 8504

- 13 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 14 As this development involves demolishing the buildings on the site, we recommend that you

survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73CA)

- 15 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 16 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 17 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 18 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 19 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will

- have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 20 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 21 You are encouraged to work toward achieving Secure By Design Accreditation for this development and the inclusion of blast protection measures and protection from Vehicle Borne Improvised Explosive Device (VBIED).
- 22 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an Assumption of Liability Form to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 23 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Provision of 126 affordable units on-site comprising 49 intermediate units and 77 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
 - b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
 - c) Provision of a financial contribution of £850,000 (index linked) toward provision of social and community facilities;
 - d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;
 - e) Provision of a financial; contribution of £13,630 (index linked) toward open space provision/enhancement in the vicinity;
 - f) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
 - g) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
 - h) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
 - i) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;
 - j) Provision of lifetime car club membership (25 years) for each residential unit in the development;
 - k) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular

- flat);
- l) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
 - m) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
 - n) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;
 - o) Offering local employment opportunities during construction; and
 - p) Payment of cost of monitoring the agreement (£15,000).

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

Item No.