



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (1)**

Meeting Date: **Tuesday 12th April, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Robert Davis (Chairman)
Susie Burbridge
Tim Mitchell
David Boothroyd

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

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. DEVELOPMENT SITE AT 285-329 EDGWARE ROAD, W2 | (Pages 11 - 152) |
| 2. DEVELOPMENT SITE AT 117-125 BAYSWATER ROAD, 2-6 QUEENSWAY, CONSORT HOUSE AND 7 FOSBURY MEWS, W2 | (Pages 153 - 196) |
| 3. DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, WC2; 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12-14 GREEK STREET, W1 | (Pages 197 - 254) |
| 4. DEVELOPMENT SITE AT MILLBANK COMPLEX, 25 MILLBANK, SW1 | (Pages 255 - 314) |
| 5. 5-9 GREAT NEWPORT STREET, WC2 | (Pages 315 - 378) |
| 6. DEVELOPMENT SITE AT LAND BOUNDED BY DRURY LANE, DRYDEN STREET, ARNE STREET AND SHELTON STREET, WC2 | (Pages 379 - 442) |

7.	46 BERKELEY SQUARE AND 46 HAY'S MEWS, W1	(Pages 443 - 482)
8.	30 MOUNT ROW, W1	(Pages 483 - 514)
9.	1 ALDWYCH, WC2	(Pages 515 - 544)
10.	VICTORIA EMBANKMENT GARDENS AT THE REAR OF WHITEHALL COURT, VICTORIA EMBANKMENT, SW1	(Pages 545 - 556)
11.	APPLICATION 1 -DEVELOPMENT SITE AT TOTTENHAM COURT ROAD STATION AND 1-23 OXFORD STREET AND 157-165 CHARING CROSS ROAD AND 1-6 FALCONBERG MEWS, APPLICATION 2 - CHARING CROSS ROAD, WC2	(Pages 557 - 588)
12.	WEST CARRIAGE DRIVE, W2	(Pages 589 - 614)
13.	59 GREEK STREET, W1	(Pages 615 - 622)

Charlie Parker
Chief Executive
4 April 2016

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 12 APRIL 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/11677/FULL Little Venice	DEVELOPMENT SITE AT 285-329 EDGWARE ROAD, W2	Redevelopment to provide buildings of between ground plus six storeys and ground plus 29 storeys including commercial space (Class A1, A3 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).	
<p>Recommendation For the Committee's consideration:</p> <ol style="list-style-type: none"> 1. Does the Committee consider that the public benefits of the proposed development outweigh less than substantial harm to heritage assets resulting from the height and bulk of parts of the development? 2. Subject to 1 above and the concurrence of the Mayor of London, grant conditional permission, subject to a S106 agreement to secure: <ol style="list-style-type: none"> 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 directly 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). 3. If the S106 legal agreement has not been completed by 1 May 2016 then: <ol style="list-style-type: none"> 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. 				

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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
2	RN 15/10671/FULL Lancaster Gate	DEVELOPMENT SITE AT 117-125 BAYSWATER ROAD, 2-6 QUEENSWAY, CONSORT HOUSE AND 7 FOSBURY MEWS, W2	Demolition and redevelopment of 117-125 Bayswater Road, together with 2-6 Queensway and 7 Fosbury Mews for a new building comprising three basements, ground and nine upper storeys to include 55 residential units and ancillary residential facilities (Class C3), together with retail (Class A1) and/or car showroom (sui generis) unit, a retail (Class A1) and/or restaurant (Class A3) unit, a dentist (Class D1) and a spa/re use (Class D2), highway works and the use of car parking within the basement of Consort House.	
<p>Recommendation Does Committee agree that:-</p> <p>1) The loss of the unlisted buildings of merit would result in substantial harm to the Queensway Conservation Area and for the loss to be considered acceptable the scheme must deliver substantial public benefits.</p> <p>2) The redevelopment of this site could be acceptable in principle providing:-</p> <p>a) the replacement building is reduced in size to mitigate its harm; and</p> <p>b) that substantial benefits are delivered in accordance with the NPPF</p> <p>3) That the proposed replacement building requires the following amendments in order to reduce its impact to adjacent residents and visual harm to the Queensway Conservation Area and the Royal Parks:-</p> <p>a) A reduction in the height of the building by two storeys – one middle floor and one floor to the roof.</p> <p>b) Alterations to the shop fronts to introduce a stronger and more detailed base to the building.</p> <p>c) Consideration of a single material for balconies to streamline the use of materials.</p> <p>d) Alterations to the height, bulk, proximity and detailed design of the rear elevation, to reduce the unacceptable impact of the building on the amenities of neighbouring residents in Fosbury Mews, Inverness Terrace and Consort House.</p> <p>4) The proposed car showroom at ground and basement level accessed from Bayswater Road is unacceptable in transportation terms and should be omitted from the proposal.</p> <p>5) A significant increase in public benefits is required in order to outweigh the harm caused from the loss of the unlisted buildings of merit and the bulk of the replacement building. This should be in the form of more substantial public realm improvements along Queensway.</p> <p>6) Subject to 1-5 above being agreed and the applicant making the necessary changes, that conditional permission is granted, subject to a S106 legal agreement in consultation with the Chairman and subject to concurrence of the Mayor of London.</p>				
3	RN 15/11234/FULL RN 15/11235/LBC West End	DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, WC2; 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12-14 GREEK STREET, W1	1. Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodating a new building comprising basements, ground floor and part eight upper storeys plus rooftop plant with frontages to Charing Cross Road and Manette Street; refurbishment of buildings on Greek Street; in connection with use of the buildings for offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within basements of plant equipment, waste rooms	

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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
			<p>and cycle parking; new public realm and pedestrian route through the site from Manette Street to Greek Street; and associated external works.</p> <p>2. Partial demolition to the rear of the building; rebuild of the rear façade and erection of single storey rear extension; internal and external works; all in connection with use of the building as an art gallery/art education use (14 Greek Street).</p>	
<p>Recommendation</p> <p>1. Grant conditional permission subject to the views of the Mayor of London and a S106 legal agreement to secure the following:</p> <p>i) The provision of affordable housing (intermediate rent) at 12-13 Greek Street for successive occupants in perpetuity at agreed rent levels and transferred to a Registered Provider (minimum 125 year lease) prior to first occupation. The housing to be allocated in line with the City Council's nominations criteria. The housing to be made ready for occupation prior to the first occupation of the office and restaurant units.</p> <p>ii) Payment of £3.85m to the City Council's affordable housing fund.</p> <p>iii) Public art - a programme of public art to be implemented within 12 months of occupation of the offices.</p> <p>iv) Necessary highways works.</p> <p>v) Dedication (or alternative means of securing public access) of the widened area of footway on Charing Cross Road and Manette Street.</p> <p>vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street. Public access to be between 07.00 to 01.00 daily.</p> <p>vii) Provision of new public courtyard and access.</p> <p>viii) Crossrail payment.</p> <p>ix) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.</p> <p>x) Employment and Training Strategy for the construction and operational phase of the development.</p> <p>xi) Payment of £100,000 towards the Mayor's cycle hire scheme.</p> <p>xii) Monitoring costs.</p> <p>2. If the S106 legal agreement has not been completed by 1 May 2016 then:</p> <p>a) The Director of Planning shall consider whether it will be possible or 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;</p> <p>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 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.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
4	RN 15/07756/FULL RN15/09739/LBC Vincent Square	DEVELOPMENT SITE AT MILLBANK COMPLEX, 25 MILLBANK, SW1	Refurbishment and replacement of facades and erection of two additional floors and plant enclosure to both Millbank Tower and one additional floor to the Y buildings; excavation of basement levels; demolition of rear car park in association with re-landscaping and reconfiguration of wider site; all in association with the use of the Tower as 207 private	

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			<p>residential flats (Class C3) and Skybar (ancillary to adjacent Class C1), the south podium and part of Tower as an arts/ cultural facility (Class D1) and the north podium and Y buildings as a 150 bedroom hotel (Class C1) with restaurant, bar and cafe at ground floor level. Use of roof of podium building as a terrace with associated alterations. [EIA Development]</p>	
<p>Recommendation</p> <p>1. Subject to the views of the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>i. The provision of a cultural facility on a 125 year lease with a peppercorn rent, with the end user to be agreed by the City Council;</p> <p>ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility;</p> <p>iii. The provision of a publically accessible 'Skybar' with no admission fee;</p> <p>iv. Costs of all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions, returning the footway on Thorney Street and footway repaving;</p> <p>v. Provision of public art to the sum of £100K (index linked);</p> <p>vi. Comply with the Council's Code of Construction Practice, to provide a Site Environmental Management Plan and provide a financial contribution of £110,000 (£55,000 per annum based on two year demolition/ construction period) prior to commencement of demolition to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;</p> <p>vii. Employment and Training Strategy for the construction phase and the operational phase of the development;</p> <p>viii. Costs of monitoring the S106 agreement.</p> <p>2. If the S106 legal agreement has not been completed by 1 May 2016 then:</p> <p>a) The Director of Planning shall consider whether it will be possible or 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;</p> <p>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 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.</p> <p>3. Grant conditional listed building consent, subject to Historic England Authorisation.</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
5	<p>RN 12/03930/FULL RN 12/01886/LBC</p> <p>St James's</p>	<p>5-9 GREAT NEWPORT STREET, WC2</p> <p>(ADDENDUM REPORT)</p>	<p>Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible 322 seat theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9</p>	

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			Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.	
<p>Recommendation Does Committee agree that:</p> <ol style="list-style-type: none"> 1. Securing 'PW (Peter Wilson) Productions Ltd' as a theatre operator, would offer sufficient reassurance that a theatre will be provided, and balances the loss of the existing D1 floorspace and increase in commercial floorspace without any residential uplift. 2. The offer to provide the theatre at a rent level agreed between the applicant and 'PW (Peter Wilson) Productions Ltd' is sufficient to justify overturning the City Council's normal policy requirements to protect the existing D1 floorspace, and to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial floorspace. 3. The amendments to the rear elevation (reduction in height and bulk at fourth and fifth floor levels) together with the submission of an addendum Sunlight/ Daylight Report, addresses concerns regarding the impact upon residents in Sandringham Flats. 4. The operating hours of the restaurant and bar detailed in the report and the amended hours of use of the roof top terrace and pool area to 09.00-22.00 hours (as requested by Committee) are acceptable despite requests by the applicant to revisit these hours and extend the hours of the restaurant and bar. 5. The applicant's draft legal agreement dated 02 March 2016 is sufficiently robust to secure provision of the replacement theatre fitted-out to shell and core prior to occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to compensate for the loss of the photographer's gallery, and to ensure that the £600,000 being offered is only used to fit out the theatre. 6. Subject to 1-5 above, resolve to grant conditional permission subject to the completion of a S106 legal agreement to secure the following : <ol style="list-style-type: none"> a) The provision of a replacement theatre fitted out to shell and core prior to the occupation of the hotel and restaurant. b) The placing of £600,000 (index linked to when this was previously agreed by Committee in 2014) into an escrow account to be released to a theatre operator to fund the fit out of the theatre. c) To secure the theatre space to be operated by 'PW (Peter Wilson) Productions Ltd' or another theatre operator with West End experience proposed by the developer and approved by the Council or a theatre operator determined by a senior representative from the Theatres Trust to have West End experience. d) The theatre space to be used for theatrical performances on at least 320 days a year (further details within the legal agreement). e) To ensure the link between the theatre and restaurant is open before, during and after performances. f) The provision and retention of a publicly accessible curated sculpture gallery within the hotel. g) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £(TBC by Council's Environmental Sciences Team) per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers. h) S106 monitoring costs. 7. If the agreement has not been completed by 31 July 2016 then: 				

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6	RN 15/07560/FULL St James's	DEVELOPMENT SITE AT LAND BOUNDED BY DRURY LANE, DRYDEN STREET, ARNE STREET AND SHELTON STREET, WC2	Demolition and redevelopment of site in buildings ranging from five storeys to seven storeys (excluding roof top plant enclosures), including facade retention of 30-35 Drury Lane, 2 Dryden Street, 4-10 Dryden Street and 12 Dryden Street, in buildings to provide retail and restaurant/cafe uses at ground and basement level (Class A1/A3), 68 residential units (Class C3), cycle parking, basement car parking, associated landscaping works.	
			<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. a payment of £3,490,000 towards the City Council's affordable housing fund; ii. the applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £50,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers; iii. unallocated parking; iv. free lifetime (25 years) car club membership for residents of the development; v. costs of monitoring the S106 agreement; vi. all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving; vii. Employment and Training Strategy for the construction phase and the operational phase of the development. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or 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;</p> <p>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 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.</p>	
7	RN 15/11330/FULL RN 15/11331/LBC West End	46 BERKELEY SQUARE AND 46 HAY'S MEWS, W1	Use of 46 Berkeley Square as a private members club (sui generis use), with internal and external alterations, including erection of Annabel's canopy to front, together with the demolition of existing mews at 46 Hay's Mews and erection of a replacement four storey building including a two storey basement for the provision of a health club (sui generis use) and	

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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
			associated mechanical plant and landscaping.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <p>a) Provision of £1,008,000 towards the City Council's affordable housing fund (index linked and payable upon the commencement of development);</p> <p>b) a minimum of 4 days per year (1 per quarter) for members of the public to look round the building between 09.00 and 16.00 (including one of the Open House London weekend days);</p> <p>c) 10% discounted membership for local residents of Berkeley Square and Hay's Mews (subject to them meeting the membership criteria in the same way any other member would be required to do);</p> <p>d) Scholars able to make appointments to view the building and obtain copies of the heritage report electronically free of charge;</p> <p>e) The applicant to apply for listed building consent for the removal of the existing canopy to the basement of Annabel's at 44 Berkeley Square and, subject to consent being granted, removal of that canopy before the erection of the approved canopy to the front of 46 Berkeley Square;</p> <p>f) Monitoring costs of the S106 legal agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>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;</p> <p>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.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
8	RN 16/01024/FULL West End	30 MOUNT ROW, W1	Demolition of the existing building and the erection of a six storey building and lower ground and basement levels to provide retail/gallery (Class A1) floorspace over basement, lower ground floor and ground floor levels, and four self-contained residential units on the five upper floors.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <p>a) Provision of £457,000 (index linked and payable prior to commencement of development) towards the affordable housing contribution fund;</p> <p>b) A car parking space within a local car park for 25 years;</p> <p>c) Lifetime membership to a car club for every residential unit for 25 years;</p> <p>d) The cost of highways works (prior to occupation); and</p> <p>e) The costs of monitoring the S106 agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>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;</p>				

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	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.			
9	RN 15/06948/FULL RN 15/07693/LBC St James's	1 ALDWYCH, WC2	Erection of seventh floor roof extension and remodelling of the top two storeys and dome, including new rooftop plant enclosure, in association with the enlargement of the existing hotel to create 22 additional bedrooms.	
<p>Recommendation Refuse permission and listed building consent - design grounds.</p>				
10	RN 15/11695/FULL St James's	SITES AT REAR OF MOD BUILDING ADJACENT TO NATIONAL LIBERAL CLUB AND OPPOSITE RICHMOND TERRACE, VICTORIA EMBANKMENT, SW1	Erection of memorial in recognition of British military forces and UK civilians who served/worked in Iraq and Afghanistan during the periods of conflict in Portland stone with central bronze medallion.	
<p>Recommendation For Committee's consideration:</p> <p>Does the Committee agree that the particular circumstances of this proposal constitute "an exceptionally good reason" to justify an exception to the Council's normal guidance approach to memorials in this part of the City and that "exceptional circumstances" exist to justify waiving the Council's normal 10 year rule on monuments, if so:</p> <p>1. Grant conditional permission subject to the completion of a S106 legal agreement to secure ongoing maintenance of the memorial.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of this resolution to grant planning permission, then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not:</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that 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.</p>				
11	RN 15/12041/FULL RN 15/11996/FULL West End	<u>APPLICATION 1 - DEVELOPMENT SITE AT TOTTENHAM COURT ROAD STATION AND 1-23 OXFORD STREET AND 157-165 CHARING CROSS ROAD AND 1-6 FALCONBERG</u>	<u>Application 1 - Variation of Condition 1 of planning permission dated 12 January 2016 (RN: 11/10043/FULL) for demolition of 17-23 Oxford Street and erection of a building comprising part two basement levels, ground plus eight upper floors with ninth floor rooftop plant for use as retail (Class A1) at part basement, ground and first floors, offices (Class B1) at part basement, ground and first to eighth floors, new public realm landscaping, servicing and access arrangements (OSD Site A) namely,</u>	

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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
		MEWS, W1 <u>APPLICATION 2 -</u> 135-155 CHARING CROSS ROAD, WC2	amendments to facade design and alterations including re-alignment of south elevation, omission of colonnade on south elevation, realignment of north east corner to match the London Underground entrance, cutting back the south west corner to improve loading bay access, relocation of rooftop plant to basement, re-planning internal core (Site A). <u>Application 2</u> - Variation of Condition 1 of planning permission dated 12 January 2016 (RN: 11/10045/FULL) for erection of a building comprising part basement, ground plus nine storeys for use as a theatre (sui generis) on part basement, ground to fourth floors, and offices (Class B1) at fifth to eighth floor levels with plant at ninth floor, new public realm, landscaping servicing and access arrangements. Over site development above Crossrail operational details (Site B - site includes 12 Sutton Row and 12 Goslett Yard); namely, amendments to facade design and alterations including re-planning auditorium to improve acoustic isolation, omission of pavilion and loading bay on north west corner, omission of stair tower and replacement with substation and cycle parking above, new staircase with theatre signage facing Charing Cross Road, enlargement of theatre foyer, re-alignment of north and east elevations (Site B).	
<p>Recommendation</p> <p><u>APPLICATIONS 1 AND 2</u></p> <p>1. Grant 10 year conditional permissions, subject to: a Deed of Variation to the S106 Agreement signed 12 January 2016 to tie the S73 permissions into the original S106 Agreement, including the agreed clauses regarding the timing of delivery of the theatre and residential on Sites C and D; and</p> <p>2. Revised S106 obligations to reflect the revised areas across Sites A and B including additional payments of -</p> <p>a. Crossrail - £130,060</p> <p>b. Public realm - £99,227</p> <p>3. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers, however, if not;</p> <p>b) The Director of Planning shall consider whether the permissions 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 applications and agree appropriate reasons for refusal under Delegated Powers.</p>				
12	RN 15/09917/FULL Knightsbridge & Belgravia	WEST CARRIAGE DRIVE, W2 (ADDENDUM REPORT)	Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Road and South Carriage Drive.	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 12 APRIL 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
Recommendation Grant conditional permission.				
13	RN 16/00096/FULL West End	59 GREEK STREET, W1	Use of part basement and part ground floor as two retail units (Class A1) and part basement and part ground and upper floors as residential (Class C3) to create up to 10 residential units, external alterations including infill of front lightwells and installation of pavement lights, removal of railings and new shopfronts.	
Recommendation Refuse permission – loss of specialist housing.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	Development Site at 285-329 Edgware Road, London, W2 1DH,		
Proposal	Redevelopment to provide buildings of between ground plus six storeys and ground plus 29 storeys including commercial space (Class A1, A3 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).		
Agent	Turley		
On behalf of	Berkeley Homes (Central London) Ltd.		
Registered Number	15/11677/FULL	Date amended/ completed	1 March 2016
Date Application Received	15 December 2015		
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

For the Committee's consideration:

1. Does the Committee consider that the public benefits of the proposed development outweigh less than substantial harm to heritage assets resulting from the height and bulk of parts of the development?
2. Subject to 1 above and the concurrence of the Mayor of London, grant conditional permission, subject to a S106 agreement to secure:
 - 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 directly 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).
3. If the S106 legal agreement has not been completed by 1 May 2016 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. There is an extant permission for redevelopment of the site which includes a 22 storey tower.

The applicant proposes the erection of seven mansion blocks, up to seven storey's high, and a residential tower of 30 storey's to accommodate 652 residential units (including 126 affordable units) and commercial units within Use Classes A1, A2, A3 and B1. Two basement levels parking levels are located beneath the entire site are also proposed.

The key issues include:

- Provision of a strategically significant level of residential accommodation, as well as retail, restaurant and office floorspace;

- Provision of on-site affordable housing and viability;
- Provision of high buildings and harm to designated heritage assets, including adjacent listed buildings and the Paddington Green Conservation Area;
- Impact on important London views;
- Impact on the amenity of local residents, including from loss of daylight, sunlight and overshadowing; and
- Impact on parking and highways.

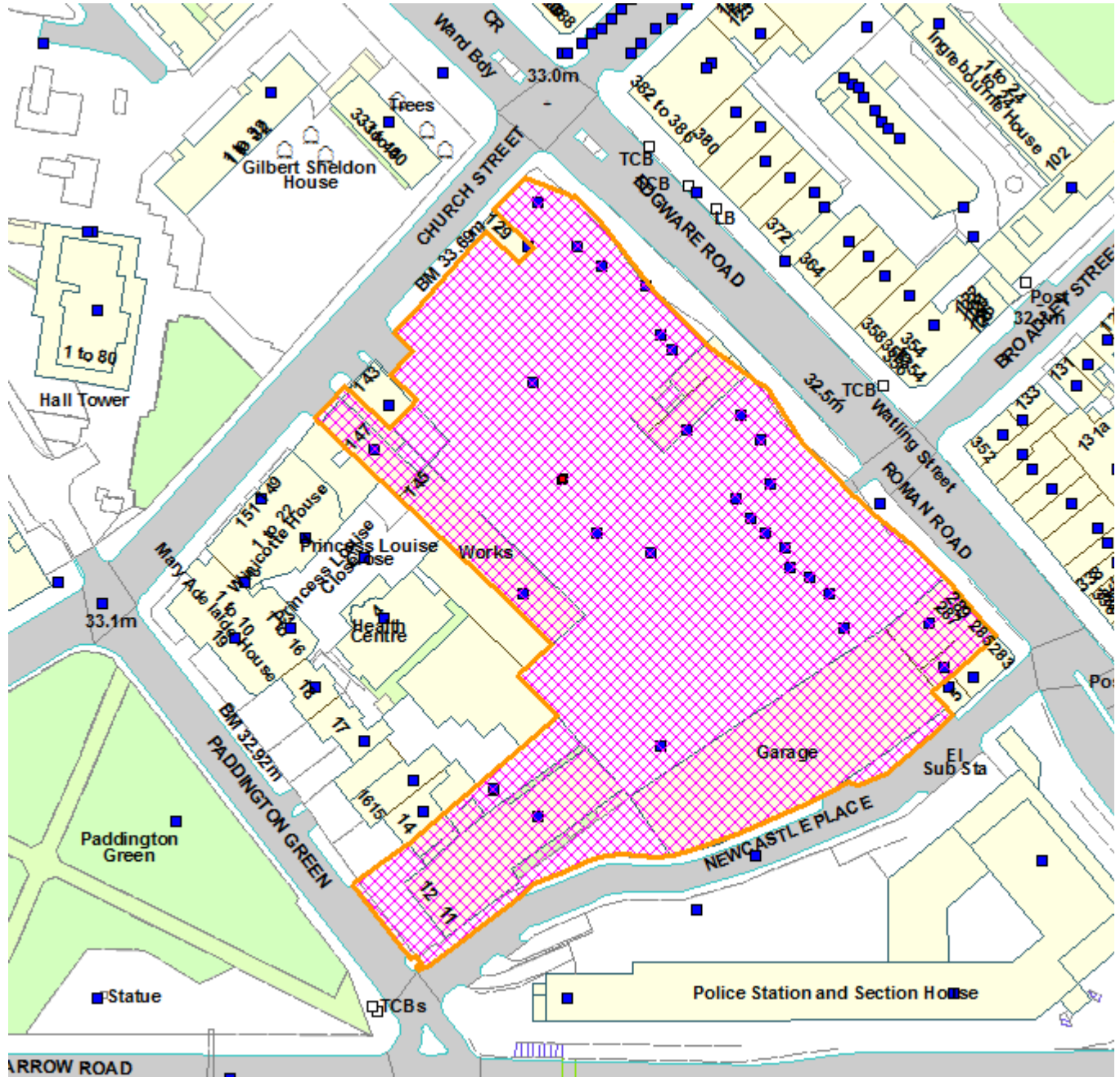
This application has received a significant number of objections, including from Karen Buck MP, Councillors Acton, Adams, Arzymanow, Caplan, Cox, Scarborough and the Labour Group. Historic England has also objected to the development. Whilst many welcome development of this long vacant site, objectors are primarily concerned with the height, bulk and design of the proposed buildings, particularly Block A and harm to conservation areas, listed buildings and views. Many also consider affordable housing provision too low. Many objectors also note that a proposal for a 26 storey tower on this site was dismissed at appeal in 2005 and consider that this development should be resisted. Objectors also consider that current development plan policy, particularly policy S3 of the City Plan and policy DES 3 of the UDP prohibit tall buildings on this site.

Officers consider that Blocks A (the tower), E/F and H would cause less than substantial harm to the character, appearance and/or setting of 17-18 Paddington Green (Grade 2 listed), the adjacent Children's Hospital building (Grade 2 listed) and the Paddington Green and Maida Vale Conservation Areas. However, there are a number of public benefits arising from the development, many of which did not exist when the 2005 appeal was considered. These include:

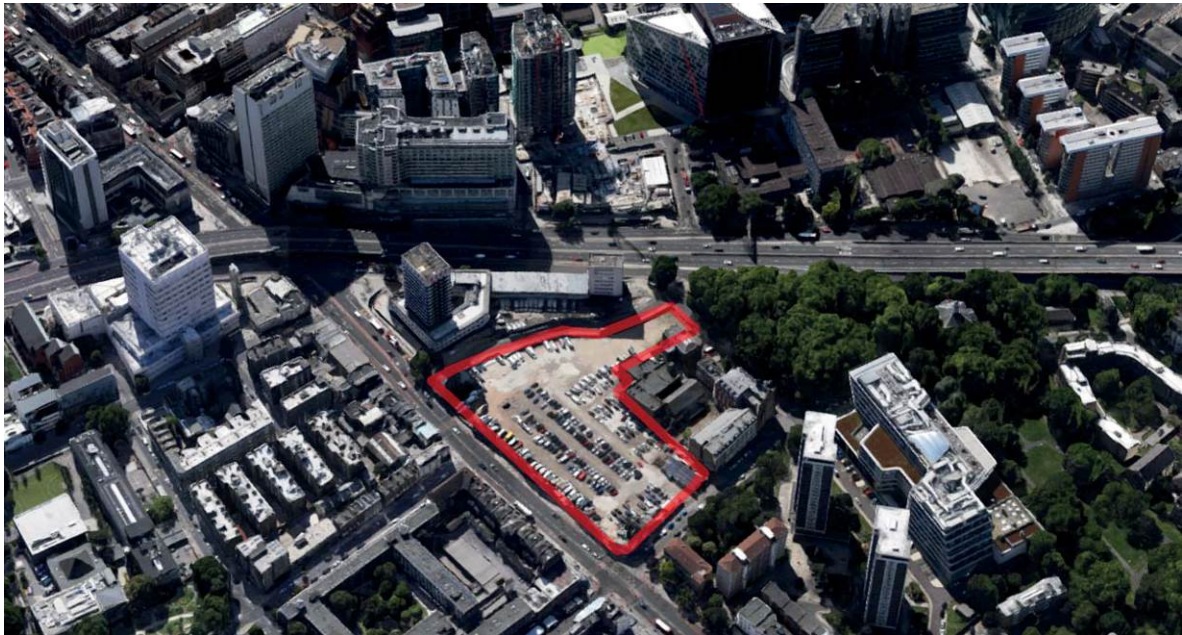
- Facilitating and unlocking the Church Street Regeneration and Edgware Road Housing Zone through provision of decant space through the proposed affordable units;
- Provision of a strategically significant level of market housing on-site;
- Provision of a substantial level of on-site affordable housing (the maximum that the applicant can viably provide);
- Revitalisation and re-activation of this part of the Edgware Road/Church Street district shopping centre;
- Delivery of a long stalled site of strategic importance which is a blight on the setting of neighbouring conservation areas, listed buildings and this major thoroughfare into Central London; and
- Significant public realm improvements around and throughout the site.

In light of the above, Members are asked to consider whether the public benefits of the development outweigh the less than substantial harm identified and form material considerations that warrant approving the development despite conflict with development plan policy. In making this consideration, Members must have special regard to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets. Members must also consider the legislative requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

3. LOCATION PLAN



4. PHOTOGRAPHS



Site Overview from North



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



View eastward across site



View of application site from Paddington Green

5. CONSULTATIONS

RESPONSES RECEIVED TO FIRST ROUND OF CONSULTATION THAT EXPIRED ON 16 FEBRUARY 2016.

KAREN BUCK MP

Object. Pleased that the West End Green site is finally due for development after decades stood empty. London needs more homes and the capacity to continue to grow its (sustainable) economy and it is entirely possible to increase density without having a detrimental impact upon the wider community. However, the following concerns are noted:

1) Westminster Council's tall buildings policy proposes one additional tower in Paddington, at 1 Merchant Square. The policy is due for revision, yet both this scheme and the proposed 72-storey tower at 31 London Street face being rushed from outline to planning permission over the course of just a few weeks, and in the absence of a revised policy. Towers can be aesthetically attractive and are, indeed, a key component of world cities, but there should be proper public consultation on both the policy and these individual major schemes given the level of public concern. This is perhaps especially the case given the proximity of conservation areas and the strong views held by both local residents and many others concerned with the London skyline.

2) Out of the proposed 691 flats, an unacceptably low number of 154 (22%) are designated as 'affordable'. This is despite both the depth of the housing crisis- which impacts especially on lower-middle earners, and Westminster Council's own (already inadequate) guidance that developments should include 30% affordable.

3) The local health practices concerns regarding their capacity to meet the primary care needs of additional population on this scale. Whilst higher population density can be made to work well, it does not happen without the commitment not only of the developers but of the Council and other agencies to ensure there is both the physical capacity (public realm, transport) and service provision (health, education, policing) to meet the needs of residents.

COUNCILLOR KAREN SCARBOROUGH

It is greatly welcomed that this site is finally being developed, which will contribute to the regeneration of the area.

However, objects to this application on two planning grounds.

The proposed development contravenes Westminster's planning policies DES,3,9,10,14 15 and S3 in relation to Tall Buildings.

At 38 storeys, this will detrimentally affect the surrounding skyline.

If the height of the building was limited to a maximum of 20/25 storeys, reduced from 38, this would be more acceptable and in keeping with other buildings in the vicinity.

The second issue is that the provision of intermediate housing is still unacceptably too low.

Whilst a viability study will have been undertaken, there is not now any "real independence" or credibility in such an assessments. This contributes to the "done deal" and Westminster being "too close to developers" perception by many residents and amenity/associations.

In order to maintain and continue to grow our great city we need more intermediate, key worker housing/affordable rents to make this happen.

If we are to accept that the height of future buildings will have to be taller to accommodate the increase in population, then it must go hand in hand that the ratio of housing of the nature described in the previous paragraph must both be increased very substantially, far greater than the present ratio, and a viability study from someone totally and completely independent.

The Council should not be prepared to accept anything less than their required quota of intermediate housing.

Requests that this application is refused.

COUNCILLORS ANTONIA COX AND HEATHER ACTON

Welcome proposal to build on this site which has been vacant for over 30 years. However, they believe that the 38 storey tower is too high for this location and a tower of closer to 25 storeys would be more appropriate and in line with other taller buildings in the area including the Hilton Metropole in our ward. Seen from Bell Street, the area from the Metropole to that of the proposed site already includes buildings that have quite an overbearing presence relative to the small scale and attractive Edgware Road Bakerloo Line station and neighbouring public house.

A 38 storey tower would also be unacceptable so close to the exceptionally high quality St Mary's Church of 1791 in the Paddington Green Conservation Area and the award-winning City of Westminster College. On the Paddington Green side the proposal does not take sufficient advantage of the attractive context which this conservation area offers and includes insufficient landscaping.

A previous 22 storey scheme was accepted and rejection of a 26 storey scheme upheld at appeal so they believe there is no case for 38 storeys.

COUNCILLOR VINCENZO RAMPULLA (ON BEHALF OF LABOUR COUNCILLORS)

Object. The proposed scheme conflicts with the councils policies relating to affordable housing, tall buildings and protection of views. The proposed development would also impact local school resources. Public consultation is also inadequate.

The site has stood empty for decades; therefore it is welcome that it is being brought forward for development. However this will be a major scheme and it is vital that it is adequately judged against any detrimental impact on local residents/businesses and against the need to maximise benefits for the wider borough. This is especially true given that the supply of on-site affordable housing, school places and access to health services

are all key concerns in Westminster, and especially in the Paddington/Church Street areas.

Affordable Housing

Policy S16 of Westminster City Council's City Plan sets out the council's intention with regards to affordable housing. It states: "WCC will aim to exceed 30% of new homes to be affordable homes and proposals for housing developments of either ten or more additional units will be expected to provide a proportion of the floorspace as affordable housing."

The council's own housing markets analysis sets out that there are 4,500 households on the waiting list for social housing within the local authority area. In 2014 the council's commissioned housing market study set out that "The backlog need for affordable housing is estimated to be circa 6,068."

It also estimated that local households would need a gross annual income of £63,200 to rent a one-bedroom flat without assistance; a family in need of a three-bed property would need a gross income of £119,200.

Given this desperate need for affordable housing locally and the size of the proposed development, it is unacceptable that the proposal does not meet the council's on-site affordable housing expectations. The current proposals for only 84 socially rented units and only 74 intermediate rented units provides only 158 affordable units or 22.8% out of the total number of 691 residential units proposed. That is a minimum of 50 on-site affordable homes less than the policy intention set out in policy S16.

The previous development plans sought to deliver a total 107 affordable housing units or 35 per cent of the 307 residential units proposed. Consent for the proposed development should be withheld unless the scheme can exceed the council's policy of 30% on-site affordable housing provision.

This is an easily accessible site, a straight-forward flat build and there are reasonable arguments as to why it cannot be compliant with the council's policy S16. They object to the scheme on the basis that unless the scheme can be made to exceed the council's policy S16 with on-site provision, it will not deliver a commensurate benefit to the borough given its proposed size.

Tall Buildings

The previous planning consent for the site provided for a building of a maximum of 22 stories and a height of less than 120m.

The proposed scheme includes a block of 39 stories, 11 stories higher than that previously consented scheme, reaching almost 160m in height. To put this in context, the proposal includes a building taller than the London Eye (135m) and Centerpoint (127m), and the same height as 20 Fenchurch Street ("the Walkie Talkie") which is the 13th tallest building in London.

The City Plan identified that there was a case for a tall building, 1 Merchants Square, in the Paddington Opportunity Area but that there was very limited scope for new tall buildings in the rest of Westminster, due to the settled character of the townscape and significant concentration of heritage assets.

Given the scale of the proposed tower, unless the scheme can deliver local area changing levels of affordable housing and public amenities, they object on the basis it would otherwise contravene existing strategic council policies.

Even within the context of the City Council consulting on a revised City Plan, including a new tall buildings policy, the City Council's suggested policy identifies that it would not consider a tall or higher building acceptable where it did not "minimise the effects of overshadowing and overlooking, especially within predominantly residential areas".

Overshadowing

The City Council asked for a comparison of the proposed development against the extant 2005 permission. It is unclear how the overshadowing assessments on the local amenity areas can be considered as having a 'negligible adverse effect'. As indicated in the Vol 2, Chapter 11 of the Environmental Assessment, there are severe concerns about the overshadowing effects on the local residential population would be:

- Minor Adverse in terms of daylight and sunlight when compared to the baseline condition at Winnicote House;
- Negligible to Major Adverse in terms of daylight and sunlight when compared to the baseline at 1-80 Hall Tower;
- Negligible to Moderate Adverse in terms of daylight and sunlight when compared to the baseline at Gilbert Sheldon House;
- Minor Adverse to Moderate Adverse in terms of daylight and sunlight when compared to the baseline at 352-330 Edgware Road; and
- Negligible to Minor Adverse in terms of daylight and sunlight when compared to the baseline at 328-314 Edgware Road.

Taken together there would be a material impact on the existing local population. They support comments made by local residents concerning the adverse impact of overshadowing and reduced sunlight.

Unless the applicant can show how they plan to realistically mitigate resident concerns, the Labour Councillors object to the scheme on the basis that it would have a significant adverse effect on local resident populations.

Impact on Local School Population

As the supporting documents indicate, the families in the proposed development will face a deficit in local school places: "...forecasts identify that by 2021 (when the first residential units are likely to be occupied), there will be deficits at both primary and secondary level for those schools in close proximity to the Site".

The Labour Councillors disagree with the EIA's conclusion that a 52% increase in the local residential population would have a 'negligible adverse residual effect' on the projected school deficit places. The latest projections forecast a deficit of 642 secondary school places for 2020/21 and only 18 spare primary school places for the St Johns Wood area. As set out in the environmental statement, this would require the need for 1.83 primary classes (of less than 30 children) and 0.83 secondary school classes across the local authority.

The pressure on the local area is likely to be higher than this. Therefore, it is a more credible conclusion that the effect would be 'moderate' and should be adequately reflected in the developers contributions.

Consultation

Given the scale of the proposed scheme, it is disappointing that there has been so little time given to public consultation, a public exhibition was only provided between 2-5 December.

BAYSWATER RESIDENTS ASSOCIATION

Advised that this is not in the BRA area.

HYDE PARK ESTATE ASSOCIATION

No comment received.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Object. More shared space and internal garden should be provided with less balcony and greening. The town planners should develop a coherent policy to applications such as this - we would suggest a 100 foot cornice height then setbacks. Articulation to the roof forms and again shared spaces please. Small shops to be the form for the ground floor and as the predominant streetscape.

NORTH PADDINGTON SOCIETY

No response received.

PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT (PRACT)

This response on transport and traffic aspects should not be taken a support for the application as a whole. They are aware that the 38 storey tower is contrary to tall buildings policy and exceeds by a wide margin the 22 storeys consented by the Secretary of State in 2005 (who also rejected 26 storeys).

Welcome façade setback on Edgware Road and have no objection at all to use of the additional space for a wider pavement/enhanced public realm. There is some advantage in keeping flexibility for a wider carriageway as originally proposed, should conditions change in the future.

The possible types of Community Benefit are listed at 7.111 of the Planning Statement, and include highway and public space works. PRACT suggest further improvements to both surface and sub-surface crossings to the other (eastern) side of Edgware Road, where the Bakerloo Line tube station is, bearing in mind also the likely redevelopment, in the future, of the building that now is Paddington Green Police station.

Parking provision equals 0.35 of a space per dwelling, for 90% of them, after assuming 10% of dwellings are for disabled people and making provision of one space per dwelling for them. Normal policy of both GLA and the City Council is around one per dwelling, yet

the applicants claim that the 0.35 is consistent with the policy that the number of spaces can be reduced where public transport provision is particularly good. This puts an awful lot of weight on the admittedly good provision in the vicinity. The risk of under-provision is that there will be a lot of extra pressure on the existing on-street parking spaces in the vicinity. PRACT suggest a further review in light of the degree of existing pressure on on-street spaces.

Parking spaces for residents will not be allocated. Thus it may be possible to issue rather more permits to residents than spaces, on the basis that not all will be in use at the same time. PRACT suggest a condition either limiting the number of permits to the number of spaces or, if higher, a limit based on justification by the applicant that the inability of a permit-holder to find a space, given the proposed number of excess permits, will be rare.

Vehicle trips are stated to be less than now (car wash) and less than in the consented scheme. PRACT see no grounds to dispute this.

Vehicular servicing on-site (deliveries, rubbish etc.) provision seems OK.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (SEBRA)

Object. The tower would be visible far and wide, including from points throughout both Hyde Park/Kensington Gardens and Regents Park, and in adjacent conservation areas.

The tower would be contrary to the City Council's tall buildings policy which states that there should be one tower only in the vicinity and this has already been consented within the Paddington Opportunity Area (A tower of 44-45 storeys at 'Merchant Square', called the 'Cucumber' tower).

In 2005, following an appeal, the Secretary of State rejected an option 26 storeys high and allowed one only 22 storeys high. The recent withdrawal of the Sellar application for a very high tower, at 31 London Street, also indicates that a building on the 'West End Green' site higher than the consented 22 storeys is unacceptable.

If the tower were reduced to 22 storeys, SEBRA would comment on other aspects of the present design but, given their objection to the height of the tower, this seems pointless. A revised application could include changes to the heights of the other buildings proposed for the site, and their design. It could also alter the proposed mix of land uses.

SEBRA welcome retention of the set-back of the frontage on Edgware Road as in the previously consented scheme. This feature should be retained in any modification of the present design. We support the other observations on traffic and transport aspects made by PRACT.

It is hardly relevant whether the proposed tower is or is not lower than the 'Cucumber' proposed for 'Merchant Square'. SEBRA understand from another response to the City Council that the tower in this proposal would in fact be 129.6m high, including roof plant, and that the 'Cucumber' would be 128.6m high. Thus a comparison in terms of the number of storeys, 38-39 for 'West End Green' and 44-45 for the 'Cucumber', appears too simplistic. Also, some of the applicant's supporting documents imply that the site is within the Paddington Opportunity Area, which is not correct.

MARYLEBONE ASSOCIATION

Object. Block A is far too bulky. The height appears arbitrary and driven by commercial rather than townscape considerations and the building meets the sky abruptly without change of façade proportion. Elevation module is relentless and the use of brick adds to the sense of bulk. The Design and Access Statement describes brick Maida Vale mansion blocks as a precedent but the vertical emphasis of the scheme seems to have more parallels with early 20th C Chicago office buildings than the detail and human scale of 19th C mansion blocks.

The height and bulk will intrude on views out of the Portman Estate Conservation area.

Its height and width at the southern end of the scheme will severely overshadow the central gardens within the site.

All the buildings are from the same architect and share the same architectural language and detail. The scheme would have benefited from the richness of using different architects for individual buildings.

The ground floor east and north perimeters have substantial restaurant/retail space and the success of such uses is questionable in this location which does not have the same footfall as the busy southern section of Edgware road. A small cinema is provided but this alone will not provide adequate 'draw' to sustain the quantum of A1/A2/A3.

The provision of 23% affordable housing (of which 12% is to be socially rented) against Westminster's requirement of 30%. There appears to be little safe, segregated external play space for younger members of families occupying socially rented component. The play space concept is to take an integrated approach with spaces shared by all generations and the Design and Access Statement references nearby playground spaces and only contained pocket spaces on-site.

In recognition of the shortfall in affordable provision, some on-site provision of facilities for the wider local community should be provided.

THE ST MARYLEBONE SOCIETY

The development of this site is long awaited and they are pleased that it is now being developed with more housing.

Removal of the large supermarket has also removed the problem of access for large lorries from Church Street.

The set back of the building line to allow future road widening is also welcome as this allows a tree lined pavement. It is hoped that this situation can remain and the political will for less traffic in Central London is upheld in the future. Pedestrian and cycle access across the site is good and this should be reinforced.

This was the original Paddington Village and the development should create a new 'heart' for the locality. The small public piazza to be created by the retained Georgian terraced

house on Edgware Road could be this focal point if designed as proposed with public uses, alongside physical and visual links to the surrounding streets. It should be increased in size if possible and the traffic calmed to allow the space to work with the existing buildings, restaurants and shops on the opposite side of the Edgware Rd.

Residential development accepted as suitable for the site. Some members queried the amount of affordable housing and the possibility that flats might be 'bought to leave'. It would be a pity if the site became a 'dead heart' of the neighbourhood.

The site will remain Freehold to Berkeley homes and this was agreed as a positive, as the future maintenance and quality of the spaces between buildings can be assured.

Some parking is to be provided in basement levels and therefore resident's parking permits should be restricted to prevent pressure being put on local side streets. This is a highly sustainable location therefore public transport is readily available.

Street level active frontages are ideal to enliven this part of the Edgware Road. Publicly accessible uses such as gym and cinema will be positive additions to this area. The development might benefit from links with the Lisson Gallery and this could help regenerate and link to the surrounding streets and businesses.

Public open spaces between the buildings are well considered and the need for a private communal garden is understood and considered acceptable. Strengthening the 'green link' between the site and Paddington Green would bring further benefits for all.

The location as a suitable place for a cluster of towers has been accepted previously and links the site to Paddington Basin. The proposed 38 storey residential tower needs to be carefully designed, as this is the gateway into Marylebone. With uncertainty over the police station site it is difficult to contextualise the proposed tower. The stated intention for a 'solid' tower is understood, but the relationship of the new tower to the other nearby solid towers (e.g. the Metropole Hotel) was not conveyed in the presentation.

The idea of a "triangular" tower plan works well for those living in the development but creates a wide tower that may block out the sunlight to those north of it for much of the day. This would be particularly unfortunate if the tower was left empty for some of the time by investors, second homers etc. The residential use of the tower brings concerns about windswept balconies and a comparison with the Barbican might illuminate how this works in practice, especially for families with small children.

The reference throughout to 'mansion blocks' is considered somewhat misleading as the proposed buildings along the Edgware Rd are 10 storeys high. The relationship between these and the existing buildings needs further exploration as they are too big. However, some local mansion blocks fronting the Marylebone Road are all nine storeys high, although we do not have overall heights for these. A comparative study of mansion blocks would help them understand the scale of the new development. Some members stated that the lower buildings are not truly 'mansion blocks' but 'blocks of flats' and perhaps these could be more elegant if slightly taller. The Water Gardens further south on Edgware Rd would be a good precedent.

The character of the area is very varied. The choice of brick used in a modern idiom could be an appropriate material. However, it is clear that this scheme makes no attempt to relate to the immediate context in terms of scale and character. Rather than fit into what is essentially a medieval street grain the development is one of separate blocks set within their own landscape. There is an opportunity to create a development that reinforces the local context, one of cosmopolitan and cultural diversity.

The use of the same family of details throughout the whole site creates the effect of an 'estate' or 'complex', quite set apart from the mixed locality. "Could this development be anywhere in London?" and, "How can this better connect into the existing neighbourhood?"

The transference of the mansion block proportions to the tower was discussed at length. Some see the 'extrusion' of brick as an interesting sculptural quality whilst others cannot reconcile this material with the curvilinear shape and scale of the tower. One of the characteristics of a mansion block is its tall floor to ceiling heights and whilst as proposed (at 2.6m) room heights are generous, three metres is more typical.

Residential balconies, which function as a 'room outside', are a good idea in principle, but experience has shown that without careful management these spaces can be abused. They become outdoor store rooms, have washing lines, bikes etc. and present a cluttered view to the street. Balconies in Marylebone are traditionally decorative or for planting only. Edgware Road is a highly polluted area and outdoor living space is not appropriate at the front of these buildings. Glass balconies should be opaque or tinted glass.

Flat roofs of the lower blocks will have no machine plant on them and therefore this is a lost opportunity to create private roof gardens for residents, or penthouses with roof gardens. These roofs are critical in this location as they will be seen by many will be seen by many. They would also contribute to ecological biodiversity.

Overall, there are many positives to the development but the design needs to be addressed in terms of its context. This is a unique opportunity to develop a large site in Central London and make a significant improvement to the whole area.

Additional comments dated 11 January 2016:

Some dislike the tower more than was previously expressed. Several members were dubious about the architectural treatment of the tower in brick and stone, given its curved plan and height– and the possible overshadowing of the proposed "mansion blocks" to the north of the tower. Some thought that if this footprint were rotated, the overshadowing effect on other nearby buildings might be less. They would like to see perspectives showing the joint effect of ALL currently proposed towers in this area together, on various local views and on the Royal Parks. The developers, architects, and the City Council should collaborate in order to properly understand the cumulative effects of such changes on the character and appearance of the whole area.

ST JOHN'S WOOD SOCIETY

No response received.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

The site sits outside the Paddington Opportunity Area and is not an appropriate site for a very tall building. This site has a long history and whilst it being brought into residential use is supported the impact of the tower is too great. There have been a number of schemes put forward for the site; the last of which was refused at appeal with the height of the permitted building limited at twenty two floors. They are surprised that officers have advised the applicant that a thirty eight storey building would be acceptable when the City Council's own policy and guidance confirms that twenty two floors is the maximum permitted size for a building on this site. Officers are encouraging applicants to submit schemes that are against the UDP. If Officers consider the policy on tall buildings incorrect then a full and proper consultation with all residents on the impact of tall buildings particularly on the conservation areas of Maida Vale, Hyde Park, Marylebone Road and Bayswater Conservation Areas should be commissioned.

The proposed tower will have a significantly detrimental effect on the conservation area and particularly on the setting of St Mary's on Paddington Green Church, St Mary's Mansions and Park Place Villas but also throughout the wider area. The prospective images of the proposed development are disingenuous for the winter views where all leaves have been retained on the trees. Residents experience from Paddington Basin indicates that the intrusion of tall buildings is particularly marked in the evenings and at night when the large areas of glass combined with interior lighting that is typically on 18-24 hours a day results in an intrusive impact on the nearby conservation areas that is even more pronounced in the hours of darkness.

The proposed tower is higher than the Hilton Hotel on the opposite corner of Edgware Road, the south side of Edgware Road has historically been the dividing line of the height of developments, this application seeks to extend that beyond the Westway and will set a damaging precedent for future developments north of the Westway and indeed could "put in play" all of the low rise properties to the south of the flyover. The massing study in the application clearly shows the low lying conservation area to the west of the site and the inappropriateness of the tower.

In respect of the housing mix, there is no reason why any scheme for the site cannot achieve a minimum of 30% of the units as affordable housing with tenure to suit the current needs of the City Council.

Suggest a scheme limited to twenty two floors with the material pallets as per the current proposals and with the landscaped areas being opened to the public. A significant contribution through Section 106 should be generated to provide play area for teenage children in an area where there is currently a significant need.

LONDON FIRE AND EMERGENCY PLANNING AUTHORITY (LFEP)

No response received.

PADDINGTON BID

No response received.

ARBORICULTURAL MANAGER

Welcomes the introduction of trees and soft landscaping but is concerned that the corner of Church Street and Paddington Green seems to be completely void of soft landscaping. Recommends a condition requiring a comprehensive landscaping scheme for the site.

BUILDING CONTROL

No structural methodology information has been provided. The block layout plans contain minimal information. At this stage it is clear some block layouts do not comply with conventional guidance in Approved Document B. These are likely to require a fire engineered approach. It is important for the applicant to engage a fire engineer at the earliest opportunity to ensure project will comply with Part B (Fire Safety) of the Building Regulations.

CLEANSING MANAGER

The applicant has not demonstrated that site waste management will be managed in accordance with the City of Westminster Recycling and Waste Storage requirements. A full detailed waste management plan or strategy should be provided given the scale of the development.

The number of bins proposed (100 plus) is excessive. Suggest that the waste and the recycling storage containers and equipment for the whole development should be based on the City Council's requirement for waste and recycling storage capacities. There will be a need for a cardboard bailer and 1 or 2 Bergmann Rotary Compactor. This compactor can save the space of 10 Eurobins (1100L).

The entrances to all the waste stores in basement two are too small to accommodate the passage of 1100L bins. A minimum entrance width of 1.5m is required.

There are also eight different waste stores in basement two, with various distances to the waste holding area before collection. The travel distance for the farthest waste store in the southern corner of the basement to the waste holding area is 105 metres which greatly exceeds the maximum limit of 20 metres. The applicant will need to provide measures to mitigate this, including the use of towing vehicle to tow the bins to the holding area rather than manual handling of the bins. Therefore, the applicant should submit a revised basement two plan and a detailed Waste Management Plan.

CHILDREN'S SERVICES

Affordable Housing

Would like to be kept informed of the outcome of affordable housing discussions and advise that they support mixed tenure housing for strong local communities and would like to see affordable housing on-site to support this.

Schools

The applicants Child Yield calculation differs to Childrens Services. The applicants calculation includes the 0-4 age bracket (89 children), as well as 5-15 (80 children) whilst Children's Services calculation for school place planning covers the 4-15 age bracket (125 children)

As a result of the revised Church Street regeneration proposals, it would be prudent to anticipate the need for further primary school places in the area. The size of additional provision required directly as a consequence of the proposed West End Green development equates to 0.5FE at primary level together with an increase, albeit smaller, at secondary level.

Children's Services therefore seek financial contributions in accordance with the existing formula in order to make provision for additional school places.

Early Years, Extended Schools and Play

The cumulative effect of several schemes in Paddington over several years on Children's Services is considerable. Experience has shown that some facilities have been provided within developments but have proved unsuitable because of the level of rent being charged.

Although no premises requirement is currently identified for affordable childcare, there will be added pressure on existing provision from new families in the private development. In addition any affordable housing provided on site will impact on the expansion of the City's 2 year old early education programme for eligible families.

A financial contribution could be offered in lieu of premise requirements to increase provision and settings in these wards, or to support the capital investment requirement for the Two Year Old programme.

Children's Centres

Suitable, available and affordable space is a concern for all children's centre settings across Westminster. 72% of families with children under 5 years' old resident in and around Bryanston and Dorset Square ward access Children's Centres for at least one service. The integration of local health, education, and early years provisions have impacted on how services are now delivered from the Centres which means that space has to be flexible and suitable for a number of diverse providers from different sectors.

Children's Services are currently consulting on changes to Children's Centres. A new model is planned for 1 October 2016. This would see three existing children's centre hubs (which includes Church Street), transformed into 'children's and family hubs' providing services to children and young people up to 19 years-old rather than 0-5 as is now the case. These changes are proposed against the background of increasing and more complex demands but the reduction of resources. Financial contributions in lieu of premise requirements to help deliver the new requirements in the Bryanston and Dorset Square, and the adjoining Little Venice and Church Street wards, should be considered.

Play

Due to pressures in the locality and lack of open space it is important that play facilities are included within the development, and are available to the whole community at affordable levels of charge. However, the provision for play space for the under 5's will be catered for by 890m² identified as private terraced and resident's garden space. 'Older children' aged between 5 and 12+ years will have use of another 930m² of play space. The Applicant intends to deliver 5,694m² of open space altogether which is less than the Council's standard, therefore a financial contribution from s106 funding towards off-site

provision could be utilised for recreational facilities. Consideration should be given to improving access and facilities for these communal spaces which would create an opportunity to revive these areas and bring them back into use.

Young People

Children's services requests that the developers consider allocating funding for existing local youth clubs to increase access to positive activities for young people. Young People Services is starting to work across three localities, in the south, northwest and northeast of Westminster. Locality managers would be keen for this development to consider use of financial contributions to increase local opportunities.

Children and Young People with Disabilities

All premises, play spaces, areas and facilities should be designed to ensure that they are fully accessible to children and young people with disabilities and this can be done in consultation with the children with disabilities team to ensure practical input about how to do this from the start of the process. Additional thought could be given to using financial contributions to contribute to local provision in and around Bryanston and Dorset Square ward, and the adjoining Little Venice and Church Street wards for running services for children with disabilities or to fund enhanced facilities for children and young people with disabilities (e.g. enhanced changing facilities, equipping local children's centres with hoists to use, providing specialist equipment to be used in play areas or by professionals providing services such as occupational therapy to children with disabilities).

CITYWEST HOMES

No response received.

ENERGY STRATEGY OFFICER

Heating and Cooling Plant

The key issue for the energy strategy is how heat is sourced and whether or not the connection to the proposed neighbourhood heat network goes ahead. The applicant proposes a standalone on-site solution with the ability to connect to the Church Street Heat Network once constructed. To comply with the City Council and London Plan policy, every effort should be made to deliver a scheme which obtains as much of its heat requirements as possible via a connection to the neighbourhood scheme. Accordingly, the proposals are unsatisfactory at the present time. The applicant should resubmit the Energy and Sustainability Statement with a connection to the network as the primary strategy.

There are several possible situations to consider with regard to connecting West End Green to the proposed neighbourhood heat network and the phasing is important to this. A fall-back position also needs to be agreed and this is discussed below.

Phasing

The phasing of the development is a key consideration for any requirement to connect to an offsite source. It is unclear from the information provided when fit out of the energy centre will commence but it can be no earlier than summer 2018 and no later than spring 2021. This is key as it represents the 'point of no return' for the applicant to be committed to its own energy centre.

There also appears to be a considerable lag (>2yrs) between the first block requiring heat and the energy centre being available to supply heat (assuming the flue will not be in place until the superstructure is complete) and so it is assumed the developer will be providing temporary heat plant during this period.

The earliest the neighbourhood scheme could provide heat to the site is late-2018/early-2019. This would be >2yrs before the on-site energy centre is assumed to come on line and in time to deliver heat to the first block. In this case, the developer would not need temporary plant.

It is recommended that the development is conditioned to either

- 1) Agree commercial terms for connection and supply agreements with the network owner (using all reasonable endeavours); or
- 2) Implement an agreed fall-back position.

Fall-back position

If the developer and scheme operator cannot agree connection and supply agreements with the neighbourhood scheme, the developer should be required to implement an agreed fall-back heating system.

The heating system described in the submitted Energy and Sustainability scheme is generally acceptable as a fall-back system from a technical perspective although a planning condition is recommended to require the site wide heat network to be implemented in accordance with the 'CIBSE/ADE Heat Networks: Code of Practice for the UK' (which will contribute to efficient operation and reduce over-heating). Before the proposed scheme can be fully approved, additional information should be sought with regard to the long-term operation and maintenance of the scheme.

In particular, the scheme includes both gas boilers and gas CHP and may choose to obtain heat from either system. The only way the scheme will deliver the carbon savings set out in the Energy and Sustainability Strategy is if the operator chooses to use CHP in preference to gas boilers. The developer should demonstrate a clear imperative (e.g. a contractual obligation or an economic imperative) on the operator to choose CHP. This information could either be sought before planning is approved, or a condition should be put in place requiring the developer to submit details of the operation and maintenance of the proposed fall-back scheme to the Director of Planning for approval within 6-months of commencement.

A condition should be included to ensure the site wide heat network is implemented in a way which meets the common standard for service levels and customer protection advocated by the Heat Trust.

Renewable energy

The argument put forward for not including solar PV is that the development already meets the London Plan Policy 5.2 target of a 35% reduction in CO2 emissions without requiring renewable energy. However, it is considered practical to install PV on the roofs of the lower mansion blocks and this should be considered in order to comply with the principles of policy s40 of the City Plan.

Sustainable construction

The commitments relating to residential space are extensive and well thought out and it is recommended compliance with the submission is secured by condition. In the absence of the Code for Sustainable Homes or a commitment from the developer to comply with the Home Quality Mark or similar, it is not straightforward to secure the commitments relating to residential sustainability. However, a condition could be considered which secures these by reference to the Energy and Sustainability Statement.

The BREEAM pre-assessment submitted suggests that the site will comfortably meet the BREEAM 'Very Good' rating. However, several of the credits that have not been targeted are achievable and will add value (e.g. site based sustainability champion, thermal modelling, materials life cycle impacts). However, it is recommended that the development is conditioned to achieve a minimum BREEAM score of 'Very Good' (a score of 55). Consideration could be given to requiring a BREEAM score of 60 (i.e. 'Excellent').

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

No response received.

AFFORDABLE HOUSING SUPPLY MANAGER

No response received.

ARBORICULTURAL MANAGER

No response received.

SPORT & LEISURE

No response received.

ADULT & COMMUNITY SERVICES

No response received.

SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

No response received.

HISTORIC ENGLAND

The NPPF, London Plan and HE/CABE Tall Building Guidance document all emphasise the importance of a plan-led approach when very tall buildings are proposed. Westminster City Council has taken this approach and clearly set out its policy for the provision of tall buildings in the current Westminster City Plan (S3, Paddington Opportunity Area), which states that there is limited potential for the location of tall buildings within the Opportunity Area beyond the consented tall building on Harrow Road.

Thus there is an explicit presumption against further tall buildings in Paddington as set out in current Westminster policy. The developer's justification for the proposals seems to be

based on the premise that 'the perception around tall buildings in Westminster appears to be changing', and that there are other 'emerging' (but not consented) tall building proposals in the Paddington area.

Historic England is of the view that undermining carefully considered current planning policy requires exceptional justification. We have seen no evidence in this case that there are special circumstances or benefits that would necessitate such a breach of planning policies. The justification as presented in the submitted application is based largely on the perceived economic (by increasing commercial floor space), social (by providing 691 new homes) and environmental (by improving the public realm) benefits of the scheme. The tall building is described as being of 'exceptional design quality', that will form a new landmark that contributes to London's character as a world city. Whilst we accept that the proposals will deliver some benefits, we are not clear to what extent these can only be delivered by the current submitted development.

The visual impacts on designated heritage assets close by and further afield are described as either 'neutral' or 'beneficial'. Historic England's view is that a building of this scale and in this location will, in many cases, have a very serious impact on various designated heritage assets across a wide geographical area. The tall building will impact on the setting of four historic registered parks (Kensington Gardens, Hyde Park, Regents Park, all grade I, and Primrose Hill, grade II), where it will interfere with vistas that are currently undisturbed by modern buildings in the backdrop, or will exacerbate the impact of existing or consented modern buildings that are currently visible or may be in future. Some of the views included in the visual impact documents are modelled in summer with trees in full leaf; the visual harm caused by the proposed tower in winter to, for example, Paddington Green (view 21) or the designed picturesque view over the lake from Regents Park Lane (view 28), is very likely to be serious. There will also be harmful impacts on the significance of conservation areas such as Lisson Grove when the proposed tower is seen in the backdrop of Bell Street (view 17).

Even if it can be demonstrated that a building of this height is necessary to deliver the public benefits set out in the application documents, our current view is that the value of the public benefits described appears slight compared to the seriously adverse impact the proposals have on the historic environment.

Based in the submitted information, Historic England believes the proposals will cause serious harm to the historic environment as set out above. We have seen no clear justification for this harm or exceptional circumstances that would justify what we consider to be a clear breach of established national and local planning policy and guidance. In that regard, Historic England objects strongly to the current application and urges the City Council to refuse it.

HISTORIC ENGLAND (ARCHAEOLOGY)

The site lies within the Paddington and Lillistone Villages Archaeological Priority Area. In 2009 an archaeological evaluation (PCA, 2009) was carried out as part of the previously consented scheme. The investigation found a sequence of archaeological deposits dating from the 17th to 20th centuries. These overlay natural horizons of clay and gravel. Five of the trenches (Trenches 2,3,5,8 & 9) contained evidence of post-medieval wall foundations, drains and a number of pits (quarry pits, timber-lined pit, rubbish pits) while

modern basements had truncated deposits within Trenches 4, 6 and 7. The archaeologists note particularly the remains of buildings and backyard activities from the 17th century including an 18th century backfilled well within trenches 8 and 9.

The applicant has submitted an Historic Environment Assessment (MOLA 2015) with the new application. The document provides a very detailed baseline. However, I do not concur with the recommendations for further work. Given the extent of the impact from the proposed scheme, mitigation should comprise a mixture of targeted excavation with elements of a watching brief in areas of lower archaeological impact. This reflects previous advice from this office dated July 2009 following approval of the evaluation report. The scope of the mitigation should be discussed and agreed with this office prior to any demolition or development within the site.

The archaeological interest of this site should be conserved by attaching condition requiring the Local Planning Authorities approval of a Written Scheme of Investigation.

ENVIRONMENT AGENCY

Consider this application to pose low environmental risk and have no objections to make to the proposals.

GREATER LONDON AUTHORITY

In summary, the Mayor considers that the application does not comply with the London Plan but this could be addressed, as set out below;

- *Housing Mix:* The current housing mix provides for 28.8% three bed units. The City Council should confirm this is acceptable given the development's relationship to the Church Street Estate renewal programme and Edgware Road Housing Zone;
- *Affordable Housing:* The affordable housing offer of 23% by unit and 20% by floorspace deviates from the City Council's policies. The viability appraisal should be independently assessed;
- *Children and Young Person's Play:* The City Council should consider whether a financial contribution to improve existing play facilities is appropriate;
- *Urban Design:* The overall layout is supported. Applicant should confirm that all units meet the London Plan space standard. The single, north aspect studio units in Blocks E-F should also be subject to a review of the floor plan layout. The applicant could eliminate these units from the layout or have them facing the internal courtyard by switching over the layout with the two bed apartments;
- *Tall Buildings / LVMF Views / Heritage Assets:* There are a number of benefits to the historic environment from this scheme, including redevelopment of a long vacant site, part of which is within Paddington Green Conservation Area and the buildings which are being demolished are not identified as Buildings of Merit. The development would also reinstate a long vacant retail frontage, redefine the historic route of Newcastle Place and the street form of Church Street whilst also completing the defining built edge to Paddington Green.
Although the development is larger than building in the immediate site area, tall buildings already have planning permission in this location (i.e. 1 Merchant Square) and would be prominent in all assessed views. This is reflected in the

assessment of selected views within Maida Vale, Lisson Grove, Bayswater, Royal Park and the Regents Park Conservation Areas where the proposal would blend with the existing and evolving skyline on modern new building additions and would not be overbearing to any listed buildings. On balance, the proposal is compliant with the London Plan;

- *Energy:* The carbon dioxide savings exceed the target within Policy 5.2 of the London Plan. However, the applicant should consider omitting air conditioning to maximise savings carbon dioxide savings as the design of the building indicates that it would not be necessary. If the applicant wishes to retain the mechanical plant, the applicant should provide information on the control strategy for ensuring that it is only used where needed. The applicant should also confirm that the affordable units will be provided with mechanical cooling. The applicant should also provide further information on the timescales of the Church Street District Heating Network role out and how this will relate to the build out of the proposed development. Connection to this external heating network should be prioritised and the applicant should provide further information on how provision will be made for connection to this network; and

- *Transport:* The applicant should identify how usable any spaces mistakenly designed as long stay cycle spaces will be for short stay/visitor use. A large proportion of the designated short stay spaces are shown to lie on land that is adopted highway or which may be adopted. Prior to referral back to the Mayor, the applicant should be able to demonstrate that agreement has been provided from the City Council as to the Church Street on highway provision. The applicant should also demonstrate how secure access to the long stay cycle parking area will be managed.

The vehicle drop off area at the base of the tower appears to over prioritise the needs for vehicle access at the expense of pedestrian movement and this area should be amended.

Section 106 contributions of £54,000.00 and £200,000.00 are sought for Bus Stop facility upgrades around the site and for increasing cycle hire capacity, respectively.

A Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) should be secured by condition or section 106 agreement.

A Travel Plan should be secured via section 106 agreement.

CHURCH STREET LOCAL AREA RENEWAL PARTNERSHIP

No response received.

LONDON UNDERGROUND LIMITED

Confirmed that they have no comment to make on this planning application.

NATURAL ENGLAND

The proposal is unlikely to affect any statutorily protected sites or landscapes.

Natural England have not assessed the application for impacts on protected species. The City Council should consult natural England's Standing Advice as it is a material

consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the City Council should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

SPORT ENGLAND

Object. The applicant proposes the provision of a gym and swimming pool at the basement levels, which the Planning Statement indicates would be for the use of residents in the tower element of the proposal. If their use is planned to be limited to residents of the tower then they would in any event only make a partial contribution to meeting the additional needs generated by the development.

With regards to outdoor facilities, the scheme appears to incorporate informal open space on-site, and potential supplementary off-site proposals would similarly seem to be aimed at the enhancement of existing informal open space/play provision in the area rather than the delivery of new or improved formal sports facilities.

In light of the substantial scale of the proposal and the importance of ensuring that suitable measures are secured to meet the extra demand for sports facilities that the development would create, Sport England object to this application.

METROPOLITAN POLICE SERVICE

Object. Support the principle of developing this long underutilised site and agree that represents an ideal opportunity to deliver a high density residential led redevelopment. The Mayor's Office for Policing and Crime (MOPAC) are currently in discussions with the applicant about how the current application impacts the Paddington Green Police Station site.

MOPAC have concerns with the bulk and massing of the proposal and how it will adversely impact on operational access and egress and possible interference with telecommunications and for Met Police systems.

The City Council should ensure that the future of the entire area is analysed. The applicants scheme should maximise the potential to link in and successfully interact with the Paddington Green Police Station site should it come forward for development. This is particularly important in terms of pedestrian routes, townscape, public open space and highways.

THAMES WATER

Advise that they have no objection to the foul and surface water drainage strategy, provided that it is carried out in accordance with Chapters 4.146 - 4.150 and 5.61 - 5.65 of the Environmental Statement Main Report. Advise that they have no objection to the development with regard to sewerage infrastructure capacity. Request pre-commencement conditions requiring a piling method statement and an impact study

on existing water supplies. Request informatives regarding surface water drainage and discharges to groundwater.

TRANSPORT FOR LONDON

No response received.

NHS CENTRAL LONDON

No response received.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

No response received.

THE ROYAL PARKS

Object to the developments height. As an organisation they adhere to the statutory spatial development strategy of the London Plan and through this, would deem the footprint to have an adverse impact on views from Kensington Gardens, Hyde Park, The Regent's Park, and Primrose Hill. 75m AOD is the total height considered acceptable at this distance from the Park, with the proposed tower in this application measuring 87.12m over this, at 162.12m AOD in total.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS

No response received.

WESTMINSTER PRIMARY CARE TRUST

No response received.

LONDON BOROUGH OF BRENT

No response received.

LONDON BOROUGH OF CAMDEN

No response received.

DESIGNING OUT CRIME OFFICER

No objection. Advises that he has met with the architects and provided advice on Secure By Design. Recommend working toward achieving Secure By Design Accreditation and that the facade of the building is designed to incorporate blast protection measures, including laminated glass. Also recommend that the development incorporates protection from Vehicle Borne Improvised Explosive Device (VBIED). Such protection can include vehicle security barriers/bollards. Barriers/bollards should also be designed to withstand ramming at speed by vehicles.

QUEEN'S PARK COMMUNITY COUNCIL

No response received.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response received.

CIVIL AVIATION AUTHORITY

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5402

Total No. of replies: 201

No. of objections: 182

No. in support: 19

A 275 signature petition opposed to the development was also received.

In summary, the objectors to the proposal raise the following issues:

- The proposed tower and/or surrounding blocks are too tall for the surrounding built environment, landscape and/or this part of London;
- London is a low-rise city and a skyscraper like that proposed would be contrary to this;
- Block A should be reduced in height to 20, 22, 25 or 29 storeys.
- The proposed tower would block or harm views for nearby residents and/or residents located further away;
- The proposed tower would harm views from locations such as Primrose Hill, Maida Vale and Little Venice;
- The proposed tower would be overly dominant to nearby residents;
- The proposed tower and/or buildings would block light and/or overshadow nearby residents and properties;
- The height and bulk of the proposed tower and/or buildings would harm nearby conservation areas (i.e. Paddington Green, Little Venice, Royal Parks (i.e. Hyde Park, Kensington Gardens, The Regent's Park, Primrose Hill) and listed buildings (St Marys Paddington Green). Due to its size, it would also harm conservation areas further afield;
- The height and bulk of the proposed tower and/or buildings would harm London's skyline;
- The proposed tower and the mansion blocks would set an unwelcome precedent for tall buildings north of Marylebone flyover;
- The height of this building does not comply with Historic England's guidance;
- A previous application for a 26 storey building on this site was refused and this one should be too;
- No assessment has been provided showing the cumulative impact of this and other tall buildings approved and/or proposed in the area, including the Paddington Tower (see application ref: 15/11219/FULL which has been withdrawn);

- Object to the 'Gateway Effect' that the proposed tower and 1 Merchant Square would create;
- The proposed tower is a similar height to 1 Merchant Square, not lower as has been stated;
- The visual impact CGIs are totally insufficient for a building of this size. Many more and credible views should have been provided;
- The applicant implies that this site is within the Paddington Opportunity Area when it is not;
- The massing of the proposed buildings is too dense;
- This is a landmark site requiring an imaginative scheme which this current proposal does not offer.
- The design of the development is inappropriate, bland, 1950's, 1960's, 1970's, banal and/or boring. It looks more like an early 20th century Chicago skyscraper than a St Johns Wood mansion block. The buildings are blocky, over-bearing and look ordinary.
- The mansion blocks do not look like mansion blocks.
- If this development is permitted, it will open the floodgates for further inappropriate tall buildings, blighting the whole landscape of Paddington and London.
- Insufficient affordable housing is proposed. This site is ideal for affordable housing as it is not in a wealthy area one of the wealthiest areas of the borough;
- Too many affordable units are proposed. The area already has enough affordable units;
- The private flats proposed are luxury flats and/or will be marketed to foreign investors and would not provide homes for Londoners who cannot afford them. There is no demonstrable need for such luxury flats;
- As the flats will be owned by foreign investors they will be empty. This would harm the vitality and vibrancy of the area, making it desolate and lifeless;
- Development should contain entirely residential flats and include no business or retail uses;
- This application and/or the consultation period are being rushed allowing for inadequate consideration of the proposals.
- The application was made and/or consultation took place at Christmas when many residents would have been unable to comment on the development;
- Application was suspiciously made at the same time as the Paddington Tower application;
- Inadequate public realm and amenity space is proposed.
- Inadequate social housing is proposed.
- The proposal would infringe viewing corridors.
- The proposal infringes the City Council's policies on tall buildings, particularly the limitation on one tall building in the area (i.e. 1 Merchant Square);
- The City Council appears to be ignoring its own policies by even considering this application;
- The City Council have encouraged this application;
- The number of flats would put additional strain on already stretched local infrastructure and amenities, such as schools, GP surgeries, nurseries, healthcare facilities, public transport and/or retail shops.
- No indication has been given of the number of people that the development would accommodate and therefore the impact on the community. There have been

many studies and programmes regarding the dangers of over populating an area, primarily focusing on an increase in violence and diagnosed depression.

- The proposed commercial uses may adversely affect shops on Edgware Road. The stretch of road from the flyover to Little Venice is already awash with restaurants and mini-supermarkets, and we also already have a major cinema at Marble Arch, and an independent one in Maida Vale.
- The proposal should include a supermarket, like the approved development.
- The proposal will increase vehicular and/or pedestrian traffic congestion on Edgware Road and surrounding streets and the road and/or footpath need to be widened accordingly.
- Insufficient on-site parking has been provided;
- The proposal will exacerbate existing parking congestion in the area from people living in the development and/or loss of existing parking on-site;
- The proposal would create the sink estates of tomorrow.
- Additional traffic congestion in the area would harm the amenity of local residents.
- Construction would result in noise pollution and inconvenience for a long period. It would also take place at the same time as regeneration of Church Street and Parsons House and residents of the area cannot afford to have two major construction works going ahead at the same time. Residents have just recovered from the noise the building of the college created;
- Construction vehicles would cause traffic congestion around the application site;
- A large shopping centre or local amenity (e.g. swimming pool) should be built on the site, rather than more flats. This would contribute to the regeneration of the area and add value and benefit to current residents.
- The success of the restaurant and retail uses is questionable in this location which does not have the same footfall as the busy southern section of Edgware Road. The proposed cinema would not provide adequate 'draw' to sustain these uses.
- In addition the design is boring: international white towers without individuality or interest. A project half the height and with a more interesting design and more open space at the base might be appropriate for this site.
- By allowing the existing property at 283 Edgware Road (demolition of which would improve traffic flow, particularly for buses) to remain in place this scheme does nothing to improve the traffic congestion northwards at this point. Any scheme on this corner needs to improve traffic flow - otherwise the opportunity to remove a longstanding bottleneck will be lost.
- There is little safe external play space for young families occupying the development.
- In recognition of the shortfall in affordable housing provision, provision of community facilities for the wider local community should be provided.
- The height of this building would allow views into the adjacent Paddington Green Police Station and would therefore pose a security risk;
- The energy requirements and output of this tower will increase heat pollution and/or carbon emissions;
- This application should not be considered at the same planning committee as the Paddington Tower.
- The City Council spent public money opposing a proposal for a tower of 26 storeys on this site and is now encouraging an application for 38 storeys a few years later.

- The developer is clearly trying to cram in as much square footage as possible to make maximum profit without any long term vision for a proper, viable site for the community.
- This proposal identifies the greed above all other considerations that seems to be the arrogant positioning of Westminster Council.
- The proposed tower will increase wind gusts at ground level around the site. This creates a hostile environmental for pedestrians and/or frail and vulnerable people;
- This development would be built close to the 'City of Westminster College' which has been the source of many violent episodes as well as public use of drugs.
- The proposed public areas will be targets for vandalism;
- Towers like this have historically been unsuccessful developments;
- Objector requests a lowering of Council Tax as compensation for perceived harm from this development;
- Retail units will fail here due to their close proximity to Oxford Street and/or Westfield, White City;
- The proposed retail units will harm the viability of retail units in Church Street and/or the market;
- The proposal will infringe rights of light to neighbouring properties, particularly for Hall Tower and Gilbert Sheldon House;
- The proposed tower would block television reception for neighbouring properties;
- The proposed development would result in loss of property value for nearby residents.

In summary, the supporters of the proposal raise the following issues:

- The proposal would increase the supply of new residential units to support London's booming population;
- The proposed tower would be a landmark structure;
- We need more offices, shops and homes for a growing population;
- The proposal would redevelop an unattractive, poorly utilised and/or brownfield site within central London;
- This site has excellent transport links including both Edgware Road stations, Paddington (and the arrival of Crossrail) and the A40;
- The use of brick is both attractive and different from the cladding used in highrises currently existing or proposed in the neighbourhood;
- The 'mansion block' style is in keeping with architecture along Edgware Road and Maida Vale;
- Tall buildings are exciting;
- The vista into London along the raised A40 will benefit from a cluster of tall towers around Paddington;
- We need new businesses and homes to bolster activity in the City of Westminster. We need the income generation to continue the exceptional work of the City Council and to cope with the additional burdens on the public purse;
- We have to be progressive if London is to remain a leading Capital City in World activities. We need to be bold, raise our expectations and deliver beyond historic prejudices;
- You expect tall buildings in a major global city and space is at a premium.
- The only way we can return to a position where middle income earners can live in central London is by increasing the supply of housing which will neutralise house price inflation and high rents;

- The City Council should not listen to an “organised rabble fixated only by height and a dislike of tall buildings”.

PRESS ADVERTISEMENT / SITE NOTICE: Yes - application advertised as EIA development.

RESPONSES RECEIVED TO SECOND ROUND OF CONSULTATION THAT EXPIRED ON 1 APRIL 2016

COUNCILLOR'S ANTONIA COX AND HEATHER ACTON

Welcome development of this site after so long. However, object to the proposed height of 30 storeys which looms over nearby conservation areas. The height contravenes existing WCC policies and there is no reason to make an exception in this case. The development could set unfortunate precedents. A 26 storey tower was previously rejected and this rejection confirmed at appeal. Tower should be no higher than 25 storeys. Site is not in the Paddington Opportunity Area. There are fewer affordable homes than in the previous lower consented scheme.

COUNCILLORS IAN ADAMS, BARBARA ARZYMANTOW AND MELVIN CAPLAN

Keen to see this site developed as it has been vacant for more than 30 years. However, they object to the as the height of the tower. The tower would still be visible from adjacent conservation areas and would damage the setting of the historic church in Paddington Green.

The application is against the council's tall building policy and the site is outside the Paddington Opportunity Area. As such, there is no justification for a very tall building.

A tower no higher than 25 storeys would be supported. The application is contrary to previous consents on the site and 26 storey tower was rejected on appeal. There are insufficient grounds for an exception in this case.

BUILDING CONTROL

Advise that they have no additional comments to make.

CLEANSING MANAGER

The applicant has not demonstrated that site waste management will be managed in accordance with the City of Westminster Recycling and Waste Storage requirements. A full detailed waste management plan or strategy should be provided given the scale of the development.

The number of bins proposed (100 plus) is excessive. Suggest that the waste and the recycling storage containers and equipment for the whole development should be based on the City Council's requirement for waste and recycling storage capacities. There will be a need for a cardboard bailer and 1 or 2 Bergmann Rotary Compactor. This compactor can save the space of 10 Eurobins (1100L).

The entrances to all the waste stores in basement two are too small to accommodate the passage of 1100L bins. A minimum entrance width of 1.5m is required.

There are also eight different waste stores in basement two, with various distances to the waste holding area before collection. The travel distance for the farthest waste store in the southern corner of the basement to the waste holding area is 105 metres which greatly exceeds the maximum limit of 20 metres. The applicant will need to provide measures to mitigate this, including the use of towing vehicle to tow the bins to the holding area rather than manual handling of the bins. Therefore, the applicant should submit a revised basement two plan and a detailed Waste Management Plan.

ENVIRONMENTAL HEALTH OFFICER

Objects to the air quality impact of the development. Has recommended conditions to mitigate noise and construction impact of development. Request that environmental monitoring during the redevelopment is secured via a legal agreement, at a cost of £40,000 per annum.

NATURAL ENGLAND

Reiterate earlier representation advising that they have no objection to this development.

LONDON UNDERGROUND

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

DESIGNING OUT CRIME

Whilst not a requirement, recommend that the applicant seek Secured by Design accreditation for the scheme.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Welcome the provision of 126 on-site affordable housing units, but regrets that the provision of affordable housing represents just 18% of the total residential floor area against a target policy level of 35% for this site and 19% by unit number against a borough wide target of 30%.

Recommend that the 77 social rented units should have rent levels that are set at target rents. This will ensure that these new build social rented homes are an equivalent offer for those council tenants likely to be affected by the regeneration of Church Street. The Head of Affordable and Private Sector Housing also wishes to ensure that that the 49 intermediate homes are made affordable to a range of eligible intermediate households on different income levels.

SPORT ENGLAND

No comment to make on the revisions. Have directed the City Council to their previous comments.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

The amended proposals do not address their comments on the earlier scheme regarding public space, the height/proportions of Block A, use of brick, lack of variety across the and lack of social/community space.

In addition, the lower Block A now has squatter, fatter proportions and the number of affordable units has reduced by a greater proportion (previously 22% now 19%). They are disappointed that the cinema has been omitted from the scheme (presumably to accommodate additional parking).

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Consider there to be no justification for a building on the north side of the Marylebone flyover to be taller than the 22 storeys. They are happy with the height of the intermediate buildings increasing by a further 1-2 floors to still provide the same level of new accommodation overall.

Reduction in affordable housing is unacceptable. This sites high PTAL rating means affordable housing should be the full 30%. Viability is a matter for the developer. The increase in affordable family size units exacerbates the issues of outdoor play and this situation is likely to get much worse during the Church Street redevelopment.

The interface with the college will also need to be considered.

Section 106 money should not be considered for the Cockpit Theatre as this will not provide improved opportunities and outcomes for local residents. Sport and recreation facilities are more likely to have proven outcomes.

PRACT

Welcome façade setback on Edgware Road frontage and welcome opportunity to comment later public realm improvement proposals in this area.

Request further improvements to crossings to the eastern side of Edgware Road, where the Bakerloo Line tube station is, bearing in mind also the likely redevelopment of Paddington Green Police station.

Consider that insufficient on-site parking has been provided and that this puts pressure on good public transport provision and on-street parking spaces in the area. Request a further review of this.

Parking spaces for residents will not be allocated. Thus it may be possible to issue rather more permits to residents than spaces, on the basis that not all will be in use at the same time. Suggest condition to address this.

Do not dispute trip generation figures and support vehicle servicing arrangements.

SEBRA

Object to 30 storey tower. The tower would be visible far and wide, including from adjacent conservation areas, Regent's Park and Hyde Park/Kensington Gardens and would damage the setting of the historic church in Paddington Green. The tower is also contrary to the Council's own tall buildings policy and contrary to the 2005 appeal decision which rejected a 26 storey tower.

The tower's height should be reduced by at least five storeys before it becomes acceptable. If approved at 30 storeys it would undermine policy and set a precedent. They do not think that there are sufficient grounds for an exception in this case.

They are content with the limited increase in height of the other blocks.

They regret the loss of 32 affordable housing units which is disproportionate. However, they recognise as positive the new inclusion of a number a four bedroom family sized affordable units, which would enable the relocation in the area of large families that will be displaced during rebuilding in the adjacent Church Street Ward area. The open space in the centre of the site should provide play areas for older and younger children, and be open to the general public.

No objection to loss of the roof-top restaurant and cinema; increase in on-site parking and retention of façade setback on Edgware Road.

QUEENS PARK COMMUNITY COUNCIL

Any response to be reported verbally.

ST MARYLEBONE SOCIETY

Welcome the development in the hope that it will regenerate a wider area. Reduction in height is welcome as this lessens the dominance of the building and overshadowing on

neighbouring properties and open spaces although note that the orientation is still such that the widest part of the building casts the most shadow to its north for long periods of the day and this is still a concern.

Use of the same material for all the blocks might be too repetitious and 'estate-like' for such a large urban development. Each site boundary presents a very different architectural idiom. The curved 30-storey tower is a curious choice and a different architectural language should have been considered for the different typologies.

Describing the 10 storey flats as 'mansion blocks' is misleading due to their scale, siting and number of storeys. The overall impression from the visualisations is that the site is being over developed.

The shop at 283 has been purchased and its site incorporated into the plans to open up the public space fronting the Edgware Rd. They do not object to this.

Loss of affordable housing units was offset by providing larger units and this is supported. The loss of the cinema is understandable as no tenant was interested and the locality is well served by other cinemas.

The development could create disruption for residents and businesses.

ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

ROYAL PARKS

Object. The proposal goes some way toward reducing the impact of the development on views from Kensington Gardens, Hyde Park, The Regent's Park, and Primrose Hill but continues to be above the height of 75m that they deem acceptable. Accordingly, the proposal would have an unacceptable impact on views from the above mentioned Royal Parks.

LFEPA

Any response to be reported verbally.

CHILDREN'S SERVICES

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Undesirable on transportation grounds but could be made acceptable. Comments considered in detail below.

ARBORICULTURAL MANAGER

No objection, subject to a condition to secure hard and soft landscaping details.

SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

Any response to be reported verbally.

HISTORIC ENGLAND

Any response to be reported verbally.

CHURCH ST. LARP CO-ORDINATOR

Any response to be reported verbally.

NHS CENTRAL LONDON

Any response to be reported verbally.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

Any response to be reported verbally.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS

Any response to be reported verbally.

KENSINGTON GARDENS

Any response to be reported verbally.

TRANSPORT FOR LONDON***Car, Cycle and Coach Parking***

241 Car parking spaces were initially proposed, of which 71 would be wheelchair accessible. This would provide 1:1 parking for wheelchair accessible units, and an overall parking ratio of 0.35 spaces per unit. Given the excellent public transport accessibility of the site and planned future improvements, this level was considered to be excessive, albeit only moderately so. No objection was therefore raised to car parking levels, although it is noted that parking provision has increased since the application was originally submitted. The parking will be unallocated, which should be secured by s106. Electric Vehicle Charging Point provision is proposed at 20% active and 20% passive, in accordance with Policy 6.13. As the take up (conversion) of passive provision relates to ongoing management and implementation, the delivery of this element should be secured by s106, potentially as part of a car parking management plan. Car Club provision (one space, Zipcar) is being explored by the applicant and this is supported by TFL.

1153 residential cycle parking spaces are proposed (1135 long stay internal and 18 short stay external). 114 commercial spaces are also proposed (85 long stay and 29 short stay). The total number of cycle spaces meet the London Plan minimum levels, though it is noted that the numbers of long and short stay spaces proposed appear to have confused how many short or long stay spaces are required, as approx. 85 short stay and 29 long stay spaces are instead required. The applicant has since corrected this in the

application revisions. It is also noted that a large proportion of designated short stay spaces are shown to lie either on land within the adopted highway (Church Street, a borough road) or upon land which may be the subject of adoption on the Edgware Road frontage. Prior to referral back to the Mayor, the applicant should be able to clearly demonstrate that agreement has been provided from the City Council as to the Church Street on highway provision, which should then be explicitly secured by way of s106 / s278 clause.

The long stay cycle parking includes large (290-440 space) blocks of parking, and the applicant is advised to set out, prior to the determination of the application, how access will be managed to these areas, with measures such as card access and CCTV taken to ensure that the lack of subdivided, smaller groups of spaces, does not lead to excessive risk of theft or damage.

Public transport

By virtue of the predicted impact upon public transport services, informed by the improvements arising from local infrastructure improvements underway, Crossrail at Paddington in particular, no s106 contribution for bus service capacity would be required as a result of the proposed development.

The development would exert a significant additional demand upon Bus Stop facilities, and as such a s106 contribution of £18,000 is sought towards improvements to local bus stops in the immediate locality.

Additional demand would also be placed upon the use of the Mayor's Cycle Hire network, as local stations are already among the most heavily used in London. An increase in capacity equivalent to a standard sized station (27 cycles) should therefore be secured by s106. The applicant proposes to enlarge an existing local station, which may be acceptable, but for which a s106 contribution of £200,000 will be necessary.

Pedestrian Environment & Highway alterations

The enhancement of routes through and around the site are supported in principle. It is noted that the previous permission and current local planning policy seeks to safeguard the Edgware frontage in order to allow for road widening on this part of the TLRN.

The scheme has been designed to ensure that the built form would not encroach onto the safeguarded area of land, though the specific treatments of the land forward of this frontage remains to be determined in detail. In the event that full length carriageway widening (to provide an additional lane of motor vehicle traffic) is not to be delivered on the Edgware Road frontage, it is anticipated that highway enhancements, potentially including lane widening, pedestrian and / or cyclist environment improvements, and the resolution of an existing pinch point at the southernmost part of this frontage, would nonetheless be secured by s106 / s278.

Servicing and Construction

Servicing is proposed to continue to occur within the site and this is welcomed by TfL. The management of this activity should be secured within a detailed Delivery and Servicing Plan (DSP), for which a draft Plan has been submitted with the application. A draft Construction Management Plan (CMP) has also been submitted, including limited details of logistics impacts / approach. The securing by s106 / condition of a Construction

Logistics Plan (CLP), in addition to the DSP would allow the development to accord with London Plan Policy 6.14.

The detailed CLP should be submitted and agreed prior to commencement of development, and the DSP prior to first occupation. 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.

Travel Plan

A framework Travel Plan has been submitted, though is noted to be contradictory and appears incomplete in regard to establishing baseline and proposed mode share targets. The Census data informed adjusted (which the Travel Plan does not set out) baseline mode share and minimum targets should be provided prior to determination of the application, and the subsequent detailed Travel Plans should be secured, enforced, funded, and monitored as part of a s106 agreement in line with London Plan Policy 6.3.

LONDON BOROUGH OF BRENT

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

CIVIL AVIATION AUTHORITY

Any response to be reported verbally.

SKYLINE CAMPAIGN

Object. The amendments are significant and substantial, and not appropriate for consideration as minor amendments. This tactic is very confusing for those who wish to comment on the scheme, and only useful to avoid paying another application fee and to rush through the decision process, allowing objectors very little time to get to grips with the changes proposed.

The proposed reduction in height is welcome but the tower is still excessively high and should be no higher than the 22 storeys approved under the previous appeal for this site.

This site does not fall within the Paddington Opportunity Area. Redevelopment should not therefore absolutely not include a super-tall building.

The City Council's policy states that only one tall building is allowed and that this should be at 1 Merchant Square. The proposed tall building is contrary to this. If allowed, this building would become a dangerous precedent.

This site is adjacent to several conservation areas and listed buildings. The proposed tower would completely change the character of several distinctive neighbourhoods.

This tower would be seen from all surrounding Royal Parks, causing significant harm to their settings.

This building is contrary to Historic England's guidance and objection.

The ratio of affordable homes is significantly below the target of 30%. The benefits for the local community are minimal.

The Skyline Campaign, local residents and amenity groups welcome the redevelopment of this site but this should not mean that development disregards The City Council's policies, the guidance of conservation groups and the opinions of hundreds of local residents and Londoners.

The CGIs presented with the revised scheme are inadequate. The use of 3D modelling should be encouraged as a much more reliable method of assessing impact and views.

WCC should encourage the developer and its architect to withdraw this application and to consider a more modest and appropriate development that will not jeopardise the future of this Borough and of other significant parts of London. WCC should also not rush through this application, ignoring due process. Time must be taken to think through such a large scale development, and to consult widely so as to reach agreement with all stakeholders and Londoners as a whole.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5402

Total No. of replies: 83

No. of objections: 82

No. in support: 1

A 479 signature petition opposed to the development was also received.

In summary, the objectors to the proposal raise the following issues:

- The proposed tower and/or surrounding blocks are too tall for the surrounding built environment, landscape and/or this part of London;
- The proposal would be contrary to the City Council's policies which restrict tall buildings to the Paddington Opportunity Area and/or 1 Merchant Square;
- The proposed tower conflicts with a previous appeal decision for this site;
- The proposed tower would set a precedent;
- The new buildings would damage and disintegrate this neighbourhood;
- The height and bulk of the proposed tower and/or buildings would harm nearby conservation areas (i.e. Paddington Green, Little Venice, Royal Parks (i.e. Hyde Park, Kensington Gardens, The Regent's Park, Primrose Hill) and listed buildings (St Marys Paddington Green). Due to its size, it would also harm conservation areas further afield;
- The proposed tower would be overly dominant to nearby residents;

- The proposed tower and/or buildings would block light and/or overshadow nearby residents and properties;
- The proposed tower should be reduced to 12, 15 or 22 storeys;
- The proposed tower would harm the skyline;
- This proposed tower is contrary to Historic England's guidance;
- The buildings are an eyesore. The design is banal and shows no ambition. The site is a prime location and should warrant a more interesting and sensitive proposal;
- There is not enough green space within the development;
- The proposal would add more traffic and/or parking congestion in an already congested area. The proposal should include more parking;
- Buildings will block light and/or infringe rights of light for neighbouring properties;
- Buildings are unsuitable for their location near the low rise heritage environment around St Mary's Church and Church Street market;
- The City Council has not taken any notice of resident's objections. Instead of one tall building, we are now getting several;
- The decrease in affordable units is unacceptable as there are insufficient affordable units in the area. The revised plans reduce the number of open market units by 1.3% but the number of affordable units by 20%;
- The proposed affordable housing units will not be genuinely affordable for residents of London and/or they will be sold to overseas investors.
- The cinema and roof top restaurant were public benefits to local residents and they have now been removed;
- The project is sheer greed. It is an exercise in cramming in as many units as possible to maximise the developer's profits;
- Local amenities, such as schools and GP surgeries are already stretched to capacity. This amount of units will put further pressure on these services. There is no inclusion of these facilities within the area or development;
- The additional parking spaces are still not adequate for the proposed units or the area;
- The vehicle access on Church Street is inadequate for a development of this size. This area is already congested and the proposal will make this worse. This may compromise the emergency response from Paddington Green Police Station;
- The proposed development will create a wind tunnel at ground level;
- The consultation period is too short, shouldn't have taken place around Christmas and/or the City Council has delayed sending notification letters;
- The applicant has deliberately left the site vacant for a long time to take advantage of increasing land value;
- Development needs to be properly regulated and designed;
- Skyscraper development is unsustainable as it uses 60% more energy to build than development that is seen storey's or less;
- We have confused being successful with making money. If the only criteria of being successful is making money then let's cut all our forests to sell it as wood, let's consider being contract killers, or better still let's demolish all historical buildings and build monstrous structures to make more money. It is fundamentally wrong and the society will pay for this, which means all of us;
- Councils have demolished tower blocks in the past yet borough plans and the London plan appear to be doing a 180 degree turn;

- This site is at the centre of an area of poor east-west permeability for cycling across the heavily-trafficked Edgware Road and could be an opportunity to remedy this;
- The notes in the Design and Access Statement indicate that Council officers have encouraged this application, despite the policy conflict;
- The City Council spent money opposing a proposal for a 26 storey tower, only to now entertain an application for 30 storeys.

In summary, the supporters of the proposal raise the following issues:

- Great to see something useful done with this site as it has been a mess for a long time;
- The proposal would improve the retail offer in this area; around it as well, it certainly couldn't make things worse;
- Young people will be able to afford to move into the area.

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. With an area of approximately 1.065 hectare, it occupies approximately three quarters of the block bound by Church Street (North West), Edgware Road (North East), Newcastle Place (South East) and Paddington Green (South West). It is largely vacant, with the exception of two buildings located on the Edgware Road and Church Street corner of the site and a further building located halfway along the Church Street frontage. A recently erected hoarding encloses the site.

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.

Edgware Road is part of the Transport for London Road Network (TLRN), whilst the City Council is the Highway Authority for Church Street, Paddington Green and Newcastle Place. The Westway, which is also part of the TLRN, is located approximately 130 metres to the south of the site. The Bakerloo and Circle/District/Hammersmith and City Edgware Road Underground Stations are located approximately 120 metres and 250 metres respectively to the south east of the application site.

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. Several other listed items are also located in or around Paddington Green, including a pair of K6 telephone kiosks and the Statue of Mrs Siddons.

The application site is also located within the area covered by the City Council's Futures Plan. The Futures Plan covers the next 15 to 20 years and aims to improve existing homes and build new homes; provide new and better parks and children's play areas; improve shops, jobs and business opportunities; and to ensure that all those who live and work in the Church Street and Paddington Green area have access to good quality schools, healthcare and other services. In particular, the Futures Plan aims to deliver 776 new homes, including the replacement of 306 existing Council homes.

The application site is also located within the recently designated Edgware Road Housing Zone. Designated as such by the Mayor of London, the Mayor and the City Council will be working together to invest more than £150 million in the area to increase the number of new homes by over 1,113 within the next decade.

The surrounding townscape is varied. The only buildings directly abutting the site are on Church Street and Paddington Green. The Paddington Green buildings are the oldest in the vicinity, dating back to Georgian times, whilst those on Church Street are Victorian. The buildings on Paddington Green contain residential flats and a self-storage facility. The buildings on Church Street contain flats and a health centre.

Paddington Green to the west consists of mature and established trees, St Mary's Church and the former burial ground. Architecturally, the most significant building is St Mary's Church which forms the main focal point of the conservation area. The recently completed City of Westminster College building is also located on the northern side of the green. Residential mansion blocks dating to the late 19th and early 20th centuries are located beyond the green and St Mary's Church.

Council housing, including Gilbert Sheldon House, and the 21 storey plus Hall and Braithwaite Towers, are located to the north of the application site. This housing dates from the 1960's and 1970's.

Three to four storey late Victorian and Edwardian buildings with some modern infill is located to the east of the site along Edgware Road. These buildings typically contain retail or other Class A uses at basement and ground floor levels with residential flats above. Council housing, and the Church Street market are located beyond this to the east.

The four to 16 storey Paddington Green Police Station is located to the south of the application site, across Newcastle Place. Paddington basin and the POA are located beyond the police station and the Westway. Many buildings within the POA exceed 20 storeys and include the consented but not completed 42 storey tower at 1 Merchant Square in height.

6.2 Relevant Planning History

The application site has a long and complex planning history. Only those applications relevant to the current proposal are set out below.

The City Council resolved to grant planning permissions, subject to legal agreements, in 1989 and 1991 for mixed use redevelopments comprising residential, retail, offices, restaurants, open space and/or car parking. These legal agreements were never completed. It is understood that most of the buildings on the application site were demolished in the early 1990's as part of attempts to develop this site at the time.

In 1998, the City Council resolved to grant planning permission, subject to a legal agreement, for a supermarket, 228 residential units and 162 holiday let units in buildings of 5-12 storey's high. The legal agreement required acquisition of 283 Edgware Road to enable road widening to proceed and the applicant was unable to do so.

In January 2000, the City Council agreed to pursue the compulsory purchase of 283 Edgware Road. However, the City Council's highway responsibility for Edgware Road passed to Transport for London (TFL) with the coming into being of the latter in July 2000. TFL did not proceed with the road widening and the earlier resolutions to compulsorily purchase this site were rescinded.

Planning permission (ref: 03/03463/FULL) and Conservation Area Consent (ref: 03/03464/CAC) were granted by the Secretary of State (SOS) in October 2005. This approval also excluded 283 Edgware Road. Known as Option A, these approvals allowed demolition of the buildings on the application site and provision of buildings of between five and seven and 22 storeys including a retail supermarket, two retail shops, 307 residential units (including 107 affordable), 156 holiday let units and associated car parking and landscaping. A High Court decision initially quashed the SOS's approval, although a Court of Appeal decision reinstated this approval in 2007. This approval was accompanied by a Unilateral Undertaking.

At the same time, the SOS dismissed an appeal (ref: 03/03465/FULL) for a redevelopment to provide buildings of between six and 26 storeys including a retail supermarket, two retail shops, 326 residential units (including 116 affordable), 156 holiday let units and associated car parking and landscaping. The dismissed development was known as Option B. Like Option A, Option B also excluded 283 Edgware Road. The SOS concluded that, in the absence of any visual or urban design need for a 26 storey building, a tower on the application site should reflect the more general heights of the tall buildings north of Harrow Road and should not seek to match those to its south. Accordingly, a 26 storey tower would appear incongruous in its surroundings, despite the quality of the design. With regards to building E2 under Option B, the Inspector also concluded that its height (i.e. 23.5 m), size and close proximity would have an uncomfortable relationship to buildings within the Paddington Green Conservation Area, thereby harming its character and appearance. This harm was not outweighed by the planning benefits of the scheme (i.e. regeneration of a brownfield site and provision of affordable housing).

Conservation Area Consent ref: 03/03464/CAC, which allowed for the total demolition of 143, 145 and 147 Church Street and 11, 12 and 13 Paddington Green, has been implemented and these buildings have been removed from the application site. Through the construction of a foundation to Block E.1 in September 2010, application ref: 03/03463/FULL has been implemented as per section 56 of the Town and Country

Planning Act 1990 (as amended). Accordingly, the Option A permission remains extant (“the extant permission”).

Despite the implementation of application ref: 03/03463/FULL and 03/0464/CAC, the scheme has not been built out, and the majority of the site has been most recently used as a temporary car park pursuant to a succession of temporary permissions starting in 1993.

More recently, the City Council issued a scoping opinion (ref: 15/07737/EIAOP) on 24 September 2015 pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 (as amended) in 2015 (the EIA Regulations) in connection with the proposed redevelopment.

7. THE PROPOSAL

The applicant proposes the erection of seven mansion blocks and a residential tower to accommodate 652 residential units (including 126 affordable units) and commercial units within Use Classes A1, A2, A3 and B1. A gym would also be located within Block A.

Two basement levels beneath the entire site are also proposed. These levels would provide parking for 270 cars and 1080 bicycles accessed from Church Street. A spa would be located within part of Basement Level 1. The basement levels would also contain services for the development, including refuse/recycling storage and an energy centre.

The site would be laid out around a central courtyard garden, with mansion Blocks B, C, D, E, F and G located around its western, northern and eastern sides and Block A located at the courtyard's southern end. Block H would be located to the west of Block H, on the Newcastle Place and Paddington Green corner of the site. Blocks B, C and D have been set back from the carriageway on Edgware Road to accord with a road widening designation.

All blocks would have red brick as the primary facing material with stone dressing, including upstands, window surrounds and cornices. Bronze coloured PPC aluminium window frames, rainscreens, cladding and ventilation grilles would also be used in places. Inset and/or projecting balconies would also feature on all blocks. Green roofs would cover much of the roofs of Block's B, D, E, F, G and H.

Block A

This building would have a height of ground plus 29 storey's or approximately 105 metres (136.32 m AOD). A crescent shaped porte-cochere would be located at ground floor level on the Newcastle Place frontage. The ground floor level would contain a reception area and gym for the use of the occupants of Block A. The basement spa would be located below Block A and would be accessible to its occupants only. The upper floors would contain 296 private sale flats.

Block B

This building would have a height of ground plus 10 storey's or approximately 41 metres (73.08 m AOD). The ground floor would contain an A3 unit and an A1 unit. The upper

floors would contain 52 intermediate and social rent flats, with a ground floor entrance lobby accessed off Edgware Road.

Block C

This building would have a height of ground plus 10 storey's or approximately 42 metres (74.08 m AOD). The ground floor would contain three A1 units. The upper floors would contain 92 private sale flats, with a ground floor entrance lobby accessed off Edgware Road. A plant room would be located on the top level.

Block D

This building would have a height of ground plus 10 storey's or approximately 40 metres (73.08 m AOD). The ground floor would contain two A1 units. The upper floors would contain 40 social rented flats, with a ground floor entrance lobby accessed off Edgware Road.

Block's E and F

These two buildings are connected by the full height of the eastern elevation of Block E. Block E would have a height of ground plus 18 storey's or approximately 64 metres (96.88 m AOD). Block F would have a height of ground plus 10 storey's or approximately 38 metres (70.93 AOD) and would include a roof terrace. The ground floor of both would contain one flat, a B1 unit and substation, as well as the car park entrance. The upper floors would contain 99 flats. Floors ground to 5 would contain socially rented units, floors 6-10 would contain intermediate units and the remaining floors would contain private sale flats.

Block G

This building would have a height of ground plus six storey's or approximately 24 metres (58.03m AOD). Space for the basement entrance ramp would occupy much of the ground floor. This block would contain 31 private sale flats, accessed via a ground floor entrance lobby located on the southern elevation.

Block H

This building would have a maximum height of ground plus seven storey's or approximately 29 metres (61.45 m AOD), although the majority of this building would not exceed ground plus six storey's (58.18 m AOD). With the exception of a small substation accessed from Newcastle Place, Block H would contain 41 private sale flats. A courtyard area for the use of residents of the development would be located to the north of Block H, between it and the neighbouring site at 4 Paddington Green/4 Princess Louise Close.

Public realm improvements, including hard and soft landscaping, are proposed on the area of land covered by the Edgware Road widening designation and on the pavement surrounding the site. Additions to public realm are also proposed around Block A and to the south of Block B, between it and 283 Edgware Road.

The composition of the development is summarised below:

Floor Areas

USE	FLOORSPACE (M ²)	
	GEA	GIA
RESIDENTIAL (C3)		
Private Sale	60,549	55,371
Intermediate	4,894	4,413
Social Rent	8,663	7,832
Ancillary Spa	1,262	1,146
NON-RESIDENTIAL		
Retail (A1)	1153	1060
Restaurant (A3)	296	267
Office (B1)	158	144
Car Parking and Services	16,487	15,616
TOTAL	93,462	85,849

Housing Mix

TENURE	NUMBER OF BEDROOMS						TOTAL
	STUDIO	ONE	TWO	THREE	FOUR	SIX	
Private Sale	36	171	190	118	9	2	526
Intermediate	0	21	28	0	0	0	49
Social Rent	0	10	21	31	15	0	77
TOTAL UNITS	36	202	239	149	24	2	652
TOTAL (%)	5.5	31.0	36.7	22.9	3.7	0.3	100

Amendments to the proposed development.

The applicant submitted revised drawings and documents, following discussion with officers, on 1 March 2016. The revised submission included the following amendments:

1. Reduction in the height of Block A from ground + 38 storeys to ground + 29 storeys. Increase in height of other blocks;
2. Reduction in number of units proposed from 691 (including 158 affordable units) to 652 (including 126 affordable housing units). Omission of top floor restaurant to Block A and omission of D2 (Cinema) from site;
3. Increase in number of on-site parking spaces from 241 to 270; and
4. Associated internal amendments.

Referral to the Mayor of London

Pursuant to the Town and Country Planning (Mayor of London) Order 2008 (as amended) (“the Order”) this application is referable to the Mayor of London as it is a development comprising more than 150 flats and is a development that includes buildings exceeding 30 metres in height, outside the City of London. Accordingly, this application must be referred back to the Mayor of London, following the committee’s resolution, for a final decision.

8. DETAILED CONSIDERATIONS

8.1 Extant Permission

In this particular instance, it is reasonable and appropriate to use the extant permission for Option A (ref: 03/03463/FULL) as the baseline for considering the impact of this development, instead of the existing site. The City Council are not aware of any reason why the extant permission could not be built and the conditions and legal agreement attached to that permission are not unusual or unduly onerous. Accordingly, the applicant could continue to implement that permission and it is a valid fall-back position.

The long term vacant and cleared nature of a site of this size is also unusual for a Central London site. Comparison solely between the existing situation and the proposed development would be unrealistic and unreasonable for a site in this part of London. The development allowed by the extant permission forms a reasonable model against which to compare the proposed development in the absence of built development on the site.

The extant permission allows a development that includes the following:

- A 22 storey tower in a similar position to Block A;
- Eight buildings of between five and seven storey’s in similar positions to Blocks B-G but forward of the road widening line on Edgware Road;
- A retail supermarket, two retail shops, 307 residential units (including 107 affordable units) and 156 holiday let units; and
- Basement car parking accessed off Church Street.

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: Strategic Policies (adopted 2013) (“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 proposal also includes a large proportion (i.e. 82% by floor area) of private sale housing, thereby contributing to the more balanced mix of tenures sought by policy S12 of the City Plan. The proposed 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 density of the proposed scheme is 612 u/ha or 1,823 hr/ha. Given this sites PTAL rating of 6b and its central location, the proposed development exceeds the appropriate 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 density proposed would also exceed that specified in policy H11 of the UDP for this location (Zone 2 – 250-500 hr/ha).

However, and as set out in the supporting text to policy 3.4 and policy H11, density should not be applied mechanistically, 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.

The proposal would result in new residential floorspace exceeding 1,000 square metres of Gross External Area (GEA). As such, policy S16 of the City Plan expects a proportion of the floorspace to be provided as affordable housing.

Based on the total residential floorspace of approximately 75,368 square metres GEA and the City Council’s Interim Guidance Note on Affordable Housing (November 2013) (“the Interim Note”), there is a requirement for 26,379 square metres (i.e. 35%) of affordable floorspace to be provided.

Policy S16 requires this affordable floorspace to be provided on-site. Only where the Council considers that this is not practical or viable, affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity will only be acceptable where the Council considers that the affordable housing being offered is greater and of a higher quality than would be possible on or off-site. A financial contribution in lieu will only be acceptable where the above options are not possible.

In this instance, the applicant proposes 126 affordable units on-site, with a total floor area of approximately 13,557 square metres (GEA) or 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 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 126 unit contribution proposed is the maximum reasonable contribution that the applicant can make.

It is proposed that 77 of the affordable housing units would be provided as social rented units and 49 would be provided as intermediate housing. This tenure split would be consistent with the GLA guidance of 60:40.

The Head of Affordable and Private Sector Housing has concerns about the future affordability of the intermediate units proposed. The current income threshold for eligible intermediate households in London as determined by the GLA is £71,000 for one and two bedroom intermediate homes. However, the income profile of households registered for intermediate housing opportunities in Westminster evidences that household incomes are lower than the GLA threshold. The median household income for registrants requiring one bed intermediate homes in Westminster is approximately £34,000 while that for units is approximately £39,000.

To address this disparity, the Head of Affordable and Private Sector Housing recommends that 50% of the intermediate homes proposed, by size of unit (i.e. 11 x1 bed and 14 x 2 bed) should be made affordable to intermediate households whose income does not exceed the median level. For a further 25% of the intermediate homes proposed (i.e. 5 x 1 bed and 7 x2 bed), these should be made affordable to intermediate households whose incomes do not exceed upper quartile levels (i.e. £44,000 and £50,000 for one and two bed intermediate households respectively).

For the remaining intermediate homes (i.e. 5 x 1 bed and 7 x 2bed), these should be made affordable to intermediate households whose incomes do not exceed the mid-point between upper quartile income levels and the GLA threshold income (i.e. £57,000 and £61,000 for one and two bed intermediate households respectively).

The Head of Affordable and Private Sector Housing also has some concerns regarding the future affordability of these 49 intermediate affordable housing units where these are provided on a shared ownership basis within the income bands described above. Where shared ownership cannot be made affordable to these income groups, then these intermediate homes should be provided at sub-market rents instead.

Subject to a legal agreement to secure the above, 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, approximately only 27% of the proposed units would be family sized. The GLA have noted in their stage 1 response that this appears low and that there is an expectation that this should be higher given the developments relationship to Church Street and the renewal programme envisaged by the Futures Plan. The GLA have noted that the City Council should confirm that they are happy with this housing mix and that it will help to deliver the decant required to support the Futures Plan and Edgware Road Housing Zone programme.

However, and as noted in paragraph 3.74 of the supporting text to this policy, this requirement will be applied with some flexibility. For example, a lower level of family sized accommodation may be appropriate in very busy, noisy environments. The application site is located in just such an environment, being located on Edgware Road and close to the Westway. Accordingly, this shortfall would be consistent with policy H5 of the UDP in this instance.

Standard of Residential Accommodation

Of the 652 flats proposed, 626 or 96% would meet the size requirements within the Governments Nationally Prescribed Space Standard (March 2015) (“the Space Standard”). The 26 units that do not meet the Space Standards are studio and 1 bedroom flats located within Block A. The shortfalls proposed are marginal and in most instances do not exceed 1-2 square metres, although three of the flats would have shortfalls of 3-4 metres. These shortfalls are not likely to be noticeable to occupants of the flats and an objection to the proposal on this basis could not be sustained.

The majority of the units are also dual aspect and most blocks do not have more than eight units per lift core, as required by the Mayor’s Housing SPG (adopted 2016) (“the Housing SPG”). Blocks B and E-F do have some floors where up to 10 units are served by a single lift core. However, this is acceptable in this instance given the need to provide retail and office units at ground floor level which limits the ability to provide additional cores. All the 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.

Most of the proposed flats would have 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. Of the 652 flats proposed, 108 flats or approximately 17% of the total would not have any outdoor amenity space. This would be consistent with the supporting text to policy H10 of the UDP which envisages balconies and terraces for only one quarter of all units within a development within the CAZ. Notwithstanding this, these flats are generally one or two bedroom units, rather than family sized units with a greater demand for private outdoor amenity space or are located in close proximity to the communal gardens. Accordingly, the proposal would provide an appropriate level of outdoor amenity space for future residents

The supporting text to policy ENV 13 of the UDP specifies that the recommended standards for daylight and sunlight contained within the BRE’s ‘Site Layout Planning for Daylight and Sunlight’ (Second Edition) (published 2011) (“the BRE Guide”) should be applied when considering the standard of accommodation. The BRE Guide notes that daylight levels within new rooms can be checked using the Average Daylight Factor (ADF). The BRE guide provides minimum values of ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms (Para. 2.1.8). However, the BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher

degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by Deloitte (December 2015) ("the Internal Light Study") to demonstrate light levels within the proposed flats in comparison to the BRE Guide. The Internal Light Study indicates that Living rooms and Kitchens throughout the development would have ADF results that do not meet BRE guidance. Several bedrooms would also have ADF levels that do not meet BRE guidance, although as the BRE Guide notes, light to bedrooms is less important. The light levels are largely constrained by the balconies proposed which shade rooms or push the windows to be assessed further into the proposed blocks. However, and as acknowledged by the BRE guide, these balconies provide a pleasant amenity in themselves. Accordingly, their removal would harm the living conditions of future occupiers whilst also compromising the proposed design. Furthermore, the ADF levels proposed are generally consistent with comparable development in the area and are to be expected for development within central London. Accordingly, and given the flexibility permitted by the BRE Guide, the light levels to the proposed units are acceptable.

The Environmental Health Officer has reviewed the proposal and notes that the proposed residential units are capable of having satisfactory internal noise levels. Conditions are recommended to ensure that noise transmission between flats and between flats and the commercial units are within acceptable levels. 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 Retail

Objectors have raised concerns with the impact of the proposed retail units on existing retail units within Church Street.

Policy S21 of the City Plan states that new retail floorspace will be directed to Designated Shopping Centres, such as the Church Street/Edgware Road District Shopping Centre that this site is located within. Accordingly the proposed retail units are appropriately located. The proposed units are also not substantial (i.e. they do not exceed 450 sqm) unlike the supermarket approved under the extant scheme and which would have the potential to have a greater impact on existing retail in this area.

The proposed retail units would also reinstate a large section of Primary Shopping Frontage that has been missing for some time. As well as increasing the retail offer within the Church Street/Edgware Road District Centre, this would bring significant townscape benefits by introducing an active frontage to an area of Edgware Road that has been long blighted by a vacant site and advertisement hoardings.

To safeguard the amenity of residents above, a condition is recommended that limits the opening hours of the retail units.

8.2.3 Office

As per policy S12 of the City Plan, B1 uses are acceptable throughout NWEDA as part of major redevelopments like that proposed. Policy S8 of the City Plan also states that

Edgware Road is an appropriate location for commercial uses. The proposed office unit is also not large enough to be subject to the Mixed Use policy revision set out within emerging policy S1 of the City Plan. Accordingly, the office unit proposed is acceptable.

8.2.4 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.

As the proposed A3 unit would be only a small part of the reinstated frontage, it would support the retail function of the District Shopping Centre and be secondary to it. Conditions are recommended to limit the opening hours of this unit, the provision of tables and chairs outside the unit and the provision of kitchen extraction equipment. Given its limited size and location, and the recommended conditions, the A3 unit would not have an adverse effect on amenity, character of function of the area or traffic. Accordingly, the A3 unit proposed would be acceptable.

8.2.5 Mix of Uses.

Policy DES3 (B) of the UDP requires that developments featuring high buildings provide, amongst other things, a favourable mix of land use which facilitates shorter journeys to work.

The proposed development is predominantly residential, although does include some retail, restaurant and office floor space. Accordingly, the development does feature a mix of residential and employment uses that may encourage some occupants to live and work on-site. Notwithstanding this, the application site is located within Zone 1 and has the highest possible PTAL rating of 6b. Residents within the development would therefore be located within central London where employment uses are prevalent and where short journeys to work are possible. Accordingly, the mix of uses are considered appropriate in this location.

8.2.6 Social and Community Facilities

Objectors are concerned with the impact of the proposed development on community facilities, including schools and GP surgeries within the area.

Policy S34 of the City Plan encourages new social and community facilities, particularly on large scale development sites.

Policies SOC 3 and SOC 6 of the UDP encourage the provision of new education and children's play facilities.

Policy H10 of the UDP specifies that, on sites suitable for large housing developments (i.e. 50+ units) the City Council will require the provision of a community facility as part of the development, where appropriate. The supporting text to this policy specifies that in some

cases, a contribution proportionate to the size of the development, rather than provision, may be an acceptable alternative and will be appropriate where:

- a) it funds the upgrade of existing facilities; and
- b) where there are a number of developments in an area and each contributes to a share of the cost of community facilities.

Community facilities are not provided on-site as part of the development. However, the applicant has agreed to provide a fund of £950,000 to contribute toward various community projects within the vicinity, including the following:

- a) St Mary's Church and Churchyard project. This project would see the crypt converted into a community function space and partially fund redevelopment of the land to the rear of the Church into a community space;
- b) The Cockpit Theatre. This funding would contribute to new theatre facilities as part of a proposed redevelopment;
- c) Improvements to Paddington Green. This would include tree works, planting and lighting and furniture improvements; and
- d) Adpar Street Play Project. A project to provide open space for the community above an existing single storey car park to address anti-social behaviour in the local area. Currently the plans are for two sports pitches and a community gardening space for older residents.

It is recommended that this funding is secured by section 106 agreement.

The Environment Statement (ES) that accompanied the application concludes that the proposal would generate demand for additional primary and secondary school places, although much of this would be absorbed by existing school places. Children's services have requested a contribution toward provision of these school places using the child yield formula attached to the Section 106 Planning Obligations SPG (2008) although this formula cannot be used as it would result in a pooled contribution that would be contrary to the Community Infrastructure Levy Regulations 2010 (as amended). However, the applicant has offered £631,000 toward providing additional school places at King Solomon Academy and Paddington Green Primary School which would be directly impacted by the development. It is recommended that this contribution is secured by section 106 agreement.

The ES also notes that the proposal would result in additional demand on GP surgeries but notes that this can be accommodated within existing surgeries. The ES does suggest that a financial contribution should be considered. However, it would be unreasonable to make such a request given the surplus identified. The City Council is also not aware of any other evidence to suggest that an additional GP surgery would be required. Accordingly, it is recommended that this contribution is not sought.

With regards to children's play space, the garden and terrace areas proposed are capable of accommodating much of the demand from this development. A condition is recommended to secure details of this play space on-site. Despite this, the ES indicates that the proposal would generate an off-site demand for play space equating to 145 square metres. The social and community fund recommended above would also allow provision for this as part of the Adpar Street Play Project. The applicant has also offered

a contribution of £13,360 toward open space provision and enhancement. Accordingly, the play space provision is considered acceptable.

Subject to a section 106 agreement to secure the above contributions, the proposed development would meet policy 3.6 of the London Plan, policy S34 of the City Plan and policies SOC 3, SOC 6 and H10 of the UDP.

8.3 Conservation, Townscape and Design

Most objectors raise concerns with harm from the proposed building on nearby heritage assets and views. Many also do not consider their sufficient public benefits arising from the development to outweigh this harm. Many also object to the design proposed.

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

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

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issue of harm to designated heritage assets. Where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or inter alia, the harm or loss is outweighed by the benefit of bringing the site back into use. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policies S25 and S28 of the City Plan recognise the importance of Westminster’s historic townscape and the need to conserve it, and require exemplary standards of sustainable and inclusive urban design and architecture.

Policy DES1 of the UDP sets out principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings and indicates that development proposals involving the demolition of unlisted buildings may be permitted where the existing building(s) makes either a negative or insignificant contribution to the character or appearance of the area, and/or if the proposed development will result in an enhancement of the conservation area’s overall character or appearance.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

London Plan and the City Council's policies on tall or high buildings and their design impact are also particularly relevant in this instance. Policy 7.7 of the London Plan contains several criteria that tall buildings should be considered against, including limiting their location to the CAZ or areas that have good public transport accessibility; requiring high standards of design; incorporation of ground floor activity so they have a positive relationship with surrounding streets and making a significant contribution to local regeneration. Policy S3 of the City Plan specifies that one site has been identified within the POA for a single landmark, high quality building. That site is located approximately 100 metres to the south of the application site. In other locations within the POA, high buildings could not be accommodated without detriment to the surrounding townscape. Policy S26 of the City Plan also specifies that strategic and local views will be protected from inappropriate, intrusive or insensitive development.

Policy DES3 of the UDP resists high buildings where they would intrude upon strategic views; where they would adversely impact heritage assets and their settings or local views; and where they would be incongruous in relation to prevailing character. In exceptional circumstances, where they are permitted, high buildings shall be of high quality design; shall enhance the long distance skyline of Central London; shall be within the capacity or future capacity of transport infrastructure and shall provide a favourable mix of land use. High buildings shall also contribute to regeneration within the locality they are to be located and should define points of significant urban activity and accord with the scale and character of the urban grain, street frontage lengths, existing open space, planting and other topographical features. They should also enhance accessibility and public realm.

The City Council also undertook consultation on informal booklet 15 setting out possible revisions to Heritage, Views and Tall Buildings policy between January and March 2015. Having regard to the tests within paragraph 216 of the NPPF, the policy proposals within that document are at such an early stage as to have no weight.

Historic England have also produced guidance in relation to tall buildings (Tall Buildings: Historic England Advice Note 4 (2015)). This does not form part of the development plan. This advice note advocates a plan led approach to planning for tall buildings and Historic England note in their objection that the City Council have done this with policy S3 of the City Plan. The advice note also reiterates the importance of the statutory and policy considerations noted above as they relate to tall buildings and heritage assets.

8.3.1 Public Realm and Urban Design

While the scheme involves the creation of a series of separate buildings, it is also important to assess the quality of the development as a whole in terms of its urban design. The urban design is the arrangement and form of buildings and how this helps shape the open space, the permeability and the legibility of pedestrian and vehicular routes, with consideration also for the hard and soft landscaping proposed. The particular issues related to the specific heights and massing of the buildings are considered elsewhere in this report.

The arrangement of buildings within the currently proposed scheme is similar to the extant permission. A common theme between the previous appeal schemes and the current

proposals is that the Edgware Road frontage accommodates a series of mansion block style buildings which continue around onto Church Street and to the west side of the site. All of these buildings wrap around and define a central rectangular shaped landscaped garden square to the centre of the development. As with the extant permission a tower building is sited to the south side of this central garden, with the tower building also flanking the north side of a retained street alignment of Newcastle Place. New mansion block style buildings are also proposed to line the north side of the western end of Newcastle Place with these continuing around onto Paddington Green.

There are differences of some significance however, to both the form and character of the spaces being created. In comparison with the previous appeal scheme, the Edgware Road frontage has been set back notably further from the street, progressively so towards the northern end of the site, which gives a more recessed and straightened front elevation line to these blocks which sits more comfortably with the established building line on Edgware Road. The additional frontage space created allows for a greater degree of planting to soften the urban realm adjacent to the busy Edgware Road, which is welcomed in itself.

As with the extant permission and dismissed appeal scheme, the proposals do not include works to, or the demolition of, 283 Edgware Road which remains as an awkward feature on an otherwise fully redeveloped adjacent site. A more preferable approach would be its full removal and the landscaping of this area. However, it is understood the applicant has recently acquired this site and that it will come forward for development at a later stage pending the outcome of this application. In this scheme 283 Edgware Road remains and flanks the southern side of the tree lined square fronting Edgware Road with subtle suspended lighting proposed across the square, which will help screen an impression of the retained blank side elevation. Given this, it is considered that the applicants have made some reasonable efforts to meet the challenging task of integrating it into the redevelopment of the site. The line of trees in the square provides an appropriate formal landscaped approach to the base of the tower, and gives an attractive visual amenity in the Edgware Road townscape.

The mansion blocks lining Edgware Road are now proposed to continue uninterrupted to the corner with Church Street, whereas in the extant permission and dismissed appeal schemes the side elevation of the Church Street frontage was revealed and set back, giving a more stepped arrangement to the corner. The creation of a longer, more continuous building frontage lining the principal route of Edgware Road is considered a more appropriate arrangement than the arrangement in the previous scheme.

The proposed Church Street frontage now also takes a straighter more recessed line than in the previous schemes, which helps create a wider paved footway with associated tree planting which will notably improve the pedestrian route from Paddington Green and Westminster College to Edgware Road. The slight step in the building line between this element of the new development to the adjacent existing terraced properties follows the arrangement of these terraced properties with the Children's Hospital building to their west side, and in this context the step created in the Church Street building line is considered appropriate.

The more curving form of the tower as compared to the previous schemes influences the arrangement of the other buildings and the general layout on site. The curving north

elevation softens what was previously a hard edged element to the development, and this aspect, and the greater distance between the tower and the mansion blocks proposed to the north side of it allows for a curving landscaped pedestrian route through the site. This area north of the tower is not publically accessible in the extant permission and the greater permeability through this large site is a welcome benefit of the current proposals, with the route being flanked by a number of active ground floor uses which serve to give an active frontage animating this route.

The GLA have referred to the Newcastle Place frontage of the proposed tower, expressing concern that the vehicular drop off zone prioritises the needs of vehicle access at the expense of pedestrian movement. Though noting their concerns, this area would be uniformly paved in granite setts, and the drawings and visuals submitted suggest an intention for an area with the character of a shared space. Though there is less of a clearly defined pedestrian only zone, it will nonetheless not appear unduly dominated by vehicles. This area must also be considered in context with the additional pedestrian only route to the north side of the tower. Given the greater permeability of the scheme in comparison to the extant permission and the design approach taken to the south side of the tower, the concerns raised by the GLA are not considered so significant as to warrant a wider scale re-design of this space to the south side of the tower.

The applicants state that the amount of open space provision has increased from 20% of the area in the previous appeal scheme to 54% in the current scheme. However, the 54% includes the central landscaped garden square to the development, whereas the 20% figure does not include this area. The square in the extant permission was notably higher than pavement level and was significantly screened from view from the public realm. The garden square in the currently proposed scheme, whilst not publically accessible space, does nonetheless directly abut a public pedestrian route and therefore has a significantly greater visual amenity role in the current scheme. Overall, there is a notable increase in the extent of landscaped open space within and around the current proposed development, both in terms of publically accessible space and other green space of visual amenity, which is welcomed in itself.

The applicants are proposing a package of public art installations and the considered use of night time illumination to further enhance the experience of using the public realm. Other 'incidents' are provided by such installations as the water features. Conditions are recommended to secure full details of hard and soft landscaping, public art and illumination.

With regards to the tower, a curving form creates challenges for the public realm at the base in terms of its definition and enclosure of public space. However, the surrounding mansion blocks respond to its footprint and together create a series of well-defined public spaces. The curving nature of the tower has other advantages in terms of the impact on some of the longer distance views and with other microclimatic considerations. Overall, it is considered that the tower and mansion blocks create a varied but nonetheless well-defined public realm to the site.

The GLA have expressed a view that the layout of the new scheme is generally well considered and creates a mostly legible and permeable development which is considered a significant improvement on the previous consent. Historic England also advise that they welcome the overall public realm/urban design approach proposed.

The existing site is also a large vacant site through which no public access is possible and which is considered a blight on the area. In this context, the principle of a permeable and attractively landscaped development of the site is welcomed.

The proposals are therefore an improvement on the extant permission and a significant improvement on the existing site. It is considered to meet the specific test set out in Policy DES 3 of the UDP which seeks to ensure that high building proposals serve to enhance accessibility and pedestrian movement, incorporate open space and active frontages at street level and secure an enhancement of the public realm.

In summary, the proposed arrangement of buildings and resulting public realm would accord with policies S28, S35 and S41 of the City Plan and policies DES1, DES 3 and ENV15 of the UDP.

8.3.2 Block A (tower element) - Design Overview

A tower element to this southern part of the site, with mansion block style buildings elsewhere on site, forms an integral part of the extant permission. The location of the tower flanks Newcastle Place as in the extant permission, although it is located further to the west on the site, and therefore further back from the Edgware Road frontage and closer to Paddington Green, than under the previous schemes.

The proposed tower, by virtue of its height and location, would have a city-wide impact. Policy DES3 of the UPD requires the quality of architectural design to 'visibly contribute to the character of London as a World Class City'.

The current proposal is for a tower comprising 30 floor levels and which rises to 133.32m AOD with the set-back plant room rising a further 3m and with a smaller flue rising 1m above the plant room. In terms of its footprint, the tower in the extant permission had a floorplate 47m long (roughly E-W) by 22m (roughly N-S) at their widest points. The current proposal is for a tower which has a floorplate 52.5m (roughly E-W) and 31m (roughly N-S) at their widest points, with this floorplate rising un-modulated to the top of the building.

The tower contains a series of uses to its ground floor, with several reception areas, a gym and a resident's lounge, and residential flats above. The more public uses to the ground floor of the tower do help animate the edge of the building appropriately, with the series of clearly expressed framed openings which light these uses helping give a defined base to the tower, 'grounding' it within the surrounding landscaping.

The tower in its revised shortened form does not incorporate any form of bar, restaurant or viewing platform to its upper levels, which is not consistent with policy 7.7 (C) (h) of the London Plan nor the accompanying text to policy DES 3 of the UDP which both seek to encourage tall buildings to incorporate publicly accessible areas on the upper floors, where appropriate.

8.3.3 Block A - Height and Views

During the course of the application, the height of the tower was reduced from the initially submitted 39 stories to the revised height of 30 storeys. A significant number of objections have been received to the height, bulk and/or visual prominence of the tower, with a number of objectors suggesting an appropriate maximum of 25 stories and others suggesting that the 22 storey tower under the extant permission should be a maximum. The GLA and several other commentators advised that they consider the height appropriate (received in response to the originally submitted scheme for a 162.1m AOD, 38 storey tower).

The 22 storey tower under the extant permission would rise to 110.70m AOD in height to its main shoulder with a plant room rising several metres above. The 26 storey tower previously refused on appeal in 2005 on grounds of its visual impact rose to 123.5m AOD in height to its main shoulder with a plant room rising several metres above.

In the surrounding area, the tower approved at 1 Merchant Square would have a height of 181.40m AOD (to the top of its external fin structures) and 42 floors. There are also other prominent 21 storey towers (Hall Tower and Braithwaite Tower) to the north of the site, the Paddington Green Police Station tower rising to 16 floors and 57m from ground (not AOD), and other high buildings in the surrounding area including the Metropole (Hilton Hotel) tower at 91m from ground and Burne House, amongst others.

Policy DES 3 of the UDP requires high building proposals to be assessed in terms of their impact on certain views. In this case the most sensitive views are those affecting conservation areas, listed buildings and the Royal Parks, though there are also clear views from other viewpoints in the surrounding area. To help illustrate the visual impact that the tower (and other buildings) would have upon the townscape of Westminster, the applicants have produced a number of AVR's (Accurate Visual Representations) of the scheme.

When assessing the closer to middle distance views of the tower, the form, materials and architectural detailing of the elevations will be important in helping to inform the viewer's opinion of the quality of the building and its visual impact. In views from a longer distance, for example from the Royal Parks, the appreciation is largely restricted to the basic form and silhouette of the building, although colour of materials can also play some significant part in visual appreciation from distance. Due to the elongated curved form of the proposed tower, the visual form in terms of height, bulk and mass differs notably depending upon the direction of view.

The development proposed would not intrude upon strategic views, or upon the setting of the Palace of Westminster or Westminster Abbey World Heritage Site. It is located within the London View Management Framework's London panorama incorporating protected vistas from Primrose Hill, as discussed below.

Policy DES 3 (2) states that high buildings will not be permitted where the development would have an adverse impact upon the character and appearance of designated conservation areas. Given its significant height, there are views of the tower from a number of surrounding conservation areas. The applicants have submitted a comprehensive set of views that show the existing view, this same view with the proposed scheme included, and this same view showing the proposed development and also other

development proposals in the vicinity including the tower previously approved at 1 Merchant Square.

Paddington Green

The Paddington Green Conservation Area is the one most directly affected by these development proposals, and a section of the west edge of the application site is within this conservation area. The applicants consider the impact on this Conservation Area to be beneficial. The conservation area is centred on the Grade 2* listed St Mary's Church and the surrounding churchyard. Paddington Green and St Mary's Gardens, principally comprises the buildings flanking these spaces and also buildings on and just off St Mary's Terrace. The area was first laid out in the late 18th and early 19th century, and from that period St Mary's Church and 17-18 Paddington Green remain, with a number of other buildings including the Children's Hospital building to the east side of Paddington Green being of later 19th century or early 20th century date. Paddington Green is listed within the London Squares Preservation Act of 1931, though not the Churchyard or St Mary's Gardens. Much of its character derives from the extensive tree planting to the green spaces, and the attractive quality of a number of the individual buildings. Nonetheless, the existing setting and character of the conservation area is compromised in a number of respects, including by the creation of the Westway to the south side of the conservation area, the loss of the majority of the original buildings which lined these public spaces with replacement in several cases by prominent 20th century buildings, and the more disjointed townscape now in place rather than the more continuous enclosure of the public spaces by buildings originally conceived.

Also of note is the outlook from the conservation area. Tall buildings are already present in views out from the conservation area, including Hall Tower and Braithwaite tower north of Church Street, with Kennet House visible in longer views east on Church Street. The existing tower to the Paddington Police Station site is also clearly visible from Paddington Green. None of these towers are considered of good architectural quality. The emerging dense development of Paddington Basin, including approved proposals for a 42 storey tower at 1 Merchant Square, are also to the south side of the Westway in relatively close proximity to the conservation area.

Though the approved tower at 1 Merchant Square would be considerably larger than the tower in this current scheme, none of the extant towers in the surrounding area are of the scale of the tower proposed in this application submission, and none are seen in such close proximity to the backdrop to the east side of Paddington Green which retains, aside from St Mary's Church and several monuments and statues, the only listed buildings to the conservation area. Though the coherence of the original conservation area in its early 19th century form has been weakened, the application proposals nonetheless represent a very large development in close proximity to a remaining historic segment.

In the decision notice on the two previous appeal schemes, the Inspector noted that in his opinion the trees within the Green obscure the detail of the buildings beyond, until one gets closer to the eastern edge of the Green. He noted that slightly lesser height and mass of the 22 storey tower was nonetheless preferable in the context of what else can be seen specifically in the context of the Conservation Area.

View 21 submitted by the applicant shows the impression of the proposed tower from the west side of Paddington Green. The view presented is taken in summer time when the trees are in leaf and in this particular view from the west side of the Green the tower would be set behind the heavy screen of trees and below the tree line.

View 21 has also been shown as a winter time view, and it is clear that the trees to Paddington Green are deciduous trees. Accordingly, the winter time visual impact would be more dramatic and this point was noted by Historic England in their objection. The visual impact would clearly be greater than either of the previous appeal schemes, including the 26 storey tower dismissed at appeal. However, the view of the tower proposed would nonetheless be through trees, either with or without leaves, with the winter time view showing a visually prominent tower which is nonetheless appreciated through what remains a relatively significant screen of tree branches.

View 33 shows the impression of the proposed tower (and other buildings) from the east side of Paddington Green and in this view clear of the tree cover the impression of the tower seen rising above dramatically above the height of the existing buildings flanking the east side of Paddington Green could only appear intrusive in the view.

As set out above, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This area was originally designed to be a small scale garden square and church grounds beyond, lined by relatively small scale domestic buildings. Though a number of elements of the character of the area have changed significantly, this impression still remains to some extent to the east side of Paddington Green. In these views east from the conservation area the more slender (in relative terms) tapering end of the tower will be more clearly appreciated rather than an impression of its fuller E-W width, though it is to be appreciated that its N-S footprint is notably larger than in the extant permission, adding to the visual impact. The tower is therefore higher and wider than as previously considered inappropriate by the Inspector, and seen in this context a 30 storey tower would be a very high and imposing feature, significantly prominent in the visual impression in views of the buildings on the east side of Paddington Green, and views east out of the conservation area generally.

Overall, Block A would give rise to harm to the setting of the Paddington Green Conservation Area, although this harm would be less than substantial.

With specific reference to views from Paddington Green, but also from the wider surrounding area, the Paddington Waterways and Maida Vale Society express specific concern about the visual impact of a tall building when the lights are on at night. However, given the relative visual solidity of this block, and mindful of the impression given in the several night time views presented, this is not considered an unacceptable issue in itself, over and above the comments expressed above and below.

Maida Vale

View 8 is from Westbourne Terrace Road Bridge and offers one of the clearest views to the development from within the Maida Vale Conservation Area. Both summer time and winter time views are presented in the submission from this viewpoint. The applicants have commented with specific regards to the summertime view that they regard the

impact of the tower as beneficial. In summer time, the tower would be readily visible in this view, with the view study showing that four floors will be fully visible clear above the tree line, with a further six visible above the tree line though partially screened by the canopy of a larger tree in this view. The winter time view shows the tower as a more dramatic skyline feature in this view. Twelve floors are fully visible about the lower height building in line with this view, with only very limited screening from tree branches without leaves to mitigate the visual impact.

The Inspector for the previous appeal schemes noted his opinion that the taller 26 storey tower would sit more comfortably in the left-to-right progression from Hall and Braithwaite Towers through to the proposed GU Tower (location for no. 1 Merchant Square approval), and that there is little to choose if the GU tower is not built. He continued, stating that what might favour a restriction to 22 storeys is the fact that, like Hall and Braithwaite Towers, the 22 storey building would barely project above the summer skyline when the trees are in leaf.

It is clear that the summer time view would be of a prominent and imposing tower building notably visible above the tree line, and that in winter time the building would have a more dramatic visual impression, though one seen then in context with both Hall and Braithwaite towers which are readily apparent in winter rising above the general built context surrounding. The Inspectors comments regarding the townscape implications are of note, and the visual impression of the West End Green site tower forming a role in a stepping up in scale from Hall and Braithwaite Towers through to the 1 Merchant Square site (then GU Tower site) would still remain. It is also clear that in both the summer time and winter time views the tower approved at 1 Merchant Square would, when built, be dramatically prominent in this view. The 22 storey tower previously approved on appeal would also be readily apparent in the winter time view to a comparable degree as Hall Tower and Braithwaite tower.

There are therefore existing towers on the skyline in winter time already present in the view, in addition to the approved tower at 1 Merchant Square, which would be visually dramatic all year round in this view. Notwithstanding this, the view from this bridge is an attractive one to a significantly treed part of Maida Vale, and although 1 Merchant Square would dramatically break the tree line in this view, a further tower clearly prominent above the skyline in the view would cause some harm. Given the context, particularly in winter time when the other surrounding buildings would be more notable in this townscape context, and also in light of 1 Merchant Square and the Inspectors comments, the impact of the tower on the setting of the Maida Vale Conservation Area would cause less than substantial harm.

View 9 is from Blomfield Road and has also been presented in both summer time and winter time views. The summer time view shows that the tower would be screened by heavy tree cover in this viewpoint and would not be visible. In winter time, the building is visible as an impression through, but not above, the foreground trees but that the dense arrangement of tree branches would screen it largely from readily appreciable view. This viewpoint however does suggest that there will likely be glimpsed views of the tower between trees and buildings in a number of viewpoints along Blomfield Road, although these more glimpsed views would not be anticipated to be focussed with the tower on clear axis of the view to the degree as is the case with view 8.

View 11 shows the view south on Lanark Road and in this view the existing tower blocks of Parsons House, Hall Tower and Braithwaite Tower are clearly visible. The tower proposed would be visible. However, it would sit within the existing cluster of high buildings in this view, and as such would not unduly affect the setting of the conservation area from this viewpoint.

Overall, Block A would give rise to less than substantial harm to the setting of the Maida Vale Conservation Area.

Lisson Grove

View 17 is from Bell Street and is considered in more depth below with regards to the impact on the setting of Christ Church on Cosway Street. Historic England make specific reference to what they consider to be a harmful impact of the tower in this view. However, officers consider that, although the tower will be a prominent feature on the skyline, given the street context with relatively substantial residential buildings rising in the foreground, it does not appear unduly obtrusive in this view.

View 18 is along Ashmill Street and is also considered in more depth below with regards to the impact on the setting of the listed buildings on the south side of this street. Whilst a large scale intervention into the skyline, the tower is seen in context with the large modern building to the junction with Lisson Grove, is seen above modern buildings to the street and does not rise above the crown of street trees also visible in this view. In addition, the tower under the extant permission and the approved tower at 1 Merchant Square would both be notably visible above the roofscape. The tower will be a high and prominent feature on the skyline in this view. However, it does not appear unduly obtrusive in the context.

Bayswater

Views from the Bayswater Conservation Area are restricted to those viewpoints where the alignment of streets and foreground buildings and trees allow views on axis with the site. View 5 is from the junction of Sussex Gardens and Sale Place and shows that the tower would be largely hidden by foreground development and tree cover. View 6 from the junction of Sussex Gardens and Southwick Street shows that the development would not be visible. View 7 from the junction of Gloucester Terrace and Cleveland Street shows that the building would be visible but would be a minor feature not notably breaking the skyline in that view.

St Johns Wood

View 12 is taken from the St John's Wood Conservation Area, on Maida Vale just south of the junction with St John's Wood Road. In this view, the tower would be fully obscured by tree cover in summer time, and though visible in winter time, would be screened to a significant extent by the dense arrangement of branches to this part of the street. At the very south edge of the conservation area on Maida Vale the tower would be readily visible, though in this view would be seen in context with Parsons House which will appear more imposing given its greater proximity to the viewpoint. With the Metropole (Hilton Hotel) in the background of the view, the tower proposed would be seen in this context of other buildings higher than their immediate townscape context. Other views from the

conservation area are not anticipated to show the tower other than as a more distant feature not unacceptably intruding on views.

Portman Estate

Two views are given in locations on Marylebone Road which are both just outside the Portman Estate Conservation Area. View 1 is taken from the north end of Enford Street and shows the tower set behind the canopy of a large tree to Marylebone Road in summer and little higher than nearby Burne House to the north side of Marylebone Road in the clearer winter time views. View 2 is taken further to the west at the junction with Old Marylebone Road and the tower is no longer screened by trees, but still remains visually at the height of and set partially behind Burne House. Given that it does not introduce a greater degree of bulk to the skyline on this section of Marylebone Road, this visual impact is considered acceptable. Though the Marylebone Association express concern that the tower would intrude on views out of this conservation area, the impact is not considered harmful.

Dorset Square

No views are provided from the Dorset Square Conservation Area but view 17 shows the development from a location on Bell Street which is close to the line of view from the south side of Dorset Square. The tower would be anticipated to be visible on the skyline in views west from this location. However, it would not be intrusively so given the heights of the existing buildings and street trees to this location.

Fisherton Street Estate

No views are provided from the Fisherton Street Estate Conservation Area. Whilst the tower would be anticipated to be visible from the edge of the conservation area at the junction of Luton Street and Fisherton Street, the existing Hall Tower, Braithwaite Tower and Kennet House are all already visible in the viewpoint.

Molyneux Street

The streets comprising the Molyneux Street Conservation Area are not quite on axis with the application site, and it is not anticipated that the tower would have any intrusive impact on views from this Conservation Area.

In summary, the tower element of the application proposals is considered to give rise to less than substantial harm to the Paddington Green Conservation Area and to the Maida Vale Conservation Area. However, the impact on other conservation areas in the wider surrounding area is not considered harmful. The Committee are therefore asked to consider whether the public benefits of the scheme as set out elsewhere in the report outweigh the less than substantial harm officers consider to be caused, mindful of the statutory, policy and guidance tests set out above.

8.3.4 Block A - Views from the Royal Parks

Policy DES 3 (A) (2) (b) of the UDP states that high buildings will not be permitted where the development would have an adverse impact upon the views obtained from the Royal

Parks. A significant number of views studies have been provided by the applicants from both Regents Park and Hyde Park/Kensington Gardens, which are within conservation areas, and also from Primrose Hill. Historic England have noted that Kensington Gardens, Hyde Park and Regent's Park are all Grade 1 historic registered parks, with Primrose Hill being grade 2, and have expressed concerns with regards to the impact from all these locations.

The Royal Parks have also objected to the proposals and have advised that they consider there would be an adverse impact on views from Kensington Gardens, Hyde Park, Regent's Park, and Primrose Hill. In their opinion, 75m AOD is the total height considered acceptable at this distance from these locations. However, the height limit they suggest would be significantly broken by the extant permission and also by 1 Merchant Square.

The tower proposed would be visible above the tree line in a number of views from these parks, although this is mitigated to an extent by the distance and, in some views, by the existence of other high buildings on the skyline and by the intended presence of 1 Merchant Square.

In views 23 and 24 (Kensington Gardens/Serpentine), the tower would not rise above the prevailing tree line, and though visible in view 25 from Serpentine Bridge this is within a depression in the prevailing tree line where other tower buildings are also visible. The tower would be clearly visible above the skyline from view 26 to the east end of Hyde Park, although it would sit within a cluster of higher buildings in this view. Historic England have expressed strong concerns about the impact of a winter view from the Long Bridge over the lake from Regent's Park Lane (view 28) and it is recognised that the tower would be visible from this bridge. However, the tower would still principally be viewed through or between areas of tree branches, for a relatively short stretch of this bridge, and it is noted that the tower approved at 1 Merchant Square would also be readily visible in this view.

Though the tower now proposed is significantly higher than either the previous 22 or 26 storey schemes, the Inspector opined that in a view from Hyde Park he saw no argument in favour of the smaller 22 storey tower as compared to the 26 storey tower where it was seen between existing towers. The Inspector also commented that from Regent's Park the 26 storey tower is to be preferred as it would stand more comfortably alongside the GU tower (location for 1 Merchant Square), and that he considered that there was something in his opinion more satisfactory about its positive projection above the skyline. He commented further that the distance of the appeal site from Regent's Park is enough on its own to ensure that a tall building upon it would not appear unduly intrusive, let alone dominant.

8.3.5 Building A - Other Views

Primrose Hill

View 30 is taken from the summit of Primrose Hill. The London View Management Framework (LVMF) illustrates a panorama of central London from this viewpoint containing two protected vistas to the Palace of Westminster and to St Paul's Cathedral. The site is a significant distance away from the protected vista to the Palace of Westminster and other landmarks referred to such as the BT Tower and London Eye, and

further still from St Paul's Cathedral, and the principal interest in the LVMF view is not in the direction of the site. The panorama of central London from the summit of Primrose Hill is clearly an attractive one, and the tower would be clearly visible and would be prominent above its current immediately surrounding townscape. However, this visual impact is mitigated by the tower proposed being sited directly on axis from this view to the site of 1 Merchant Square which will be anticipated in time to contain a larger tower building, and also with other towers surrounding such as the London Hilton Metropole, Hall and Braithwaite Towers, and others.

Edgware Road

Several views have also been provided showing the visual impact of the tower from both north and south on Edgware Road. View 4 is taken from the junction of Edgware Road and Crawford Place to the south of Harrow Road and in this view the tower is significantly screened by the bulk of the London Hilton. Views 15 and 16 are taken from north of the application site on Edgware Road. Both these views show the tower set in a context of other high buildings in the surrounding townscape of Parsons House, Hall and Braithwaite Towers and the London Hilton Metropole. It is recognised that the tower proposed would be larger than these surrounding buildings by some significant degree in the case of the towers north of Harrow Road. It is also recognised that from these views from the north, the wider width of the tower than in the approved appeal scheme would be apparent. In the previous appeal scheme, the Inspector advised that he did not consider that there was a visual or urban design need for a taller building, and that in his opinion the 26 storey tower would be more or less the same height as the London Hilton Metropole on the south side of Harrow Road which he considered inappropriate in urban design terms.

Though recognising these concerns, the area both north of Harrow Road and on the west side of Edgware Road has a somewhat disjointed townscape which incorporates the three high buildings (Hall and Braithwaite Towers and Parsons House) which are all set back from the Edgware Road frontage, and has the London Hilton Metropole and future tower at 1 Merchant Square in the backdrop of a view south. The tower now proposed is set notably further back from the Edgware Road frontage than in the previous appeal schemes, which acts to reduce the length of Edgware Road in views from the south. This also allows some degree of an impression of a step down in scale from the tower to buildings B-D and to the bulk of the Hilton Metropole beyond in views from the north, whereas the appeal scheme had the impression of the tower rising up more directly from the Edgware Road frontage which in its own terms gave it an imposing impression on the street frontage. The impression of a set back tower is more in line with the character of the townscape north of Harrow Road where three such towers are located.

The greater width of the tower as compared to the previous appeal scheme will be apparent in these views. The Hilton Metropole has a north (Harrow Road) facing frontage of approximately 36m, and with Burne House, Parsons House and Capital House in the surrounding area also having in excess of 30m frontages to the street, there is some context for a wider tower. The site sits close to a junction of significant central London routes (Edgware Road, Harrow Road/Marylebone Road) which has a distinct cluster of tall buildings surrounding. Though recognising the concerns of the Inspector, and recognising the greater height and width than in the dismissed appeal scheme, officers consider that there could be justification for a tower building of this scale set back from the Edgware Road frontage in the context noted above.

Overall, the proposal would have greater visual presence than the scheme allowed under the extant permission, due to its greater height and width. Officers consider that it is the visual impact of the tower from the Paddington Green and from the Maida Vale Conservation Areas which is considered to give rise to less than substantial harm. From other locations, and despite being visible, the proposed tower is not considered harmful to the character and appearance of the townscape or setting of other conservation areas.

The Committee are therefore asked whether or not they consider that the public benefits of the scheme as set out elsewhere in the report outweigh the less than substantial harm officers consider to be caused to the character, appearance and setting of the Paddington Green Conservation Area and Maida Vale Conservation Area by the tower in these regards, mindful of the statutory, policy and guidance tests set out above.

8.3.6 Block A - Impact on Setting of Listed Buildings

Policy DES 3 (2) in the Unitary Development Plan states that high buildings will not be permitted where the development would have an adverse impact upon listed buildings and their settings. There are a number of listed buildings in close proximity to this development site, with the ones most closely affected being within Paddington Green.

Nos 17-18 Paddington Green and Children's Hospital building – Paddington Green

Nos. 17-18 Paddington Green are a pair of Grade 2 listed buildings originally constructed around 1800 as separate houses. They are formed by main wings faced in yellow stock brickwork and covering lower ground, ground and three upper floors, with subsidiary flanking wings also in brickwork.

The Children's Hospital building to the junction with Church Street is Grade 2 listed, and is a red brick building with red terracotta dressings. The main body of this building covers ground and three upper floors, with an additional floor and a flamboyant gabled roofline to the corner wing. The list description refers to it being mainly listed for a series of internally located tile pictures.

With regards to the effect on the significance of these heritage assets, the applicants advise that they consider the impact would be major beneficial. They state that the extant permission has already established the acceptability of a tall building within this location as not harming the intrinsic significance of the listed buildings, and that the development would regenerate a vacant, degraded site that detracts from their particular significance.

The buildings to the east side of Paddington Green are relatively small scale properties, and their scale sits comfortably in context with the remainder of the run of traditional buildings to the east side of Paddington Green. Though it is recognised that the currently site is an unattractive feature of the area, by virtue of the lack of buildings to the site, there are currently no structures to create bulk in the backdrop of views from Paddington Green. Though the list description of the Children's Hospital building refers to tiling as a principal reason for listing, it nonetheless has an elaborate and attractive roofline, with nos. 17-18 Paddington Green having a characteristic 19th century classically inspired approach of elevations rising to a parapet with a low pitched roof structure behind intended to stay visually hidden by the parapet. The tower will be visually dominant in the backdrop of

these buildings. Though noting the 22 storey tower allowed under the extant permission, officers consider that a wider tower with a further eight floors of accommodation, and to a location closer to these buildings, could only be a retrograde step in terms of their setting. The change from the existing almost cleared site is a dramatic one, though clearly less so in comparison with the 22 storey tower allowed under the extant permission. Nonetheless, the significant disjunction in scale between these low scale traditional properties and the new development is particularly marked.

It is recognised that the existing site is harmful to the character of the area by reason of being a large void of derelict appearance in what should be a developed section of townscape. Though harmful in its own right, the cleared site does allow these relatively small scale buildings to be appreciated without very large scale development behind, though this consideration is mitigated by the buildings allowed under the extant permission. Notwithstanding this, the greater height and visual presence of the tower building in this current application proposal is considered to have an impact which constitutes less than substantial harm to the setting of these listed buildings.

The Committee members are therefore asked to consider whether they consider that the public benefits of the scheme as set out elsewhere in the report outweigh the less than substantial harm caused to the setting of these listed buildings, mindful of the statutory, policy and guidance tests set out above.

St Mary's Church – Paddington Green

Approximately 170m to the west of the proposed tower is St Mary's Church on Paddington Green, a Grade 2* listed church building dating from 1788-91 which was originally designed by John Plawwith, though with later 19th century alterations and a 1972 restoration by Raymond Erith. The building is built to a Greek cross plan giving it an essentially square building form and it is faced in yellow-brown bricks with ashlar dressings, and with a slate roof and prominent cupola above. Particular reference was made in a number of the representations received to the impact on the setting of this Church building.

The applicants advise that they consider that the principal experience of the Church is from the square at the centre of Paddington Green and also the open space to its north. They consider that these focus views towards this heritage asset and that whilst there would be an appreciation of a taller element in some views this would form part of the wider urban backdrop and would not impair an understanding of the building's architectural or historic interest.

Officers consider that though the surrounding area was originally designed with relatively low scale domestic buildings, those traditional buildings remaining are not clearly apparent when standing at the Church, and that the principal experience of the setting of the Church now is of its significantly treed surrounding Churchyard and adjacent Paddington Green and St Mary's Gardens, with the tree cover significantly screening views out from the building. Though some sense of a low scale urban setting still remains, from the perspective of the Church, set within a heavily treed context this is not readily perceptible, and not to the extent that the Westway forms a prominent element of the surrounding character of the Church building. In the decision notice on the two previous appeal schemes, the Inspector

noted that in his opinion the trees within the Green obscure the detail of the buildings beyond, until one gets closer to the eastern edge of the Green.

Overall, it is considered that given the heavily treed church grounds, and the significant change to the context of the church and the skyline in the clearer views south from the Church, the impact of the tower to the West End Green site would not adversely affect its setting.

Other Listed Buildings to Paddington Green

In addition to the above buildings, there are also a number of listed monuments and telephone kiosks within Paddington Green. Within the grounds of St Mary's Church are a monument to the Chandless family, a monument to the Wood family, and a monument to the Thrupp family. In addition there is a statue of a Mrs Siddons located within the main garden square to Paddington Green and also a pair of listed K6 telephone kiosks at the edge of Paddington Green opposite nos. 8-10. The tower particularly, and also the other buildings proposed would be visible from these structures. However, there is no intrinsic link between these listed monuments and structures and a particular setting. The family monuments are most appropriately seen within the treed Church grounds, though the wider setting of those monuments and the other listed structures in themselves are considered to make little contribution to the significance of these listed buildings.

Wider Setting of Other Listed Buildings

Given its height, it is recognised that the tower element will be visible in the wider setting of a number of listed buildings in the wider surrounding area.

The tower will be visible in views west on Bell Street from the Grade 2* Christ Church building on Cosway Street (which flanks Bell Street). This early 19th century Church building designed by notable architect Philip Hardwick, and is a classically inspired composition with an entrance portico and high tower element above as some of its principal features. The tower proposed on the application site would be readily visible in the same viewpoint as the Church building. However, in these views its visual impression would not rise dramatically above the height of the mansion block buildings in the view further west on Bell Street. The impression of the Church building with its tower above as a principal townscape feature to this section of Marylebone will not be diminished by the 30 storey tower proposed to West End Green. There are limited views of the very upper section of the cupola to this church tower from the western end of the Dorset Square Conservation Area, and the tower is anticipated to be visible in the view, however the very truncated views of this feature mean that its setting would not be adversely affected in such views by the tower proposed further to the west.

The tower would also be readily visible from both views out from the Grade 2* listed North Westminster Community School and would be seen in context with the building in views west on Broadley Street. View 19 shows a view west on Broadley Street, and the tower building is a high and very prominent feature of the townscape on axis with Broadley Street. However, the listed school building itself is set well back from the Broadley Street frontage, is a building of modernist styling and its setting would not be adversely affected by the proposals.

The tower would rise markedly above the building line in Ashmill Street which contains several listed buildings to its eastern end. However, the buildings are seen in context with a quite modern townscape to the street with relatively high buildings directly across the street. In this context the impression of a more distant tower building on the skyline would not unduly affect their setting, and it is noted that the 22 storey tower under the extant permission and the approved tower to 1 Merchant Square would be readily visible in this skyline.

In the wider area, the tower would be visible above the existing roofscape from several views in Bayswater, in views from Little Venice/Maida Vale, and in other more distant locations where listed buildings are present. However, the distance and setting of the development site means that there is no clear relationship between those buildings and developments to the application site. Consequently, it is not considered that the proposed development would have any detrimental impact upon these listed buildings to these other wider areas.

In summary, the tower would cause less than substantial harm to the setting of 17-18 Paddington Green and the adjacent Children's Hospital building. The Committee are therefore asked whether they consider that the public benefits of the scheme as set out elsewhere in the report outweigh the less than substantial harm officers consider is caused to the setting of these listed buildings, mindful of the statutory, policy and guidance tests set out above.

8.3.7 Block A - Massing and Modelling

The building has a footprint in a form of curved lozenge shape, though with this shape notably swelling out towards the north-east. The footprint to ground floor level is extruded unchanged up through the height of the building, with the curving and unchanging footprint giving it a powerful visual presence which differs notably in terms of the direction it is viewed from.

This form/footprint of building differs notably from the tower approved under the extant permission. The previous building had a distinctive curved south elevation extending out to sharp corners to its east and west ends, with the north elevation being conceived as an engaged though clearly differentiated northern wing with a rectangular form incorporating a flat north elevation rising up the height of the building.

The building will be capable of being viewed from all sides, and the curving form of the building is considered a more elegant silhouette than the previous building which, to its north side at least, had a more bulky and blocky rectangular visual effect. The curved footprint of the tower is also considered to respond more closely to the cylindrical form of the approved scheme at 1 Merchant Square.

However, the building does have a markedly increased footprint and the impression is of a building of some considerable bulk and visual prominence, which would stand out in some contrast to the more slender and tapering form of the approved scheme to 1 Merchant Square. This greater width has implications for the setting of conservation areas and listed buildings, as discussed above. The impression of bulk is mitigated to some extent by the 'fins' that rise from ground level to the top floor of the building which provide a vertical

accent offsetting the impression of the bulk of the building, with the visual impression of horizontal floorplates not strongly emphasised in the composition.

In terms of its massing and modelling, the building proposed presents a distinctive silhouette to the skyline and is considered of acceptable form in its own terms.

8.3.8 Block A - Detailed Design

The tower building has been designed with a distinct vertical emphasis to the composition, expressed by columns clad in brick with reconstituted stone framing which are set forward of the line of glazing and balcony fronts and which provide a sense of visual solidity and structure to the building. The vertical emphasis provided by the fins is further enhanced by the five paired groups of inset balconies to the residential units which rise up the elevations in five distinct vertical bands. These are sited relatively evenly around the elevations, though including at key points on each end of the tapering east and west ends of the footprint and to the centre of the south elevation.

The appearance of the tower is further defined by a distinct base, middle and top being incorporated into the composition. A strong base is formed by the ground and first floor levels having prominent two storey high reconstituted stone framed portals, and with the second and third floors being framed above and below by horizontal bands of reconstituted stone. This approach is reflected towards the top of the tower by the 25th floor being framed above and below by bands of reconstituted stone and with the 4 floors above capped by a clearly defined parapet to main roof level helping give a defined climax to the top of the composition. The highlighting of these areas on the building is for stylistic reasons only and does not closely reflect any differing internal uses, nonetheless the arrangement is considered appropriate in terms of helping to break up the massing/bulk of the building, providing a greater visual interest to the composition and a more defined base to, and termination of, the tower, and by reflecting the similar approach taken on the design of the mansion block buildings.

The fins are to have red brickwork facing, with light coloured reconstituted stone framing the window openings. These materials are also to be used on the mansion block buildings, and it is the applicant's intention for the tower to reflect the general design and colouring of the mansion blocks to help visually tie it in to a more unified overall development aesthetic. Though noting that the Marylebone Association express concern at this, and stated that they wished a greater diversity of design to the various building, nonetheless as a general approach this is welcomed by officers.

The brickwork detailing to the fins is to be secured by condition, as the current proposals are not considered either fully detailed or appropriate in so far as they are shown to the application submission. The applicants refer to the use of 'brick façade panels' to the tower (and also buildings B-H). This describes a cladding system where thinner brick elements are mounted onto larger panels fixed back to the main building, thereby revealing regular jointing between these panels, the appearance of which is a concern to a building which would more appropriately appear with seamless brickwork facing. To the areas at the base of the tower therefore an amending condition is recommended to secure a more appropriate and traditional brickwork finish. To the areas higher on the tower this approach could be considered acceptable in principle, subject to full details and a sample of the panels which would be secured by condition.

Conditions are also recommended requiring a further sample of materials, as officers have concerns that the materials submitted by the applicants are not appropriate with the brick in particular having an notably pale and somewhat orange appearance, rather than the desired more reddish brick facing.

The vertical fins are the principal design feature of the elevations, and the darker colour of the bronze aluminium cladding to the windows, spandrels and inset balconies and their inset position gives them a visually recessive impression and avoids the more traditional arrangement of a stacked series of horizontally expressed floor plates. This approach to the elevations is welcomed by officers.

The use of a consistent colour palette to metalwork across the facade will prevent the impression of the openings and cladding distracting to the building's overall profile. There is also a degree of richness to the detailing which adds some interest to the elevations, and the spandrels and inset balconies help emphasise the residential character of the building and provide some human scale to the building.

The building maintenance unit required to access and maintain the elevations will be an extendable structure though it is located discreetly within the plant room to roof level, and will retract from view when not in use to maintain a neat appearance to the skyline profile of the tower. However, the submitted drawings are not clear with regards to any requirement for edge protection to the main roof level to the tower (or buildings B-H), with some visuals giving an impression of a glazed parapet to roof level which would clutter the skyline impression of the tower. A condition is added requiring the submission of a full package of drawings detailing all required maintenance support structures, with an informative strongly advising against the use of any such edge protection upstands.

Overall and although the building does not incorporate a notably dynamic or dramatic approach to its form, modelling, skyline presence or cladding, the relative visual solidity of the elevations and the approach to cladding will assist in making the tower appear more as a residential development, distinct from the more commercial developments of Paddington Basin to the south. The composition is considered well resolved, including a definitive and appropriate capping to the roof level, and with the detailing well considered. Though a tower with lesser footprint, or one tapering more towards its apex could be considered to have the potential for a more slender profile on the skyline, the tower is nonetheless considered acceptable in its own right in terms of its bulk, form, detailed design and skyline presence.

The concerns expressed by objectors regarding the design of Block A are noted. However, the architectural quality of the new building is considered appropriate and to meet the tests set out in policy DES 3 in terms of its quality of architectural design contributing to the character of London as a world class city.

8.3.9 Block A – Design Summary

The accompanying text to policy DES 3 of the UDP states that, on the whole, Westminster is an unacceptable location for high buildings. It continues, stating that given the demanding criteria that high buildings need to meet and the sensitive context of the greater part of the City with regard to conservation areas, listed buildings and views, it is

considered that the Paddington Special Policy Area/POA is the only appropriate location for high buildings within the City. However, it goes on to note that this does not preclude proposals for individual buildings coming forward on an exceptional basis. As such, these proposals must overcome the tests set out in DES 3 to ensure their positive contribution. Significant consideration must also be given to the Inspectors comments in the 2005 appeals for 22 and 26 storey towers on this site.

As set out above, officers have concerns with regards to the impact of the tower on the setting of the Paddington Green and Maida Vale Conservation Areas and on the setting of nearby listed buildings at 17-18 Paddington Green and the Children's Hospital building. As such, the proposal would be contrary to policy DES 3 (A) (2) which states that proposals for high buildings will not be permitted where the proposals would have an adverse impact upon the character and appearance of designated conservation areas or upon listed buildings and their settings, nor upon the views obtained from London Squares. This harm would be less than substantial.

Accordingly, the Committee are asked to consider whether the benefits of the scheme, as set out elsewhere in the report, outweigh the less than substantial harm officers have identified, having regard to the statutory, policy and guidance tests set out above and the Inspector's comments on the previous appeal schemes.

8.3.10 Blocks B to H (Mansion Blocks) - Design overview

The applicants have stated that they have drawn inspiration for the design of buildings B to H from the late 19th/early 20th century residential mansion blocks found commonly to Edgware Road and Maida Vale. Several objectors have queried this although officers are persuaded about a visual link with the red brick mansion blocks common to the street and in light of this inspiration, these new buildings are designed with a regular fenestration pattern, a composition divided into a defined base, middle and attic storeys, and with prominent use of red brick as the facing material. With reference to the comments on the brickwork facing to block A set out above, the brick to the main sheer elevations should be conditioned to ensure appropriate traditional detailing, though officers consider that the use of a brick panel system could be considered acceptable to the set back roof stories.

These buildings are considered to form an appropriate complementary development as a foil for the greater height and visual presence of the tower, with the consistency of form, detailing and materials of the various mansion block style buildings around the site, helping them respond well to the tower and not to compete in architectural terms. The unity in approach to design and materials will give the development as a whole distinctiveness of form. Officers agree with the GLA who advise that the mansion blocks would be acceptable as they would respond well to their local context and make a positive contribution to the skyline, and would signal the regeneration of this housing zone and long empty site. Historic England have also stated that they welcome the mansion block elements of the application proposals.

8.3.11 Blocks B, C and D – Edgware Road frontage - Heights, Views and Massing

These buildings are located to the east side of the site where they flank the Edgware Road frontage, and they are readily visible in relatively long views from north and south on Edgware Road and the surrounding area, particularly from Broadley Street. They are

designed as three distinct and separate structures with townscape gaps between each above a continuous frontage to ground floor level.

The buildings rise sheer from ground to eighth floor level, with two further floor levels above as slightly recessed attic storeys. This proposed height is approximately three floor levels higher than in the extant permission. It is clear that the height is considerably larger than the principally three and four storey high buildings to the east side of Edgware Road at this point. However, the development is also appreciated in the wider context of the scale of developments in Edgware Road and Maida Vale where buildings approaching or exceeding this scale are not uncommon. The impression of greater height is also mitigated by the gaps between buildings, lessening an impression of a continuous high solid wall of development to the site. They will appear a high and imposing development to the Edgware Road frontage, though notwithstanding the concerns of objectors, these buildings are considered acceptable in themselves in terms of their height and bulk. The plant rooms rise 2m high above blocks B and D and 3m high above block C, though given the height of the buildings and the set back from the front elevation of these plant rooms they will not form prominent features in views from street level.

These buildings have a large footprint, which is appreciable particularly from the clear views from Edgware Road of the south facing elevation of block B, however this depth is not dissimilar to the extant permission scheme. The buildings are arranged with the two end buildings having a notably narrower frontage to Edgware Road than the wider central building, giving a B-A-B rhythm to enliven the frontage, with further rhythms incorporated into the design of the bays to the buildings as discussed further below.

8.3.12 Blocks E and F – Church Street - Heights, Views and Massing

These buildings are conceived as one unified, stepped development to the Church Street frontage. Block E rises from ground to fifteenth floor in sheer form, with three further floors set slightly back above. Block F rises from ground to tenth floor. This compares to the approved buildings to this site which rose from ground to fifth floor level and with a further set back storey at sixth floor. The visual impression therefore is of a new unified and stepped block of considerable height and bulk, though one which does reduce in scale towards the west.

The buildings proposed therefore are high and imposing structures, and would be highly prominent in views from the Paddington Green Conservation Area both in views along Church Street and over the rooflines of the buildings to the east side of Paddington Green. These buildings are in relatively close proximity to the listed buildings on the east side of Paddington Green. Block F is within the conservation area, with block E sited on the edge of it.

The harm caused is mitigated to some extent by the context of this section of Edgware Road, which is characterised to a certain extent by a series of tower buildings set back from the street either behind frontage buildings or other forms of set-backs. In this regard, Parsons House, Braithwaite Tower, Hall Tower, Burne House and to a lesser extent Kennet House on Church Street all have an imposing visual effect on the street scene to this part of Edgware Road whilst not forming part of the Edgware Road frontage. Seen in this regard, a higher building set back from the Edgware Road frontage is not unknown in this part of the townscape, and it is of note that a 22 storey tower has

previously been allowed on appeal elsewhere on the site. Viewed from Paddington Green, Hall Tower is prominent to the north side of the road. Notwithstanding that, these new buildings which have seen principally together as one largely unified stepped block, clearly overshadow those listed buildings to Paddington Green and present a high and prominent intrusion into the skyline in views east out of the conservation area.

Mindful of the site context, it is considered that less than substantial harm is caused by these buildings to the setting of 17-18 Paddington Green and the Children's Hospital building, and to the Paddington Green Conservation Area.

To the rear, block E closes the view north into the central garden square, and reads as an appropriate focal point to this urban space and its scale is considered appropriate when seen in that particular context.

The plant room to block E is set adjacent to its west elevation, and it would be preferable for this to be a more recessive structure to roof level. Should the application proposals be considered acceptable, a modifying condition would be recommended requiring the re-siting of this plant room.

8.3.13 Block G – Newcastle Place - Heights, Views and Massing

This proposed building rises through ground to sixth floor level, and is not notably higher than the building to this location in the scheme allowed on appeal which rose from ground to fifth floor level with a further floor level slightly recessed to the roof. The building flanks the western side of the central garden square.

Block G rises notably above the height of the buildings to the east side of Paddington Green and will be seen as some degree of bulk in their backdrop in views from Paddington Green, however whilst these buildings are set slightly closer to Paddington Green than in the Option A appeal scheme, given the similarity of the height and bulk to the previous scheme allowed on appeal, and the proposed arrangement of windows to enliven the west facing elevation, this height and bulk is considered acceptable.

8.3.14 Block H – Paddington Green - Heights, Views and Massing

This proposed building rises from ground to seventh floor to its eastern end where it is arranged in a curving form acting as a foil for the tower building and terminating the view west from the pedestrian route to the north side of the tower, with this element rising to 61.45 AOD. This section of block H is roughly in the location of Building E2 in the previous appeal schemes which rose from ground to fourth floor with a set-back roof storey at fifth floor under the allowed appeal giving a height of 52.7 AOD with plant room above of approximately 2m above. The dismissed appeal had this building rising from ground to fifth floors with a set-back roof storey at sixth floor giving a height of 55.9 AOD with plant room of approximately 2m above.

The height of proposed block H drops to ground to fifth floor with a set-back sixth floor level to the western section of the block where it fronts onto Paddington Green, with this element rising to 58.2 AOD. This section of block H is roughly in the location of building E1 which in both previous appeal schemes rose from ground to fourth floor levels giving a height of 49.5 AOD. Building E1 stepped well forward of the building line to the adjacent

Paddington Green buildings, in contrast to the currently more recessed proposed building line.

In the previous appeal decision, with regards to building E1 concerns were expressed by the Inspector that the conservation area and the setting of the listed buildings in Paddington Green 'deserve a more sensitive architectural composition' than was proposed in that scheme, though concluded that the benefits of the allowed appeal scheme overcame those stated concerns. However, the Inspector also concluded that the height, footprint and proximity to Paddington Green of the E2 building under the dismissed appeal would harm the character and appearance of the Paddington Green Conservation Area, though the lower E2 building in the allowed appeal was considered appropriate.

In this current scheme, the Paddington Green frontage of block H is set significantly further back from the pavement edge in Paddington Green than in the previous appeal schemes, though still forward of the building line adjacent. This Paddington Green frontage rises two floor higher than in the previous appeal schemes, being approximately 4.5m higher to the height of the sheer elevations of the main block, and approximately 8m higher to the height its set back roof storey. The eastern section of proposed building H is two floors higher and approximately 8m higher than building E2 in the allowed appeal, and is one storey higher and approximately 4.5m higher than building E2 in the dismissed appeal.

In comparison with either of the previous appeal schemes, the marked set back of the Paddington Green frontage of proposed block H is considered a welcome benefit and significant improvement extant permission in this regard, and will help integrate this building better into the Paddington Green townscape in terms of building lines. However, the height of these blocks is an issue of significance, and the notable increase in height above that previously considered inappropriate for building E2 in the dismissed appeal would have an impact upon the Paddington Green Conservation Area within which building H is almost entirely set. Though the rear areas of proposed building H (i.e. those not directly fronting towards Paddington Green) are more recessed from the Paddington Green buildings than in the previous appeal schemes, nonetheless the increase in height is notable and they would be readily apparent and appear somewhat bulky above the impression of the existing Paddington Green frontage buildings.

Though the impact of this is somewhat offset by the greater set back to Paddington Green now proposed, block H is considered to adversely affect the Paddington Green Conservation Area, and the setting of the listed buildings at 17-18 Paddington Green particularly, though less so the listed Children's Hospital building to the north end of Paddington Green given its greater distance from block H. However and given the context and the notable improvements to the building line to Paddington Green and more recessed north elevation as compared to the previous appeal scheme, the impact is considered to represent less than substantial harm to these designated heritage assets.

The Newcastle Place elevation is kinked to help follow the building line to that street and it acceptably defines the north side to that public street.

8.3.15 Blocks B to H – Detailed design

The mansion block buildings are characterised by having a good degree of visual solidity, with the elevations designed with a red brick facing with stone detailing to the main elevations, with a series of inset balconies and bronze coloured aluminium for framing window openings and inset spandrels between floor levels. The bronze panels between paired windows have notable use of bronze cladding with diamond patterning, giving a subtle visual richness to the elevations. The bronze sample submitted by the applicants however is considered to appear excessively dark, and should the Committee consider the proposals acceptable, an appropriate sample would be secured by condition.

The compositions are characterised with a marked base created by the framing of ground and first floors by large framed portals, the use of rusticated brickwork to these two floors, and the banding of second floor above by reconstituted stone. The top sheer floor to each building made distinct in the composition by similarly being framed by banded reconstituted stone panels, with the floors above recessed back from front elevation lines. The detailing of these buildings are considered an improvement as compared to the extant permission which had a relatively stark visual appearance with notably large scale window openings. The compositions now proposed have an attractive rhythm to the elevations with bays with inset balconies, and paired windows of differing widths often alternating.

With regards to the design of the mansion block buildings, an objector considers that the scale, design and use of the same family of details through-out the whole site creates an 'estate' or 'complex', quite set apart from the mixed locality. However, the development site is a scheme of considerable scope, and it is common in the surrounding area for relatively large scale development to adopt a unified style to large urban blocks, as many of the mansion blocks to Edgware Road and Maida Vale already do. The site is considered large enough to have its own distinct design identity without a particular need for this to defer wholeheartedly to surrounding buildings.

The St Marylebone Society also expressed a view that the balconies should have opaque or tinted glass to screen any structures such as bikes or washing lines on these balconies. However, a more opaque panel or a more visually dominant dark glass panel could detract from the traditionally inspired character of these mansion blocks and conditions are attached to ensure that more permanent structures are not added to these balcony areas.

8.3.16 Mansion Blocks – Summary

As set out above, blocks E/F and H are considered to adversely affect the character, appearance and setting of the Paddington Green Conservation Area and the setting of the listed buildings to the east side of Paddington Green though this harm would be less than substantial. In other respects, these buildings are considered acceptable in architectural and townscape terms, and are considered an improvement upon the extant permission.

The Committee are therefore asked whether they consider that the public benefits of the scheme as set out elsewhere in the report outweigh the less than substantial harm officers consider to be caused, mindful of the statutory, policy and guidance tests set out above.

8.3.17 Archaeology Considerations

The site lies within the Paddington and Lilestone Villages Archaeological Priority Area. An archaeological report has been submitted to accompany the application, which has

been reviewed by Historic England. They raise no in-principle concerns but recommend that the archaeological interest should be conserved by attaching a condition as suggested by them, and advise that the scope of the mitigation should be discussed and agreed with this office prior to any development within the site.

8.3.18 Public Benefits

Whilst the harm identified above is noted, the proposed development also includes a number of public benefits, many of which did not exist at the time the extant permission was considered and the dismissed appeal were considered. These public benefits include the following:

Edgware Road Housing Zone and The Futures Plan

As noted above, the application site is located within the Edgware Road Housing Zone (“ERHS”), within NWEDA and within the area covered by The Futures Plan. The ERHS envisages the addition of 1113 new homes within the housing zone, including an additional 537 affordable homes. The Futures Plan proposes the replacement of 306 Council owned homes. Policy S12 of the City Plan also encourages, amongst other things, redevelopment of some housing estates and the provision of more intermediate and market housing within NWEDA.

Whilst the proposed development intrinsically makes a significant contribution to these policy priorities through the addition of 652 new homes, the affordable units provide decant space for existing tenants within the Church Street regeneration area. As demonstrated above, this is the maximum possible contribution the applicant can make without harming the viability of this development. The Head of Affordable and Private Sector Housing is also happy with the mix of social rented units proposed.

This decant space enables the regeneration envisaged by the EHRS and The Futures Plan to commence and take place at a quicker rate than initially envisaged. Without the affordable units, decant space would only exist once an earlier phase had been completed and even then, would not provide the net increase in units needed to allow full decant to take place, slowing progress. This decant space would also exist within the area covered by The Futures Plan, thereby minimising disruption to existing tenants. Put simply, this development would unlock the regeneration of Church Street.

Accordingly, the proposed development would make a significant contribution to the number of units proposed under the EHRS and Futures Plan, but would also enable the latter to take place. In doing so, the proposed development would make a substantial contribution to the Church Street, Paddington Green and Lisson Grove renewal programme beyond just the number of residential units proposed. This regeneration would bring about substantial benefit to the wider locality and is a benefit that did not exist at the time the extant permission and dismissed appeal were considered.

Remedying Harm Caused by Existing Site

Many of the representations received note that the vacant nature of the existing site detracts from the townscape in this area and has done so for over 20 years. This site has seen a number of proposals to develop it over the last two decades fail to be built

out. This harm has also persisted for another decade since the extant permission and dismissed appeal were considered.

The proposal would result in comprehensive redevelopment of the site. This is welcomed in principle with the development of the existing unattractive gap site, and will lead to blocks B, C and D restoring a built frontage to Edgware Road, with blocks E/F and H also restoring a built frontage to Church Street and to Paddington Green respectively. The more appropriate recessed line building line of block H onto Paddington Green as compared to the extant permission is also an improvement in townscape terms.

The ground floor retail and restaurant units proposed on Edgware Road would reinstate the Core Frontage of the Church Street/Edgware Road District Shopping Centre, and would provide an active frontage to the street. The existing site forms a large gap in the shopping frontage which is harmful to the legibility and overall retail offer within the Church Street/Edgware Road District Shopping Centre. The proposed development would remedy this.

The urban design approach to the site is considered to allow for a better defined and more permeable layout to the site than in the previous appeal schemes and is a significant improvement upon the existing site.

Given the above, there are aspects of the proposed development that would enhance the Paddington Green Conservation Area and improve the townscape of the streets surrounding the site.

Contribution to Housing Targets

The supporting text to policy S16 of the City Plan notes that there is an acute shortage of, and that it is difficult to develop, affordable housing within Westminster. Furthermore, the City Council cannot meet its affordable housing need of 5,600 additional affordable homes per annum. At present, an identified supply of only 1564 units has been identified within the City Council's five year supply. The deficit between identified need and supply has grown greater since the extant permission and dismissed appeal were considered.

The 126 affordable units proposed would provide approximately 8% of this identified supply of affordable units. This is the maximum viable contribution this development can make. It would also provide a 19 unit 'windfall' over and above this identified supply in comparison to the extant permission. Accordingly, the provision of these units on-site, particularly within the Church Street regeneration area is a substantial public benefit of this development.

The proposed development would also be the largest single housing development within the Westminster and is of strategic importance. The 652 units proposed would provide approximately 61 % of the City Council's annual London Plan housing target (i.e. 1068 units) on one site and would be a significant 'windfall' in comparison to the 307 units under the extant permission. This target is also a minimum that is intended to be exceeded to close the gap between London's identified housing need and supply (see para. 1.1.5 of the Housing SPG). The deficit between this identified need and supply has also grown greater since the extant permission and dismissed appeal were considered and this has

been a contributor to housing unaffordability, not just in Westminster but throughout London.

The application site is also centrally located and has the highest possible PTAL rating of 6b. The importance of residential accommodation within the CAZ is highlighted in paragraph 2.56 of the supporting text to policy 2.12 of the London Plan, which notes that “availability of a range of homes in the CAZ helps support its strategic function, as well as allowing for sustainable lifestyles and reducing need to travel”. Furthermore, the proposed development does not conflict with emerging mixed use policy which is intended to strike a balance between providing residential accommodation and employment uses within the CAZ. Accordingly, the proposed development makes a particularly significant contribution to housing delivery in Westminster and does so in a particularly sustainable location.

Other Benefits

The proposed development would also result in the following public benefits:

- Creation of a mixed and balanced community through the proposed residential mix and complementary town centre uses;
- Contribution to social and community facilities exceeding the impact of the development;
- Job creation and training for local residents during the construction and operational phases;
- Training for local residents during construction;
- Significant public realm improvements around and throughout the site;
- Provision of private and public open space;
- Significant greening and tree planting;
- Provision of public art;
- Provision of play space;
- Highways improvements;
- Promotion and provision of sustainable transport and a reduction in road traffic generation compared to the extant permission; and
- Re-purposing of Newcastle Place as a shared surface

The committee are asked to consider whether the cumulative weight of the public benefits above outweigh the less than substantial harm identified to designated heritage assets set out above. When making this consideration, the committee must have special regard to the desirability of preserving or enhancing the setting and special architectural and historic interest of adjacent listed buildings and the character and appearance of the conservation areas affected.

8.4 Residential Amenity

Several objections have been received in relation to potential loss of light, sense of enclosure and privacy.

8.4.1 Loss of Light

Policy ENV13 of the UDP seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. Policy DES 3 (c) (4) of the UDP also specifies, amongst other things, that high buildings should minimise the effects of overshadowing, especially within predominantly residential areas.

Regard is to be had to the BRE Guide as noted above. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

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

- Paddington Police Station Section House;
- 14 Paddington Green;
- 15-16 Paddington Green;
- 17 Paddington Green;
- Mary Adelaide House;
- Winicotte House;
- 1-80 Hall Tower;
- 1- 32 Gilbert Sheldon House;
- 390-394 Edgware Road;
- 354-386 Edgware Road;
- 330-352 Edgware Road; and
- 314-328 Edgware Road.

Residential properties beyond these are considered too distant from the subject property to result potentially unacceptable light loss.

Daylight

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

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents’ amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining

space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

In terms of loss of daylight, the BRE guidelines advise that diffuse daylighting to an existing building may be adversely affected if the vertical sky component (VSC) measured from the centre of the window is less than 27% and less than 0.8 times its former value (i.e. a loss of 20% or more).

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

Daylight Loss: Extant Permission v Proposed Development

SITE	No. of Windows With VSC Losses Exceeding 20%	VSC Losses (%)	No. of Rooms with NSL Losses Exceeding 20%	NSL Losses (%)
Paddington Police Station Section House	0 out of 55	NA	0 out of 44	NA
14 Paddington Green	7 out of 7	22 - 75	4 out of 5	22 - 69
15-16 Paddington Green	13 out of 32	21 - 58	1 out of 23	23
17 Paddington Green (Unimplemented Permission)	2 out of 13	21	0 out of 8	NA
Mary Adelaide House	34 out of 60	21 - 25	10 out of 42	22 - 43
Winicote House	31 out of 95	21 - 62	26 out of 56	21 - 43
1 -80 Hall Tower	60 out of 320	21 - 65	7 out of 160	21 - 25
1- 32 Gilbert Sheldon House	30 out of 72	21 - 35	0 out of 48	NA
390-394 Edgware Road	0 out of 20	NA	0 out of 20	NA
354-386 Edgware Road	73 out of 119	21 - 29	28 out of 50	21 - 72
330-352 Edgware Road	10 out of 48	21-23	16 out of 31	22 - 48
314-328 Edgware Road	5 out of 41	21	0 out of 29	NA
TOTAL	265 out of 882 (30%)		92 out of 516 (18%)	

Having regard to the comparison between the extant permission and the proposed development, the proposal would result in VSC losses of greater than 20% for 29% of the windows tested. The proposal would also result in NSL losses of greater than 20% for 18% of the rooms tested. As set out in the BRE Guide, a 20% loss in VSC is where the light loss becomes 'noticeable'. 'Noticeable' does not mean 'harmful' as set out in the Inspectors report for the extant scheme. Most of these losses are relatively minor for a Central London site, falling between 20 and 30% and in the case of the Police Station

Section House there would be some improvement on the extant permission. Where losses do exceed 30% and could be considered harmful, these account for approximately 7% of windows and 10% of rooms tested. The worst affected properties would be at 14 Paddington Green where three kitchens experience VSC losses of up to 75% and NSL losses of up to 69%. Whilst these losses are regrettable, they affect a comparatively small number of properties relative to a development of this scale.

As noted above, the BRE guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, 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, this level of daylight loss does not outweigh the substantial public benefits of the development, particularly given its strategic importance to housing delivery, to warrant refusal of this application.

Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Sunlight Loss: Extant Permission v Proposed Development

SITE	No. of Eligible Windows With Sunlight Loss Exceeding BRE Guidelines
Paddington Police Station Section House	0 out of 22
14 Paddington Green	3 out of 3
15-16 Paddington Green	2 out of 2
17 Paddington Green (Unimplemented Permission)	0 out of 2
Mary Adelaide House	0 out of 6
Winicote House	7 out of 83
1 -80 Hall Tower	28 out of 320
1- 32 Gilbert Sheldon House	5 out of 68
390-394 Edgware Road	0 out of 20
354-386 Edgware Road	41 out of 96
330-352 Edgware Road	10 out of 45
314-328 Edgware Road	0 out of 41

TOTAL	96 out of 708 (86%)
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The sunlight loss proposed would be relatively modest for a Central London site such as this with only 14% having losses exceeding BRE Guidance. The worst affected property would be 14 Paddington Green where all eligible windows result in sunlight losses exceeding BRE Guidance. 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

The proposed development would be separated from the properties to the north, east and south by the widths of Church Street (approximately 11 m), Edgware Road (approximately 22 to 30 m) and Newcastle Place (approximately 8 m), respectively. Additional separation distance is also provided by the large open spaces to the south of Gilbert Sheldon House and Hall Tower. The south eastern wing of Gilbert Sheldon House also does not have any windows that are orientated towards the proposed development and would have only oblique views of it.

The layout of the proposed development minimises the sense of enclosure impact from the tallest blocks (i.e. Blocks A and E-F). The mansion block design proposed also prevents large expanses of bulk that would increase sense of enclosure. Block A is located away from residential properties to the north and east and screened from them by the lower mansion blocks. Block A is also located so that it does not directly face the northern or western elevations of the section house at Paddington Green Police Station, allowing only oblique views of it from that property. Block B is also separated from the section house, by the public realm at proposed at the south eastern corner of the site. Block E-F is also located so that the open area to the south of Gilbert Sheldon House provides additional separation distance. Accordingly, the proposed development does not result in significant sense of enclosure for the occupants of sites beyond

With regards to the impact of the proposal on those sites located on the same block as the application site (i.e. 14-18 Paddington Green, Mary Adelaide House and Winicote House), a combination of separation distance, screening and design ensures that sense of enclosure is not increased significantly. The self-storage facility on the rear of 16 Paddington Green and the GP surgery in Princess Louise Close partially screen the bulk of Block G from 14-18 Paddington Green whilst also creating a separation distance of at least 30 m. Similarly, these same buildings would partially screen Block H from Winicote House whilst also providing a separation distance of at least 60 m. The flats within 14-18 Paddington Green would also have oblique views of Block H whilst Winicote House would have only oblique views of Block G and part of Block F. Block A is also located in a position where it does not directly face either of these properties.

The rear of Queen Adelaide House is separated from Blocks F and G by at least 30 m. A gap between these blocks above ground floor and visible from the rear of Queen Adelaide House, also further reduces sense of enclosure.

Given the above, the site's urban context and when compared to the extant scheme, the proposal 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 proposed development is separated from surrounding properties by the widths of Church Street, Paddington Green and Newcastle Place. It is also separated from surrounding properties and partially screened by buildings on the rear of 16 Paddington Green and the GP surgery in Princess Louise Close. As also noted above, the layout of surrounding sites, such as Gilbert Sheldon House, Hall Tower and the section house at Paddington Green Police Station, provide further separation distance or prevent elevations directly facing and therefore overlooking one another. These separation distances and screening provide adequate mitigation for potential overlooking for most surrounding residential properties.

It is noted that windows are located on the rear of Block H and are orientated toward the rear of 14-15 Paddington Green. However, there is approximately 20 m between these windows, which should provide sufficient separation distance to prevent significant levels of overlooking.

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.

8.4.4 Noise

It is proposed to install building services plant on the roof of the development. Plant and substations are also located at several positions throughout the development. The Environmental Health Officer has reviewed the proposal and has recommended conditions to ensure that noise from these sources does not cause unacceptable harm to residents surrounding the site. Subject to these conditions, the proposal would be consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

8.5 Transportation/Parking

8.5.1 Trip Generation.

Concerns have been raised with additional traffic from the development and its impact on the surrounding road network.

TFL and the Highway Planning Manager have reviewed trip generation from the proposed development. In comparison to the extant permission, which featured a large supermarket served by 223 parking spaces, the proposal would result in 149 less vehicle movements at AM peak and 512 less vehicle movements at PM peak. The extant permission did include a scheme to widen Church Street between the car park entrance (which was in a similar position to the current proposal) and the junction with Edgware Road. This meant that there could be two lanes of traffic leaving Church Street, one for right turners and one for left. The current proposals do not do this, with the overall ground floor plans showing Church Street to be approximately 8m wide. However, this

additional lane will not be necessary given the significant reduction in vehicle movements proposed.

8.5.2 Car Parking

Concerns have been raised with the impact of the proposed development on on-street parking within the area.

No parking is provided for the office and A class uses. This would be consistent with policy TRANS 22 of the UDP.

The proposed development includes 270 car parking spaces for the residential units. This would result in a parking ratio of 0.41 spaces per residential unit. TFL consider this ratio excessive but have not formally objected on this basis. It should also be noted that the parking standards appended to policy 6.13 of the London Plan require up to one space per residential unit and in areas with good public transport accessibility, such as the application site, development should aim for significantly less than 1 space per unit. The proposed parking ratio of 0.41 spaces is clearly significantly below this.

As noted by the Highways Planning Manager, the 2011 census showed that 46% of households had access to a car. Accordingly, providing parking for approximately 41% of residents is likely to give rise to an on-site parking shortfall resulting in some residents having to park on-street. Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. Policy TRANS23 includes all legal parking spaces.

During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays. The evidence of the Council's most recent daytime parking survey in 2011 (Buchanan's) indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 250 metre radius of the development site is 90.1% (consisting of 155 Residents and 47 Shared Use Bays, 141 and 41 of which were occupied respectively). Overnight the pressure on Residents' and Shared Use Bays increases still further, to 92.1%, although residents can also park free of charge on metered parking bays or single yellow lines in the area.

The introduction of increased levels of residential in this area without adequate off-street parking or on-street parking restraint is likely to increase these stress levels.

Ideally, a higher ratio of car parking spaces to dwellings should be provided. However, 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 section 106 agreement. A condition is also recommended to ensure that parking is provided prior to occupation of each phase of the development.

Electric Vehicle Charging Point provision is proposed at 20% active and 20% passive, in accordance with Policy 6.13 of the London Plan. As the take up of passive provision relates to ongoing management and implementation, it is recommended that this is also secured via section 106 agreement.

A porte-cochere type vehicle drop off area is proposed at the base of Block A. This is considered to be adequate to meet the needs of taxi / private hire vehicle drop off and collection arising from the development, in terms of capacity.

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

8.5.3 Cycle Parking

The proposal included 1139 residential cycle parking spaces and a further 57 spaces for the commercial parts of the development. The total number of cycle spaces meet the requirements of policy 6.9 of the London Plan. It is noted that many of the short stay spaces are located externally on the Church Street frontage and TFL have queried whether these would be located on the City Council's public highway. The Highways Planning Manager has confirmed that they are located within the application site.

TFL have noted that the long stay cycle parking within the basement levels includes large blocks of parking that may be at excessive risk of theft. TFL have requested that the applicant set out how they intend to mitigate this risk before the application is determined. To address this, a condition has been recommended that requires the provision of measures such as card access and CCTV to manage access to these areas.

8.5.4 Servicing

All servicing would take place on-site, within the basement levels proposed and this is welcomed by TFL and the Highways Planning Manager. The servicing area, ramp and internal headroom are also large enough to accommodate the largest vehicles likely to need to use the building. Most vehicles will approach from/leave to Edgware Road and the only issue is that while this is occurring it will not be possible for two vehicles to pass each other in the part of Church Street between the access point and Edgware Road. Removal of two parking bays on the south side of Church Street will have to be removed to mitigate this. Whilst this is regrettable, the only alternative would be to widen Church Street which would be unreasonable. Accordingly, an objection to the development on this basis would not be sustainable.

The applicant has proposed managing servicing through a detailed Delivery and Servicing Plan (DSP), for which a draft Plan has been submitted with the application. A draft Construction Management Plan (CMP) has also been submitted, including limited details of logistics impacts / approach. Conditions are recommended to secure an up to date Construction Logistics Plan (CLP) and DSP prior to development commencing and being occupied, respectively.

Subject to the recommended conditions, the proposed development would be consistent with policy 6.14 of the London Plan, policy S42 of the City Plan and policy TRANS 20 of the UDP.

8.5.5 Waste Provision

The Cleansing Manager has raised several concerns with how waste will be managed and notes that an excessive number of bins are proposed. The Cleansing Manager has suggested that the applicant reduce the number of bins in accordance with the City Council's requirements; amend the door size to the waste stores to allow passage of 1100 litre bins; and provide a detailed Waste Management Plan to ensure that waste can be moved to the holding area on collection days. A condition is recommended to address these issues. Subject to these conditions, the proposed development would accord with policy ENV 12 of the UDP.

8.5.6 Impact on Public Transport Infrastructure

London Underground have raised no objection to the proposed development.

TFL advise that this development would exert a significant additional demand upon bus stop facilities around the site and they have requested a contribution of £18,000 toward improvements to stop EM on Edgware Road. Additional demand would also be placed upon the Mayor's Cycle Hire network, as local stations are already among the most heavily used in London. To accommodate demand from the development, TFL have requested a contribution of £200,000 toward an extension to the existing docking station at Paddington Green. It is recommended that these contributions are secured by section 106 agreement.

Subject to the recommended conditions, the proposed development would be consistent with policy 6.7 and 6.9 of the London Plan.

8.5.7 Road Widening

Policy TRANS 18 of the UDP safeguards the Edgware Road frontage of this site for road widening. The proposed development respects this road widening designation, with Blocks B to D no encroaching on it and this is supported by TFL and the Highways Planning Manager. Accordingly, the current proposal accords with policy TRANS 18 of the UDP.

With regards to implementing this road widening designation, TFL are the Highway Authority for Edgware Road and it will be up to them to decide what proportion of the extra land should be carriageway and what proportion should be footway. It will also be TfL's decision as to whether it should become adopted public highway or remain in the applicant's ownership.

The applicant envisages that this area will be devoted to pedestrian space / public realm with little or no change to the existing kerblines. It is understood that TFL are considering a scheme that would widen the footway on the east side of Edgware Road, and widen the southbound bus lane and therefore not provide as much footway/public realm on the west side. This scheme could also address an objectors concerns regarding cycle traffic around the site. However, this scheme is in its infancy and it would not be reasonable to require the developer to fund it in its entirety. The applicant has however agreed to contribute £200,000 toward progressing TFL's scheme. It is recommended that this sum is secured by section 106 agreement.

8.6 Economic Considerations

The proposed development would include several retail units and a restaurant that would complete the primary shopping frontage on Edgware Road, with the Church Street/Edgware Road District Shopping Centre. This would provide employment opportunities, whilst also contributing to additional footfall within the shopping centre, to the benefit of existing and future retail uses.

The proposed development would also enable existing residents of affordable housing within the Church Street and Paddington Green area to be decanted. This would enable the regeneration envisaged under the Futures Plan and Edgware Road Housing Zone to commence, leading to long term regeneration of the area and associated economic benefits.

In the short term, construction of the proposal and regeneration within the Church Street and Paddington Green area will also create job opportunities within the construction industry.

8.7 Access

All residential, retail, restaurant and office units benefit from level access from the street. Multiple lift cores to all levels are also provided in all blocks. Ten percent of the proposed units are wheelchair user adaptable, as per part M4 (3) (2) b of the building regulations. Approximately 90% of the proposed units also meet part M4 (2) of the building regulations, which replaces the previous requirement for all new homes to be built to the former lifetime homes standard.

Sufficient disabled parking has been provided, as set out above.

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 Overshadowing

In addition to sunlight loss to residential properties noted above, the applicant has provided an overshadowing assessment that considers the impact of the proposal on the following areas:

- Public amenity space at Paddington Green; and
- Private amenity space on the roof of the City of Westminster College, to the rear of 14 Paddington Green and to the front of 1-80 Hall Tower and Gilbert Sheldon House.

The overshadowing assessment has been carried out in accordance with BRE guidance on hours in sun and transient overshadowing. The BRE Guide specifies that a space will be adequately sunlit throughout the year if at least half of its area received at least two hours of sunlight on 21 March. If, as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

The overshadowing assessment indicates that Paddington Green, Westminster College and the front of 1-80 Hall Tower and Gilbert Sheldon House would receive adequate sunlight. The assessment does indicate that the proposed development would result in total overshadowing of the amenity area to the rear of 14 Paddington Green. However, this would be no worse than the extant permission and is therefore acceptable, particularly when weighed against the public benefits of the development. Accordingly, the proposal is consistent with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to overshadowing.

8.8.2 Wind Turbulence

Several objectors raise concern with wind turbulence from the proposed development and its impact on pedestrians at ground level.

The applicant has undertaken a wind tunnel assessment of the proposed development and its surrounds to model anticipated wind conditions in and around the application site. The Lawson Comfort Criteria (LCC) has been used as a benchmark against which to determine the acceptability of wind conditions for a range of expected pedestrian activities in and around the site. The LCC defines six categories of pedestrian activity and defines thresholds where wind speed (measured on the Beaufort Scale) occurs for a frequency that would be unsuitable for the intended activity. It ranges from 'sitting', where wind speed does not exceed Beaufort Scale 3 (defined as a gentle breeze capable of making leaves and twigs move or extend a flag) for more than 1% of the time to 'roads and car parks' where wind speed does not exceed Beaufort Scale 5 (defined as a fresh breeze capable of making small trees in leaf sway) for more than 6% of the time. Where wind speeds exceeding Beaufort Scale 6 (defined as a strong breeze capable of causing large tree branches to move or telephone wires to whistle) occur for more than one hour per year are predicted, these are recorded separately.

Outside the application site, the wind tunnel assessment notes that the area worst affected by wind turbulence would be a position at the southern corner of the City of Westminster College (i.e. receptor 35). This position would experience wind gusts exceeding Beaufort Scale 6 for 1.3 hours per year. As this position is a pedestrian thoroughfare and these gusts occur for a very limited annual duration, the proposal is unlikely to cause unacceptable wind turbulence outside the site.

Within the application site, the wind tunnel assessment notes that two positions within the internal amenity areas at ground floor level are likely to experience wind gusts unsuitable for sitting and where standing conditions have been modelled. However, the ES notes that this can be mitigated by appropriate landscaping and a condition is recommended to secure this. Subject to this condition, the proposal would not result in unacceptable wind turbulence within the site.

Given the above, the proposal is consistent with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to wind turbulence.

8.8.3 Solar Glare

The applicant has undertaken a computer modelled analysis of solar glare at the following positions:

- Edgware Road/Church Street Intersection;
- Edgware Road/Broadley Street Intersection;
- Edgware Road/Penfold Place Intersection;
- Edgware Road/Bell Street Intersection;
- Edgware Road Northbound Lane;
- A40/Harrow Road Eastbound; and
- A40 Westbound.

Of these, no instances of glare were observed at the Edgware Road/Church Street and Edgware Road/Bell Street junctions. Glare was visible at one or more of the other positions at 0900 on 21 March, 0900 on 21 June and/or 0900 on 21 December and may be repeated on other days of the year. Given the short duration and dispersed nature of the glare observed, an objection to the development on this basis would not be sustainable. Waterman's have also raised no concerns with respect to the Solar Glare assessment that forms part of the Environmental Statement.

Given the above, the proposal is consistent with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to solar glare.

8.8.4 Telecommunications and Television Reception

Objectors, including the Metropolitan Police Service, are concerned that the proposal may interfere with radio telecommunications and television reception.

A Telecommunications Assessment forms part of the Environmental Statement that accompanied the application. This assessment considers the impact of the proposal on two forms of telecommunications:

- Microwave Links - line-of sight wireless communication technology that uses high frequency beams of radio waves to provide high speed wireless connections. Microwave links are used for point-to-point communication because their small wavelength allows them to be transmitted in narrow beams that do not interfere with one another. Because of this, microwave links are particularly vulnerable to physical obstructions which can obscure the beams; and
- Airwave /TETRA Network – a mobile communications network used by Great Britain's emergency services.

The Telecommunications Assessment concludes that the proposed development may cause interference with 10 microwave links. This interference can be addressed through re-direction of the microwave links to avoid possible obstruction or use of a relay site to bypass and possible obstruction. A condition is recommended to secure these mitigation measures.

With regards to the impact on the Airwave / TETRA network, the network operator (Airwave Solutions) notes that the complexity of the network makes modelling the impact of the development on it difficult. However, they have suggested monitoring of network performance during the demolition and construction phases and the implementation of remedial measures, such as the addition of new base stations and/or infrastructure and modification of the output of existing base stations should harm be identified. A condition is recommended to secure these mitigation measures.

Subject to the recommended conditions, the proposed development is consistent with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to telecommunications.

The applicant has not provided an assessment of the proposed developments impact on the television reception around the application site. This has been requested from the applicant and the outcome of this request will be reported verbally to the committee.

8.8.5 Aviation

The proposed tower is not tall or located in a position where it would interfere with air traffic. Accordingly, the proposed development would accord with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to aviation.

8.8.6 Trees and Biodiversity

The proposed development would not require the removal of any trees nor is it located within the Root Protection Areas of any protected trees. Accordingly, the proposed development would be consistent with policy ENV 16 of the UDP.

The application site is located within an area of wildlife deficiency as identified in policy S38 of the City Plan. The existing site has very limited habitat and therefore its redevelopment will have a negligible impact on local ecology. The proposed landscaping to the communal amenity areas, green roofs and public realm areas offer the opportunity to provide biodiversity enhancement. A condition is recommended to secure hard and soft landscaping. Subject to these conditions, the proposal would be consistent with policy S38 of the City Plan.

The Arboricultural Manager generally welcomes the landscaping strategy for the site but has some concerns with the limited soft landscaping proposed on the Church Street/Edgware Road corner of the site. This can be addressed through the hard and soft landscaping condition recommended.

8.8.7 Sustainability

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy 5.2 also states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policy S39 of the City Plan states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so.

Policy S40 requires all major development to maximise on-site renewable energy generation to achieve at least a 20% reduction in carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considered it not appropriate or practical due to site-specific considerations. However, it should be noted that the London Plan now seeks 40% carbon reductions over the 2010 Building Regulations.

Sustainable Construction

The residential components of the development have been designed to meet Code for Sustainable Homes Level 4. This is supported although the City Council can no longer impose conditions requiring this due to changes introduced by central government.

The BREEAM pre-assessment submitted indicates that the non-residential parts of the development will comfortably meet the BREEAM 'Very Good' rating. A condition is recommended to secure this.

CO2 Emissions

The proposed development would achieve a 35% reduction in CO2 emissions. This would be achieved without requiring renewable energy generation on-site. The Energy Strategy Officer has advised that consideration should be given to inclusion of solar PV panels on the mansion blocks to maximise on-site energy regeneration. However, the proposal would achieve the savings required by the London Plan and policy s40 of the City Plan without these panels and an objection to the development on this basis would not be sustainable.

The GLA have noted that the applicant should provide information on the control strategy for the air-conditional units proposed to ensure that it is only used where needed. The applicant should also confirm that the affordable units will be provided with mechanical cooling. This information has been requested from the applicant and will be reported verbally to the committee.

The applicant should also provide further information on the timescales of the Church Street District Heating Network role out and how this will relate to the build out of the proposed development. Connection to this external heating network should be prioritised and the applicant should provide further information on how provision will be made for connection to this network.

Heating and Cooling Plant

The proposal would include a site wide heat and cooling network for the development. The applicant proposes a standalone on-site solution with the ability to connect to the Church Street District Heating Scheme (CSDHS) once constructed. To comply with the City Council and London Plan policy, every effort should be made to deliver a scheme which obtains as much of its heat requirements as possible via a connection to the CSDHS.

There are several possible situations to consider with regard to connecting the application site to the CSDHS and phasing is important to this. It is unclear from the information provided when fit out of the energy centre will commence but it can be no earlier than summer 2018 and no later than spring 2021. There also appears to be a considerable lag (>2yrs) between the first block requiring heat and the energy centre being available to supply heat (assuming the flue will not be in place until the superstructure is complete) and so it is assumed the developer will be providing temporary heat plant during this period.

The earliest the CSDHS could provide heat to the site is late-2018/early-2019. This would be more than two years before the on-site energy centre is assumed to come on line and in time to deliver heat to the first block. Accordingly, the Energy Strategy Officer has recommended that the development is conditioned or subject to a legal agreement that requires either;

- a) A connection and supply agreement with the CSDHS owner (using all reasonable endeavours); or
- b) If a) cannot be achieved, implementation of an agreed fall-back position.

The heating system described in the submitted Energy and Sustainability scheme is acceptable as a fall-back system and details of it and its long term operation and maintenance can be secured by condition.

Subject to clarification and the recommended conditions, the proposed development would be consistent with policy 5.2 of the London Plan and policies S28, S39 and S40 of the City Plan.

8.8.8 Air Quality

The ES notes that emissions from the proposed developments traffic and energy centre would result in a moderate adverse effect on air quality for future residents and at two points on Church Street, particularly from NO₂ emissions. The ES recommends provision of mechanical air filtration for units on the facades affected and implementation of a Travel Plan to encourage sustainable travel. Conditions are recommended to secure this. Subject to these conditions, the proposal would accord with policy S31 of the City Plan and policy ENV5 of the UDP.

8.8.9 Sustainable Urban Drainage Systems (SUDS)

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The proposed development would include 1672 square metres of green roofs and a significant area of soft landscaping within the communal amenity areas. Whilst this would not achieve greenfield run-off rates, it would provide significant attenuation at source for run-off from the proposed development. The Lead Local Flood Authority has also been consulted and any comments received will be reported verbally. Accordingly, the drainage system proposed is considered acceptable.

8.8.10 Contamination

The site has a number of historic uses at the site, such as garages, motor works, printing works and varnish and colour works. Ground investigations revealed contaminants including lead, hydrocarbons, coal, tar, mineral oil deposits and asbestos. These have the potential to cause significant harm to future residents if not adequately mitigated. To ensure that this does occur, the Environmental Health Officer has recommended a condition requiring 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

The application is referable to the Mayor as it contains more than 150 flats and is a development over 30 metres in height. The Mayor has advised in his 'Stage 1' response received on 4 February 2016 (see background papers) that as initially submitted (i.e. prior to amendments referred to elsewhere in this report), the application does not comply with the London Plan. The applicant has been requested to reconsider the areas of concern to the Mayor and the amendments made in response are set out in the relevant sections of this report.

If Committee resolve to grant permission, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

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 and NPPG unless stated otherwise.

8.11 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the

development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations 2010 (as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council will be introducing its own Community Infrastructure Levy on 1 May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- a) 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;
- 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;
- 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;
- o) Offering local employment opportunities during construction; and
- p) Payment of cost of monitoring the agreement (£15,000).

The proposed development is also liable for a Mayoral CIL payment.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations 2010 (as amended).

8.12 Environmental Impact Assessment

The proposed development is EIA development for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) ("the EIA Regulations").

The City Council issued a scoping opinion (see ref: 15/07737/EIAOP) and the applicant has submitted an ES that contains consideration of the environmental effects noted in that scoping opinion. The ES has been reviewed on behalf of the City Council by Waterman Infrastructure and Environment Limited ("Waterman's") who advise that no further information is required pursuant to regulation 22 of the EIA Regulations.

In putting forward this recommendation, officers have taken into account the ES. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations and that sufficient information has been provided to enable assessment of the environmental impact of the application.

The purpose of the EIA is to predict how environmental conditions may change as a result of the proposed development and to specify any investigative measures. The ES has considered the potential direct, indirect and cumulative impact of the proposal and these are identified as: Adverse (negative); Neutral (neither beneficial nor positive); or Beneficial (positive).

Where adverse or beneficial effects have been identified, these are classified as:

- Negligible – imperceptible effect;
- Minor – slight, very short or highly localised effect;

- Moderate – noticeable effect (by extent duration or magnitude), which is considered a significant change; or
- Major - considerable effect (by extent, duration or magnitude) of more than local scale that may be in breach of recognised acceptability, legislation, policy or standards.

The environmental issues considered within the ES have been covered fully in the Land Use; Conservation, Townscape and Design; Transportation/Parking; Residential Amenity; Air Quality; Wind Turbulence; and Telecommunications sections.

The cumulative effects of the proposed development are summarised as follows:

- Moderate Beneficial at a local level with regard to housing delivery;
- Negligible Adverse with regard to additional secondary education and health care demand;
- Minor to Major Beneficial with regard to the creation of operational jobs;
- Moderate Beneficial with regards to the creation of additional expenditure;
- Moderate Beneficial in relation to open space and playspace provisioning;
- Moderate Beneficial in relation to reducing crime and perceptions of crime;
- No cumulative effects to buried heritage assets;
- Negligible Adverse in respect of pedestrian movement and facilities, cycle movement and facilities; pedestrian amenity, pedestrian delay, pedestrian fear and intimidation, public transport services, dust and dirt;
- Negligible to Minor Adverse in respect of pedestrian severance;
- Moderate Adverse in relation to air quality;
- No to Negligible effects in relation to traffic noise;
- None to Moderate Adverse in relation to off-site traffic noise;
- Negligible to Major Adverse in terms of daylight and sunlight when compared to the baseline condition at Winicote House and Negligible to Major Adverse when compared to the 2005 Consent;
- Negligible to Major Adverse in terms of daylight and sunlight when compared to the baseline at 1-80 Hall Tower and Minor Beneficial to Major Adverse in terms of daylight and Negligible to Major Adverse in terms of sunlight when compared to the 2005 Consent;
- Negligible to Major Adverse in terms of daylight and sunlight when compared to the baseline at Gilbert Sheldon House and Negligible to Moderate Adverse in terms of daylight and Negligible to Major Minor Adverse in terms of sunlight when compared to the 2005 Consent;
- Negligible to Major Adverse in terms of daylight and sunlight when compared to the baseline at 352-330 Edgware Road and Minor Beneficial to Moderate Adverse when compared to the 2005 Consent at 352-330 Edgware Road;
- Negligible to Minor Adverse in terms of daylight and sunlight when compared to the baseline at 328-314 Edgware Road and Minor Beneficial to Minor Adverse in terms of daylight and Negligible in terms of sunlight when compared to the 2005 Consent;
- No effects in relation to overshadowing to existing amenity spaces above those reported in ES Chapter 11 for the Proposed Development;
- No effects in relation to overshadowing to the proposed amenity spaces within the Proposed Development;
- No effects in relation to solar glare;

- Moderate Beneficial to Negligible in relation to wind conditions along pedestrian thoroughfares;
- Minor Beneficial to Negligible in relation to wind conditions at entrances and drop off areas;
- Minor Adverse to Negligible in relation to wind conditions at external amenity areas;
- No cumulative effects in respect of telecommunications networks;
- Minor Adverse effect at the local level in respect of operational waste generation; and
- Negligible Adverse effect at the local level in respect of operational waste generation.

Conditions and planning obligations to mitigate the environmental effects identified have been recommended throughout this report.

8.13 Other Issues

8.13.1 Basement

The proposed development includes two basement levels. While the Building Regulations determine whether the detailed design of buildings and their foundations will allow buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The City Council has developed emerging policy CM28.1 which would revise the City Plan with respect to basement development. Once adopted, it would place additional constraints on basement development to commercial and new build residential schemes such as this. This policy was the subject of an examination on 8 March 2016 and the City Council are awaiting the Inspectors report.

Unresolved objections remained in the lead up to the Inspectors examination with regards to part C of emerging policy CM28.1 which would apply to the basement proposed. Having regards to the tests set out in paragraph 216 of the NPPF, and as per the Deputy Leaders Statement of 23 October 2015, the emerging basement policy does not have sufficient weight to allow consideration of the proposed development.

Notwithstanding the above, the extant permission includes two levels of basement car parking. These basement levels roughly correspond to the depth and siting of the basement levels proposed. Accordingly, the structural implications of this basement development could take place without further consideration by the City Council.

8.13.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise and traffic.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition and legal agreement. Accordingly, conditions are recommended that limit the hours of construction and require the City Council's approval of a Construction Management Plan to minimise harm to the amenity of local residents and traffic flow. The applicant has also agreed to enter into a s106 agreement to secure compliance with the Council's Code of Construction Practice and toward monitoring of the construction impact of the development by the City Council's Environmental Inspectorate and Environmental Sciences.

8.13.3 Crime and security

The proposed development has been reviewed by the Secure By Design Officer who has raised no objection, but recommends that the applicant work toward achieving Secure By Design Accreditation for the development, the inclusion of blast protection measures and protection from Vehicle Borne Improvised Explosive Device (VBIED). An informative is recommended to address this. Subject to these conditions, the proposed development would accord with policy 7.13 of the London Plan.

8.13.4 Consultation

Many objectors to the development are concerned that the City Council may not have publicised the development appropriately. However, the City Council have greatly exceeded legal requirements for this application. For example:

- To meet legal requirements, a single site and press notice would have sufficed. Despite this, over 5400 letters were sent to residents within the vicinity of the site, in addition to site and press notices;
- The City Council undertook an initial consultation of 42 days between 5 January and 16 February. This greatly exceeds the 21 days required to meet legal requirements. A second consultation period exceeding 21 days also took place between 4 March and 1 April with respect to the amendments to the development;
- These same regulations also only require the placement of a single site notice. The City Council put up four, during both consultation periods; and
- This application was made shortly before the Christmas holiday period and many objectors feel that residents would have been away and therefore unable to comment. Whilst the City Council has no control over when an application is made by an applicant, the consultation periods took place after the Christmas holiday period and for an extended period.

Several objectors also suggest that the amendments to the scheme are significant and a new application should have been made. However, the NPPG notes that it is entirely at the discretion of the local planning authority to accept amendments to an application. In this instance, the essence of this scheme remains the same and in the context of this very large redevelopment the amendments are not considered so significant as to materially alter the proposal.

8.13.5 Precedent

Many objectors are concerned that approval of this tower would set a precedent for other tall buildings. Many also refer to the 2005 dismissed appeal and consider that it limits building height on this site to 22 storeys.

However, each application must be considered on its merits having regard to the policy context and development plan at the time, the specific development proposed and site circumstances. In this instance, the application site is particularly unusual, being a large, vacant, Strategic Proposals Site within central London that is largely outside a conservation area. It has also been largely cleared and vacant for over 20 years. Accordingly, it is not directly comparable to any known or conceivable development site within Westminster and approval of this development would not set a precedent for other tall buildings.

Whilst the 2005 appeal decisions are noted, this application must be considered on its merits in light of current policy and material considerations. Officers are satisfied that present circumstances warrant consideration of a taller building than those previously approved and dismissed.

9 CONCLUSION

Officers consider that Blocks A (the tower), E/F and H would cause less than substantial harm to the character, appearance and/or setting of 17-18 Paddington Green (Grade 2 listed), the adjacent Children's Hospital building (Grade 2 listed) and the Paddington Green and Maida Vale Conservation Areas. However, there are a number of public benefits arising from the development, many of which did not exist when the 2005 appeal was considered. These include:

- Facilitating and unlocking the Church Street Regeneration and Edgware Road Housing Zone through provision of decant space through the proposed affordable units;
- Provision of a strategically significant level of market housing on-site;
- Provision of a substantial level of on-site affordable housing (the maximum that the applicant can viably provide);
- Revitalisation and re-activation of this part of the Edgware Road/Church Street district shopping centre;
- Delivery of a long stalled site of strategic importance which is a blight on the setting of neighbouring conservation areas, listed buildings and this major thoroughfare into Central London; and
- Significant public realm improvements around and throughout the site.

In light of the above, Members are asked to consider whether the public benefits of the development outweigh the less than substantial harm identified and form material considerations that warrant approving the development despite conflict with development plan policy. In making this consideration, the Committee must have special regard to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets. Members must also consider the legislative requirement for applications

to be determined in accordance with the development plan unless material considerations indicate otherwise.

10 BACKGROUND PAPERS

1. Application form
2. 2005 Secretary of State Decision and Inspectors Report
3. Response from Greater London Authority, dated 4 February 2016
4. Representation from Karen Buck MP, dated 20 January 2016
5. Representation from Councillor Adams, Araymanow and Caplan, dated 31 March 2016
6. Representations from Councillors Cox and Acton, dated 22 February and 29 March 2016
7. Representation from Councillor Rampulla (on behalf of the Labour Councillors), dated 16 February 2016
8. Representation from Councillor Scarborough, dated 3 February 2016.
9. Response from Transport for London, dated 18 and 23 March 2016
10. Response from Metropolitan Police, dated 4 February 2016
11. Responses from Royal Parks, dated 25 January and 21 March 2016
12. Response from Natural England, dated 9 March 2016
13. Response from Thames Water, dated 4 March 2016
14. Responses from Sport England, dated 11 March 2016
15. Response from London Underground Limited, dated 5 January and 4 March 2016
16. Response from Environment Agency, dated 18 January 2016
17. Response from Historic England, dated 5 January 2016
18. Response from Historic England (Archaeology), dated 11 January 2016
19. Response from Highways Planning Manager, date 24 March 2016
20. Responses from Building Control, dated 18 January and 22 March 2016
21. Response from Arboricultural Manager, dated 29 January 2016
22. Response from Head of Affordable and Private Sector Housing, dated 14 March 2016
23. Responses from Environmental Health, dated 23 and 14 March 2016
24. Response from Children's Services, dated 18 January 2016
25. Response from Cleansing Manager, dated 14 January 2016
26. Response from Energy Strategy Officer (Undated)
27. Responses from Safer by Design Officer, dated 14 March and 21 January 2016
28. Response from Notting Hill East Neighbourhood Forum, dated 21 January 2016
29. Response from Bayswater Residents Association, dated 11 January 2016
30. Response from Marylebone Association, dated 22 January and March 2016
31. Response from The St Marylebone Society, dated 13 January 2016
32. Response from Marylebone Association, dated 21 March 2016
33. Response from Paddington Waterways & Maida Vale Society, dated 15 February and 4 March 2016
34. Response from SEBRA, dated 7 February and 25 March 2016
35. Responses from PRACT, dated 5 February and 28 March 2016
36. 275 Signature Petition from the Skyline Campaign, dated 29 March 2016
37. 479 Signature Petition from the Skyline Campaign, dated 1 April 2016
38. Letter from occupier of 390 Edgware Road, London, dated 14 January 2016
39. Letter from occupier of 390 Edgware Road, London, dated 28 January 2016
40. Letter from occupier of 15 Park Place Villas, London, dated 2 February 2016
41. Letter from occupier of 71 St Marys Mansions, St Mary's Terrace, dated 2 February 2016
42. Letter from occupier of 32 John Aird Court, London, dated 2 February 2016
43. Letter from occupier of 98 Westbourne Terrace, London, dated 2 January 2016

44. Letter from occupier of 24E Randolph Crescent, London, dated 19 February 2016
45. Letter from occupier of 21-24 Millbank, London, dated 9 February 2016
46. Letter from occupier of Flat 65, Braithwaite Tower, dated 10 February 2016
47. Letter from occupier of Flat 65, Braithwaite Tower, dated 18 March 2016
48. Letter from occupier of Flat 65, Braithwaite Tower, dated 18 March 2016
49. Letter from occupier of Property Services- Asset Management, 11th Floor, dated 9 February 2016
50. Letter from occupier of 30 Formosa Street, London, dated 10 February 2016
51. Letter from occupier of 141 Sutherland Ave, London, dated 10 February 2016
52. Letter from occupier of 35 Bristol Gardens, W9 2JQ, dated 17 February 2016
53. Letter from occupier of 11 Cuthbert House, Hall Place, dated 17 February 2016
54. Letter from occupier of 15 Cuthbert House, Hall Place, dated 17 February 2016
55. Letter from occupier of 86b Randolph Avenue, London, dated 1 February 2016
56. Letter from occupier of 77, Hereford Road, London, dated 19 January 2016
57. Letter from occupier of 128 John Aird Court, Porteus Road, dated 6 February 2016
58. Letter from occupier of 58 Goldney Road, London, dated 17 February 2016
59. Letter from occupier of 42, Warrington Crescent, dated 29 January 2016
60. Letter from occupier of 85b Stamford Street, Waterloo, dated 26 March 2016
61. Letter from occupier of 91 Castellain Mansions, London, dated 23 January 2016
62. Letter from occupier of 10 Boldero Place, Gateforth Street, dated 13 January 2016
63. Letter from occupier of 41E Warwick Avenue , London W9, dated 10 February 2016
64. Letter from occupier of 3 Mary Adelaide House, 19 Paddington Green, dated 25 January 2016
65. Letter from occupier of 14c Wilmot Place, LONDON, dated 25 March 2016
66. Letter from occupier of 7F Clifton Gardens, London, dated 25 January 2016
67. Letter from occupier of 390 Edgware Road, London, dated 14 January 2016
68. Letter from occupier of 26 Vincent Court, Seymour Place, dated 4 February 2016
69. Letter from occupier of Flat 18, Braithwaite Tower, dated 9 February 2016
70. Letter from occupier of 8 the dell, London, dated 18 February 2016
71. Letter from occupier of Hyde Park Ward, , dated 22 February 2016
72. Letter from occupier of hall tower, hall place, London, dated 1 February 2016
73. Letter from occupier of 45 Connaught Square, London, dated 3 February 2016
74. Letter from occupier of Braithwaite Tower, Hall Place, dated 26 March 2016
75. Letter from occupier of 32 Molyneux, London, dated 26 March 2016
76. Letter from occupier of 70 Gloucester Terrace, London, dated 28 March 2016
77. Letter from occupier of 70 Gloucester Terrace, London, dated 28 March 2016
78. Letter from occupier of 29B Denbigh Street, Pimlico, dated 23 March 2016
79. Letter from occupier of 2 Wytham House, dated 14 January 2016
80. Letter from occupier of 2 Wytham House, dated 25 January 2016
81. Letter from occupier of 37 Braithwaite Tower, Hall Place, dated 14 March 2016
82. Letter from occupier of Garden Flat, 9 Pomfret Road, dated 12 February 2016
83. Letter from occupier of Garden Flat, 9 Pomfret Road, dated 12 February 2016
84. Letter from occupier of 43 Ruskin House, London, dated 16 February 2016
85. Letter from occupier of 37 Hall Tower, London, dated 23 March 2016
86. Letter from occupier of 36 Golden Square, London, dated 2 February 2016
87. Letter from occupier of 22 Westbourne Park Villas, London, dated 22 January 2016
88. Letter from occupier of 7 Belgrave Gardens, London, dated 22 January 2016
89. Letter from occupier of 29 tufton street, London, dated 20 January 2016
90. Letter from occupier of Flat 314, 8 Dean Ryle Street, dated 26 March 2016
91. Letter from occupier of 6 Lonsdale Square, London, dated 28 March 2016

92. Letter from occupier of 36 Belsize Avenue, London, dated 28 March 2016
93. Letter from occupier of Flat 15, The Old Aeroworks, London, dated 29 March 2016
94. Letter from occupier of 118 St Mary's Mansion, London W2 1SZ, dated 29 March 2016
95. Letter from occupier of 98 Westbourne Terrace, London, dated 23 January 2016
96. Letter from occupier of 141 Sutherland Avenue, London , dated 8 February 2016
97. Letter from occupier of 61 Braithwaite, Hall Place, dated 9 February 2016
98. Letter from occupier of 5 Castellain Road, Little Venice, dated 9 February 2016
99. Letter from occupier of Flat 8, Clarendon House, Strathearn Place, dated 31 March 2016
100. Letter from occupier of 37 Blomfield Road, London, dated 4 February 2016
101. Letter from occupier of 37 Blomfield Road, London, dated 25 January 2016
102. Letter from occupier of 121 Hamilton Terrace, St John's Wood, dated 9 February 2016
103. Letter from occupier of City of Westminster, 64 Victoria Street, dated 14 February 2016
104. Letter from occupier of 23 Kildare gardens, London, dated 29 February 2016
105. Letter from occupier of 98 Westbourne Terrace, London, dated 31 March 2016
106. Letter from occupier of 98 Westbourne Terrace, London, dated 11 March 2016
107. Letter from occupier of 98 Westbourne Terrace, London, dated 22 March 2016
108. Letter from occupier of 36 Warwick Avenue, London, dated 25 January 2016
109. Letter from occupier of 13 Clifton Gardens, London, dated 26 January 2016
110. Letter from occupier of 13 St Marys Terrace, LONDON, dated 14 March 2016
111. Letter from occupier of 108 Westbourne Park Road, London, dated 26 January 2016
112. Letter from occupier of Flat 12 Lampard House, 8 Maida Avenue, dated 10 January 2016
113. Letter from occupier of 89A Sutherland Avenue, London, dated 22 February 2016
114. Letter from occupier of Flat 1, 76 Randolph Avenue, dated 2 February 2016
115. Letter from occupier of 1 Bristol Gardens, London, dated 3 February 2016
116. Letter from occupier of 139B Upper Street, London, dated 4 February 2016
117. Letter from occupier of 8 Lanark Place, London, dated 9 February 2016
118. Letter from occupier of 72 Hall Tower, Hall Place, dated 10 February 2016
119. Letter from occupier of 72 Hall Tower, Hall Place, dated 10 February 2016
120. Letter from occupier of 43A Warwick Avenue, London, dated 12 February 2016
121. Letter from occupier of 16 Granville Square, London, dated 26 March 2016
122. Letter from occupier of 16c Vicarage Road, Strood, dated 18 February 2016
123. Letter from occupier of 22 St Albans Road, London, dated 26 March 2016
124. Letter from occupier of 59 Cavendish Rd, London, dated 26 March 2016
125. Letter from occupier of 16 Randolph Road, W9 1AN, dated 1 February 2016
126. Letter from occupier of 6 Clifton Road, London W9 1SS, dated 1 February 2016
127. Letter from occupier of Lonsdale SQ. 37, London, dated 31 March 2016
128. Letter from occupier of 37 Braithwaite Tower, Hall Place, dated 2 February 2016
129. Letter from occupier of 54 Hall tower, Hall place, dated 3 February 2016
130. Letter from occupier of 60 Braithwaite Tower, Hall place, dated 3 February 2016
131. Letter from occupier of 3 Sandringham Court,, 99 Maida Vale,, dated 3 February 2016
132. Letter from occupier of 18 Braithwaite Tower, Hall Place, dated 10 February 2016
133. Letter from occupier of 11 Hall Tower, Hall Place, dated 10 February 2016
134. Letter from occupier of Flat 3 Hall Tower, Hall Place, dated 10 February 2016
135. Letter from occupier of 48 Hall Tower , Hall Place, dated 15 February 2016
136. Letter from occupier of Paddington Green Health Centre, 4 Princess Louise Close,

- dated 15 January 2016
137. Letter from occupier of 17 Upper Mall, Hammersmith, dated 19 January 2016
 138. Letter from occupier of 68b Blomfield Road, London, dated 9 February 2016
 139. Letter from occupier of 29 Denbigh Street, London, dated 17 January 2016
 140. Letter from occupier of 60 Westbourne Park Villas, London, dated 24 January 2016
 141. Letter from occupier of 26 Bristol Mews, London, dated 25 January 2016
 142. Letter from occupier of 21 Bristol gardens, London, dated 27 January 2016
 143. Letter from occupier of 8 Clifton gardens, London, dated 27 January 2016
 144. Letter from occupier of 16 Granville Square, London, dated 26 March 2016
 145. Letter from occupier of 4 Park Village West, London, dated 27 March 2016
 146. Letter from occupier of 33 Ampton street, London, dated 6 February 2016
 147. Letter from occupier of 85a Warrington Crescent, London, dated 12 February 2016
 148. Letter from occupier of Flat 3, 17 Uxbridge Road, Kingston upon Thames, dated 12 February 2016
 149. Letter from occupier of flat d, 114 Elgin avenue, dated 28 March 2016
 150. Letter from occupier of 23 Casslee Rd, London, dated 29 March 2016
 151. Letter from occupier of 58 Westbourne Park Villas, London, dated 31 March 2016
 152. Letter from occupier of Apartment 3, Munkenbeck Building, 5 Hermitage Street, dated 14 February 2016
 153. Letter from occupier of 1 Little Venice, Maida Avenue, dated 29 January 2016
 154. Letter from occupier of Flat 501 Clive Court, 75 Maida Vale, dated 1 February 2016
 155. Letter from occupier of 21 Warrington Crescent, London, dated 1 February 2016
 156. Letter from occupier of 15 Bristol Mews, London W9 2JF, dated 1 February 2016
 157. Letter from occupier of 5 Bristol Mews, London, dated 4 February 2016
 158. Letter from occupier of 37 Blomfield Road, London W9 2PF, dated 1 February 2016
 159. Letter from occupier of 3c Chilworth mews, London, dated 2 February 2016
 160. Letter from occupier of 83 Warrington Crescent, W9 1EH, London, dated 4 February 2016
 161. Letter from occupier of 40 Hall Tower, Hall Place, dated 4 February 2016
 162. Letter from occupier of 23 Bellclose Road, London, dated 5 February 2016
 163. Letter from occupier of 36 Newton Road, London, dated 29 February 2016
 164. Letter from occupier of 43 Daventry Street, London, dated 11 February 2016
 165. Letter from occupier of 26D, Clifton Villas, little Venice, dated 31 March 2016
 166. Letter from occupier of 38 Bark Place, London, dated 25 January 2016
 167. Letter from occupier of 38 Bark Place, London, dated 9 February 2016
 168. Letter from occupier of 36 John Aird Court, London, dated 30 January 2016
 169. Letter from occupier of 4g Shirland Mews, London, dated 20 January 2016
 170. Letter from occupier of 46 Holland Street, London, dated 19 January 2016
 171. Letter from occupier of 46 Holland Street, London, dated 29 March 2016
 172. Letter from occupier of 10 Randolph Road, London, dated 4 February 2016
 173. Letter from occupier of 72 Marylands Road, London, dated 11 March 2016
 174. Letter from occupier of 27 Newton Road, London, dated 25 January 2016
 175. Letter from occupier of 177c, Randolph Avenue, London, dated 22 January 2016
 176. Letter from occupier of Flat 4, 79 Randolph Avenue, London, dated 12 February 2016
 177. Letter from occupier of 4 Park Place Villas, London, dated 9 January 2016
 178. Letter from occupier of 202 Wymering Road, London, dated 26 March 2016
 179. Letter from occupier of 21-24 Millbank, Millbank Tower, dated 25 March 2016
 180. Letter from occupier of Flat 14, St Edmunds Terrace, dated 28 March 2016

181. Letter from occupier of 93 Warwick avenue, Little Venice, dated 3 February 2016
182. Letter from occupier of 46 Clifton Gardens, London, dated 3 February 2016
183. Letter from occupier of 15 Dunloe Avenue, London, dated 31 March 2016
184. Letter from occupier of 78 Bankhurst Road, London, dated 31 March 2016
185. Letter from occupier of Flat 3, 3 St. Mary's Terrace, dated 31 January 2016
186. Letter from occupier of 110 Sutherland Avenue, London, dated 31 January 2016
187. Letter from occupier of 24 Cuthbert house, hall place, dated 13 January 2016
188. Letter from occupier of Flat 38, Hall Tower, dated 4 February 2016
189. Letter from occupier of 53E Warwick Avenue, London, dated 5 February 2016
190. Letter from occupier of 8 Gilbert Sheldon House, Edgware Road, dated 18 January 2016
191. Letter from occupier of 37 Hall Tower, Hall Place, dated 23 March 2016
192. Letter from occupier of Flat 5, Shene Building, Portpool Lane, dated 28 March 2016
193. Letter from occupier of 70 Kendal Steps, St George's Fields, dated 28 March 2016
194. Letter from occupier of 40 Cote d'Eich, Luxembourg, dated 29 March 2016
195. Letter from occupier of Westminster City Hall, 64 Victoria Street, dated 29 March 2016
196. Letter from occupier of Flat 1, 151 Sutherland Avenue, dated 30 January 2016
197. Letter from occupier of 15 Lanark Road, London, dated 8 February 2016
198. Letter from occupier of 51 Northumberland Place, London, dated 19 January 2016
199. Letter from occupier of 65 Penfold Street, Wallis building, dated 16 February 2016
200. Letter from occupier of Flat 37, 5 Harbet Road, dated 12 March 2016
201. Letter from occupier of St Marys Terrace, London, dated 17 January 2016
202. Letter from occupier of 1 Bristol Gardens, London, dated 25 January 2016
203. Letter from occupier of 9A Douglas House, 6 Maida Avenue, dated 26 January 2016
204. Letter from occupier of Flat 2,, 17 Hatton Street, The Old Aeroworks, dated 30 January 2016
205. Letter from occupier of 44, London, dated 3 February 2016
206. Letter from occupier of 152 Sutherland Avenue, London W9 1HP, dated 4 February 2016
207. Letter from occupier of 33 Bristol Gardens, Little Venice, dated 4 February 2016
208. Letter from occupier of 65 hall tower, hall place, dated 5 February 2016
209. Letter from occupier of 70 Gloucester Terrace, London, dated 5 February 2016
210. Letter from occupier of 6, The Old Orchard, dated 26 March 2016
211. Letter from occupier of 16 Belsize Park, London, dated 27 March 2016
212. Letter from occupier of 29 tufton street, London, dated 28 March 2016
213. Letter from occupier of 5 hall tower, London, dated 13 February 2016
214. Letter from occupier of Flat 229, Dibdin House, Maida Vale, dated 30 March 2016
215. Letter from occupier of Steinwiesstrasse 63, Zurich, dated 31 March 2016
216. Letter from occupier of Flat 3, 45-47 Daventry Street, dated 23 February 2016
217. Letter from occupier of 55 Blenheim terrace, London, dated 31 March 2016
218. Letter from occupier of 11 Ravensbourne Park, London, dated 31 March 2016
219. Letter from occupier of 25-27 Courtfield Road, London, dated 31 March 2016
220. Letter from occupier of 32 Lonsdale Square, London, dated 31 March 2016
221. Letter from occupier of 32 Lonsdale Square, London, dated 25 January 2016
222. Letter from occupier of 11 Gilbert Sheldon House, Edgware Road, dated 7 February 2016
223. Letter from occupier of Flat B, 128 Sutherland Avenue, dated 29 January 2016

224. Letter from occupier of 63 St Marys Mansions, St Marys terrace, dated 18 January 2016
225. Letter from occupier of 2 Lanark Mews, London, dated 31 March 2016
226. Letter from occupier of 16 Hamilton Close, London, dated 31 March 2016
227. Letter from occupier of 14 Jameson Street, London, dated 31 March 2016
228. Letter from occupier of Flat 2, 13 Westbourne Gardens, dated 22 January 2016
229. Letter from occupier of 21 Bristol Gardens, London, dated 23 January 2016
230. Letter from occupier of Fulham Society, 1 R0saville Road, dated 24 January 2016
231. Letter from occupier of Flat B, 5 Grand Union Close, dated 26 January 2016
232. Letter from occupier of 15 Clive Court, 75 Maida Vale, dated 27 January 2016
233. Letter from occupier of Flat 49 St Marys Mansions, London, dated 14 January 2016
234. Letter from occupier of 160-162 Sutherland Avenue, Maida Vale, dated 22 February 2016
235. Letter from occupier of 53c Randolph Avenue, London, dated 31 January 2016
236. Letter from occupier of 43E Warwick Avenue, Little Venice, dated 1 February 2016
237. Letter from occupier of 34 Tadema House, Penfold Street, London, dated 20 March 2016
238. Letter from occupier of 63 St Marys Mansions, St Marys Terrace, dated 26 March 2016
239. Letter from occupier of Glen Eden, St Boswells, dated 27 March 2016
240. Letter from occupier of 46 Warrington Crescent, London, dated 4 February 2016
241. Letter from occupier of 42C Mount Pleasant Road, London, dated 29 March 2016
242. Letter dated 25 January 2016
243. Letter dated 25 January 2016
244. Letter from occupier of 41 Blomfield Road, London, dated 3 February 2016
245. Letter from occupier of 68H, Randolph Avenue, dated 4 February 2016
246. Letter from occupier of Hall Tower flat 37, Hall PLace, dated 9 February 2016
247. Letter from occupier of 62 Braithwaite Tower, Hall Place, dated 17 January 2016
248. Letter from occupier of 62 Braithwaite Tower, Hall Place, dated 23 March 2016
249. Letter from occupier of 2D Park Place Villas, London, dated 14 January 2016
250. Letter from occupier of Top Floor, 135 Sutherland Avenue, dated 25 January 2016
251. Letter from occupier of 53 Ferndale Road, London, dated 18 February 2016
252. Letter from occupier of 16 Park Place Villas, London, dated 15 January 2016
253. Letter from occupier of Flat 10, 329 Harrow Road, dated 27 January 2016
254. Letter from occupier of Flat 4/A, Alexandra House, dated 23 January 2016
255. Letter from occupier of 19 Lonsdale Square, London, dated 26 March 2016
256. Letter from occupier of Factory Lane, Croydon, dated 1 February 2016
257. Letter from occupier of 10 Lupus Street, Flat 3, dated 1 February 2016
258. Letter from occupier of 114 Beaufort Street, London, dated 26 March 2016
259. Letter from occupier of 12A Hollycroft Avenue, London, dated 26 March 2016
260. Letter from occupier of 21 Borough Road, Isleworth, dated 31 March 2016
261. Letter from occupier of 36 D Edbrooke Road, London, dated 31 March 2016
262. Letter from occupier of 51 St Stephens Gardens, London, dated 31 March 2016
263. Letter from occupier of 35H Randolph Crescent, London, dated 2 February 2016
264. Letter from occupier of 2 Cray House, 47 Penfold St, dated 12 March 2016
265. Letter from occupier of Old Police House, Hyde Park, dated 25 January 2016
266. Letter from occupier of 65 Braithwaite Tower, Hall Place, dated 11 March 2016
267. Letter from occupier of 65 Braithwaite Tower, Hall Place, dated 25 January 2016
268. Letter from occupier of 21 St Marys Mansions, St Marys Terrace, dated 31 March 2016

269. Letter from occupier of 21 St Marys Mansions, St Marys Terrace, dated 3 February 2016
270. Letter from occupier of 54 Hall tower, Hal place, dated 3 February 2016
271. Letter from occupier of 99 Frampton Street, London, dated 25 January 2016
272. Letter from occupier of 7 Thornbury, Prince of Wales close, dated 6 February 2016
273. Letter from occupier of 23 Alexandra Court, London, dated 31 January 2016
274. Letter from occupier of 17 Randolph Road, London, dated 1 February 2016
275. Letter from occupier of 62 Braithwaite Tower, London, dated 23 March 2016
276. Letter from occupier of 2c Park Place Villas, London, dated 12 February 2016
277. Letter from occupier of Albion Street, London, dated 24 March 2016
278. Letter from occupier of Basement Flat, 12 Mildmay Grove South, dated 25 March 2016
279. Letter from occupier of 32 Brathwaite Tower, Hall Place, dated 13 February 2016
280. Letter from occupier of 32 Braithwaite Tower, Hall Place, dated 13 February 2016
281. Letter from occupier of 123 Oliphant street, London, dated 26 March 2016
282. Letter from occupier of 31 Kildare Terrace, London, dated 27 March 2016
283. Letter from occupier of 10 Tarleton Gardens, London, dated 27 March 2016
284. Letter from occupier of Basement Flat, 49A Chepstow Road, dated 26 January 2016
285. Letter from occupier of Garden Flat, 11 Warwick Avenue, dated 27 January 2016
286. Letter from occupier of 87 Priory Grove, Stockwell, dated 31 March 2016
287. Letter from occupier of 21-24 Millbank Tower, London, dated 31 March 2016
288. Letter from occupier of Millbank Tower, 21-24 Millbank, dated 31 March 2016
289. Letter from occupier of 19a Warrington, Crescent, dated 25 January 2016
290. Letter from occupier of 15 Spring Street, London, dated 25 January 2016
291. Letter from occupier of 41 Lanark Road, London, dated 26 January 2016
292. Letter from occupier of 42, Warrington Crescent, dated 29 January 2016
293. Letter from occupier of 185 Sutherland Avenue, Flat 2, dated 30 January 2016
294. Letter from occupier of 82D Warwick Ave, London, dated 3 February 2016
295. Letter from occupier of 7 Hall Tower, Hall Place, dated 3 February 2016
296. Letter from occupier of 62 Braithwaite Tower, Hall Place, dated 17 January 2016
297. Letter from occupier of 7 Thornbury, Prince of Wales close, dated 6 February 2016
298. Letter from occupier of 17 Hatton Street, London, dated 9 February 2016
299. Letter from occupier of 40 Formosa St, Garden Flat, dated 10 February 2016
300. Letter from occupier of 1 Park Place Villas, Little Venice, dated 29 March 2016
301. Letter from occupier of 51 Honley Road, Catford, dated 29 March 2016
302. Letter from occupier of 11, Lanark Rd, dated 22 January 2016
303. Letter from occupier of Flat 37 Hall Tower, Hall Place, dated 10 February 2016
304. Letter from occupier of Flat 37 Hall Tower, Hall Place, dated 9 February 2016
305. Letter from occupier of 62 Braithwaite Tower, Hall Place, dated 23 March 2016
306. Letter from occupier of 62 Braithwaite Tower, Hall Place, dated 17 January 2016
307. Letter from occupier of 30 Highbury Place, London, dated 29 March 2016
308. Letter from occupier of Flat A, 8 Howley Place, dated 16 February 2016
309. Letter from occupier of Flat A, 8 Howley Place, dated 12 February 2016
310. Letter from occupier of 23 Bristol Gardens, London, dated 26 March 2016
311. Letter from occupier of 12A Newcourt street, London, dated 18 February 2016
312. Letter from occupier of 1 Crestfield Street, London, dated 27 March 2016
313. Letter from occupier of 1 Kingsgate Pace, London, dated 23 January 2016
314. Letter from occupier of 55 Warrington Crescent, London, dated 25 January 2016
315. Letter from occupier of Flat 14 Gilbert Sheldon House, Edgware Road, dated 22

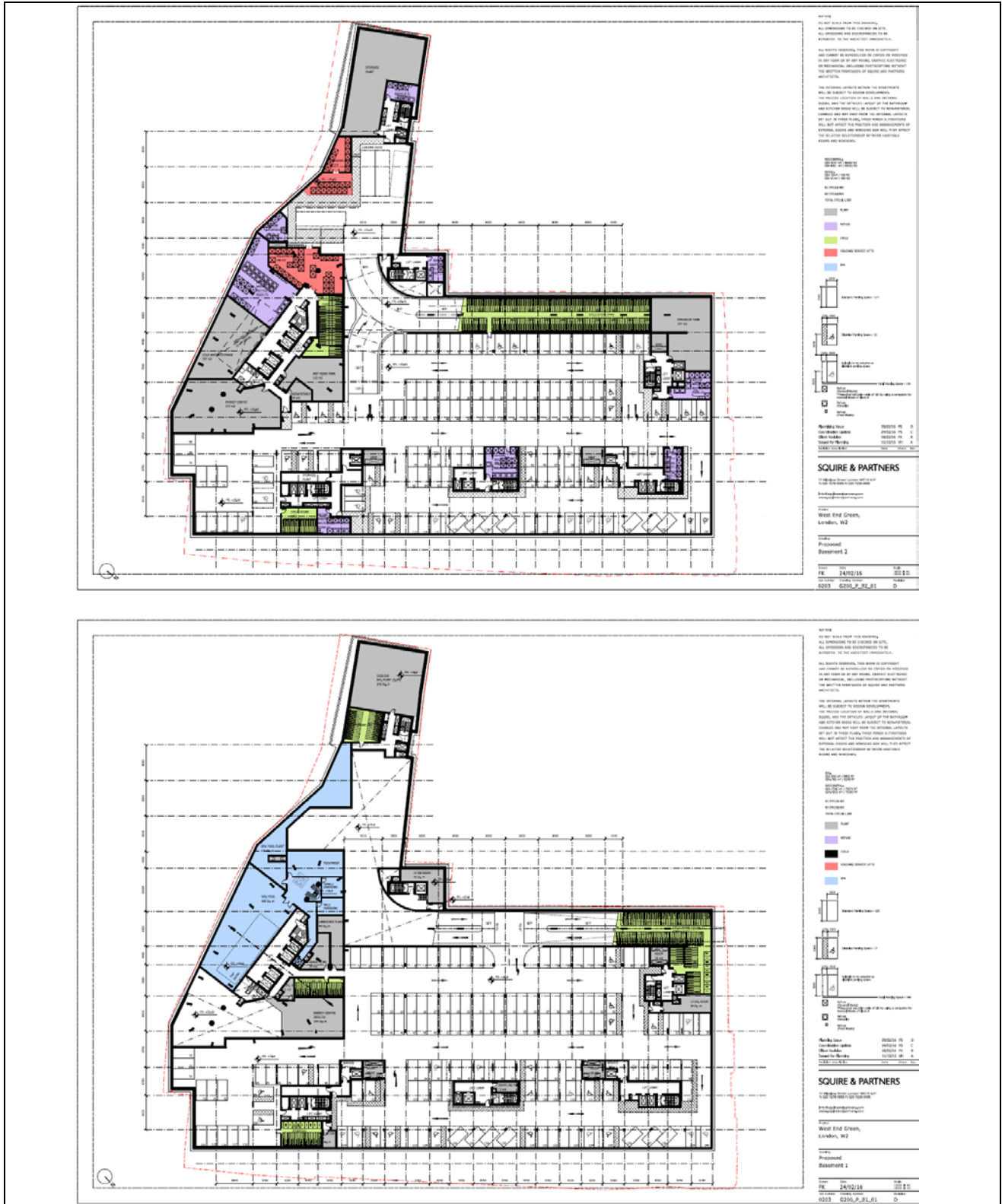
February 2016

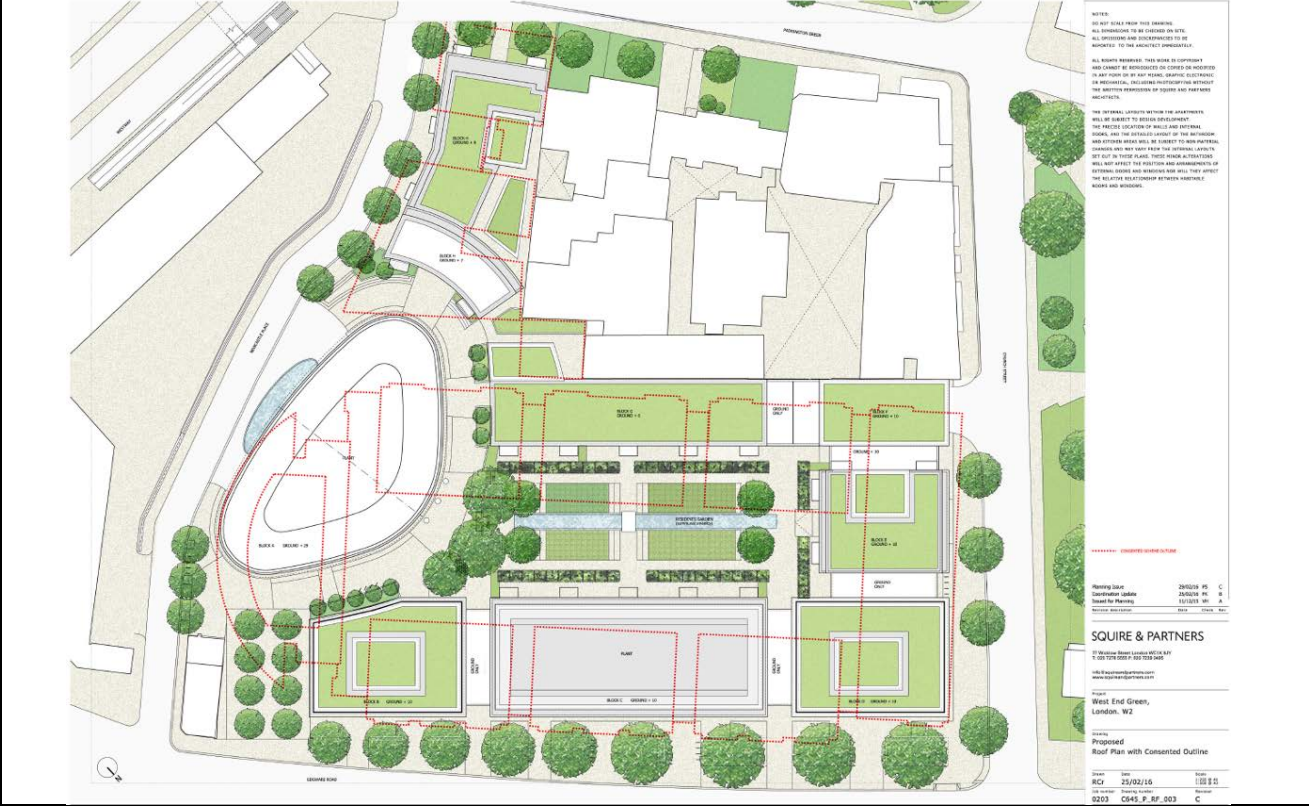
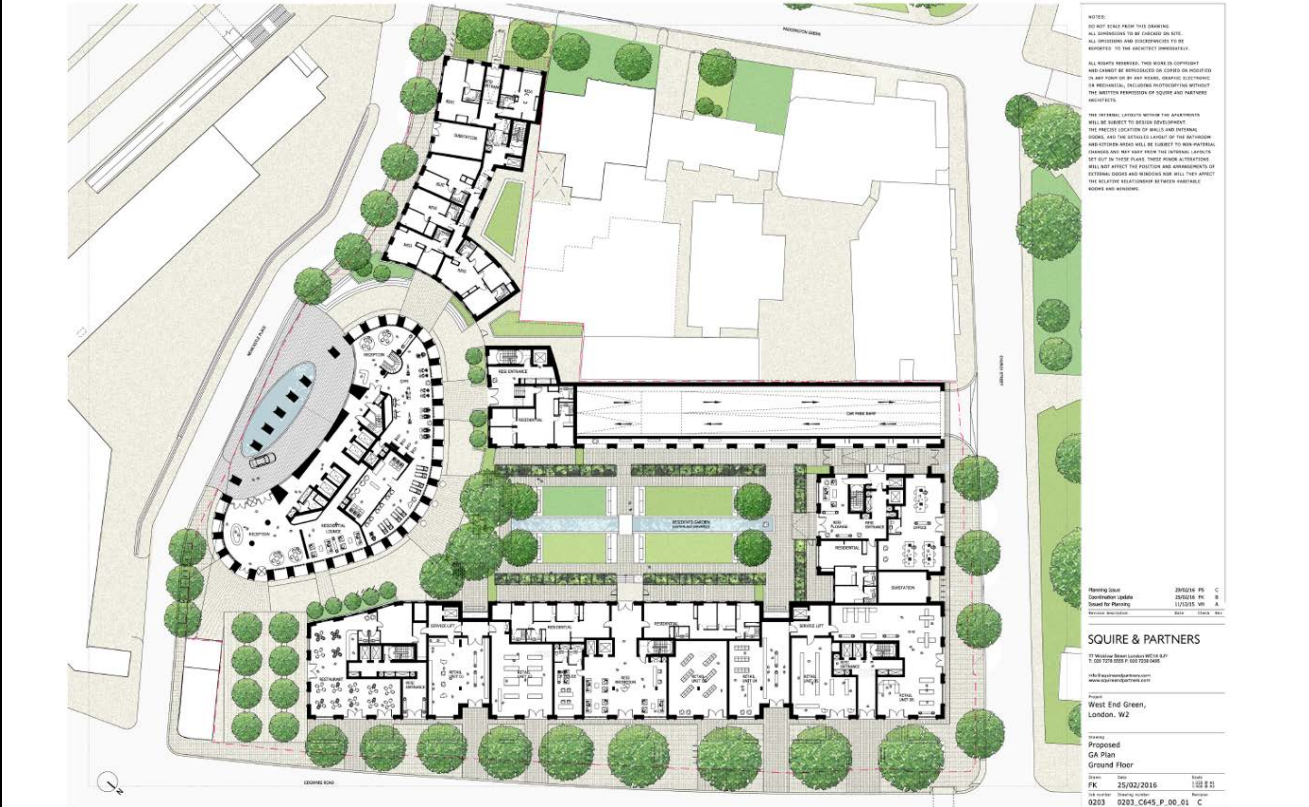
- 316. Letter from occupier of Garden Flat, 29a Castellain Road, dated 27 January 2016
- 317. Letter from occupier of 15 the Old Aeroworks, 17 Hatton street, dated 29 January 2016
- 318. Letter from occupier of 110 Drury Lane, London, dated 31 March 2016
- 319. Letter from occupier of 35H Randolph Crescent, London, dated 2 February 2016
- 320. Letter from occupier of 35H Randolph Crescent, London, dated 2 February 2016
- 321. Letter from occupier of Flat 1,60 Warwick Av, dated 4 February 2016
- 322. Letter from occupier of 76 Braithwaite Tower, Hall Place, dated 5 February 2016
- 323. Letter from occupier of 65 Hall tower, London, dated 5 February 2016
- 324. Letter from occupier of 14 Jameson St, London, dated 31 March 2016
- 325. Letter from occupier of 29 tufton street, London, dated 19 January 2016
- 326. Letter from occupier of Basement Flat, 37J Randolph Crescent, London, dated 25 January 2016
- 327. Letter from occupier of 91 Castellain Mansions, Castellain Rd, dated 19 March 2016
- 328. Letter from occupier of 25B Warwick Avenue, London, dated 2 February 2016
- 329. Letter from occupier of 23 Bristol Gardens, London , dated 2 February 2016
- 330. Letter from occupier of 60 Winchester House, London, dated 31 March 2016
- 331. Letter from occupier of Flat 8 Lavington, Greville Place, dated 28 March 2016
- 332. Letter from occupier of 51 BLOMFIELD ROAD, LONDON, dated 20 January 2016
- 333. Letter from occupier of Flat D, 1 Edbrooke Road, dated 22 January 2016
- 334. Letter from occupier of 9 The Old Aeroworks, 17 Hatton Street, dated 27 January 2016
- 335. Letter from occupier of Carolina, London, dated 31 March 2016
- 336. Letter from occupier of 34 Estelle Road, London, dated 31 March 2016
- 337. Letter from occupier of 98 Westbourne Terrace, London, dated 31 March 2016

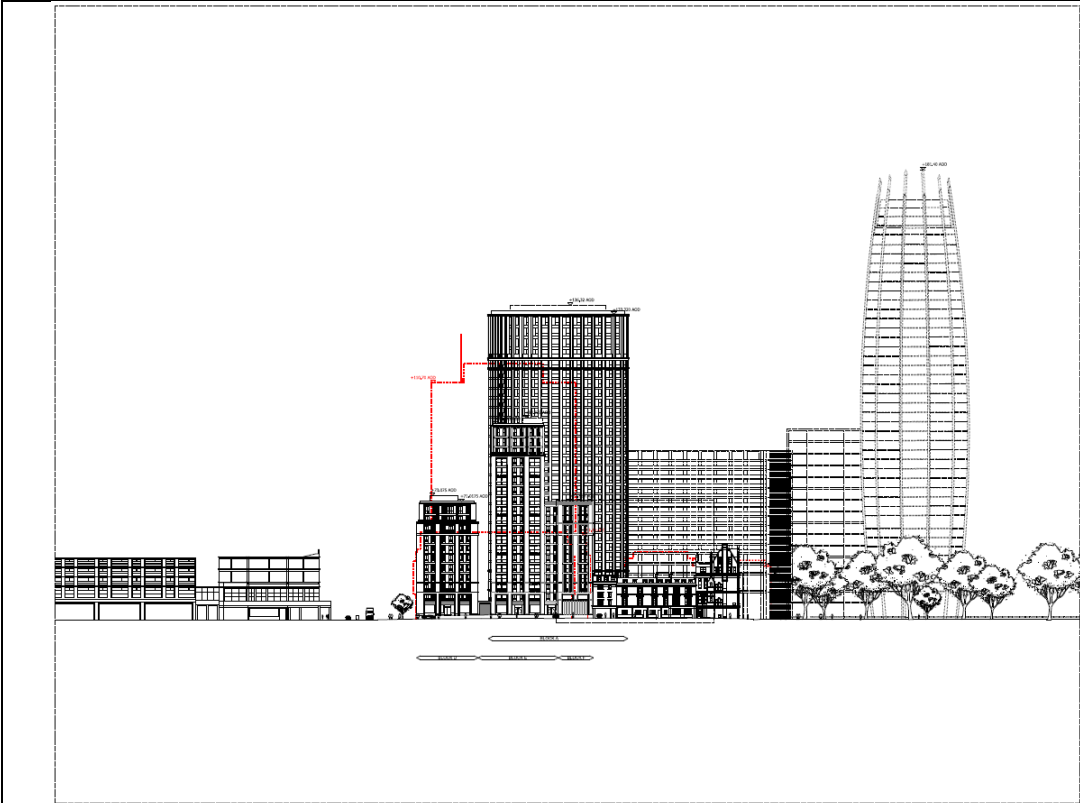
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

11 KEY DRAWINGS







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--- CONSENTED SCHEME COLUMN

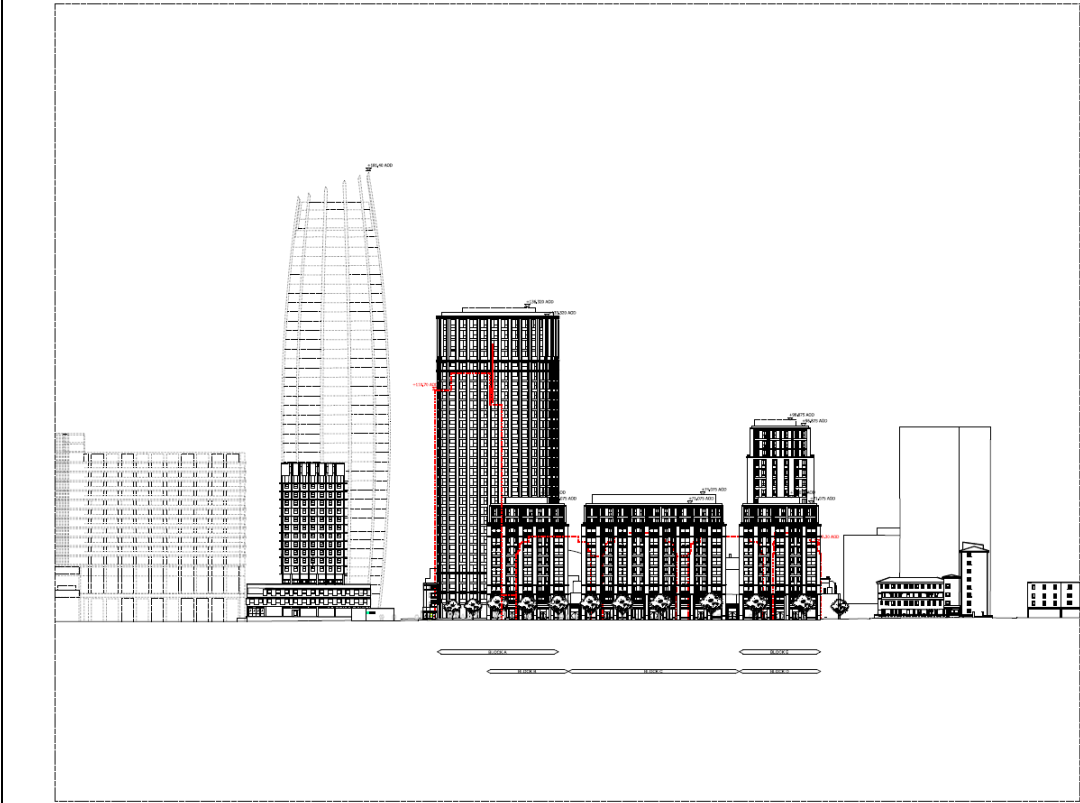
Working Title: PROJECT NO: A
Drawn by: SQUIRE
Date: 22/02/16

SQUIRE & PARTNERS
110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

Client: West End Green, London, W2

Title: North Elevation Proposed with Consented Scheme

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--- CONSENTED SCHEME COLUMN

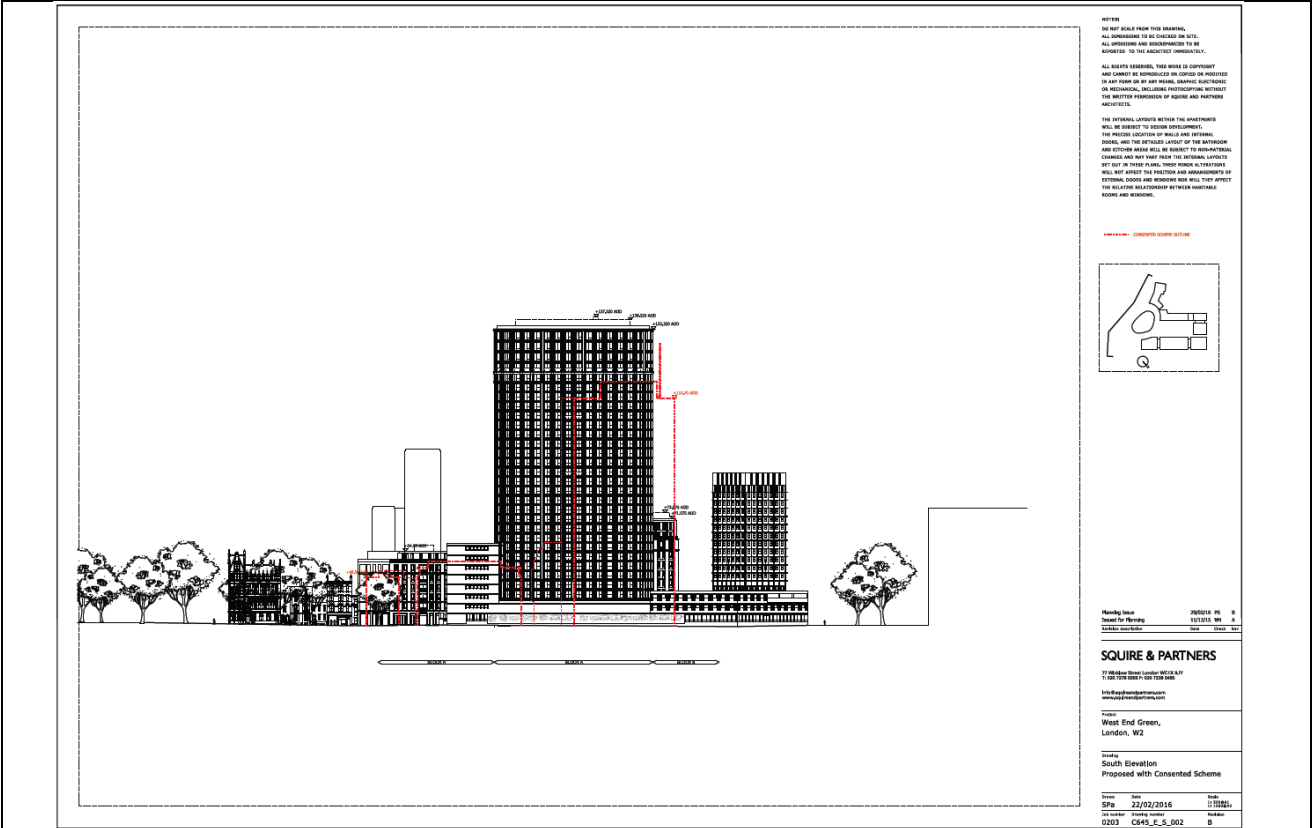
Working Title: PROJECT NO: A
Drawn by: SQUIRE
Date: 22/02/16

SQUIRE & PARTNERS
110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

Client: West End Green, London, W2

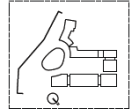
Title: East Elevation Proposed with Consented Scheme

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THE POSITION LOCATIONS OF WALLS AND INTERNAL
DOORS, AND THE DETAIL LAYOUT OF THE BATHROOM
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THE RELATIVE RELATIONSHIP BETWEEN HABITABLE
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CONSENTED SCHEME OUTLINE

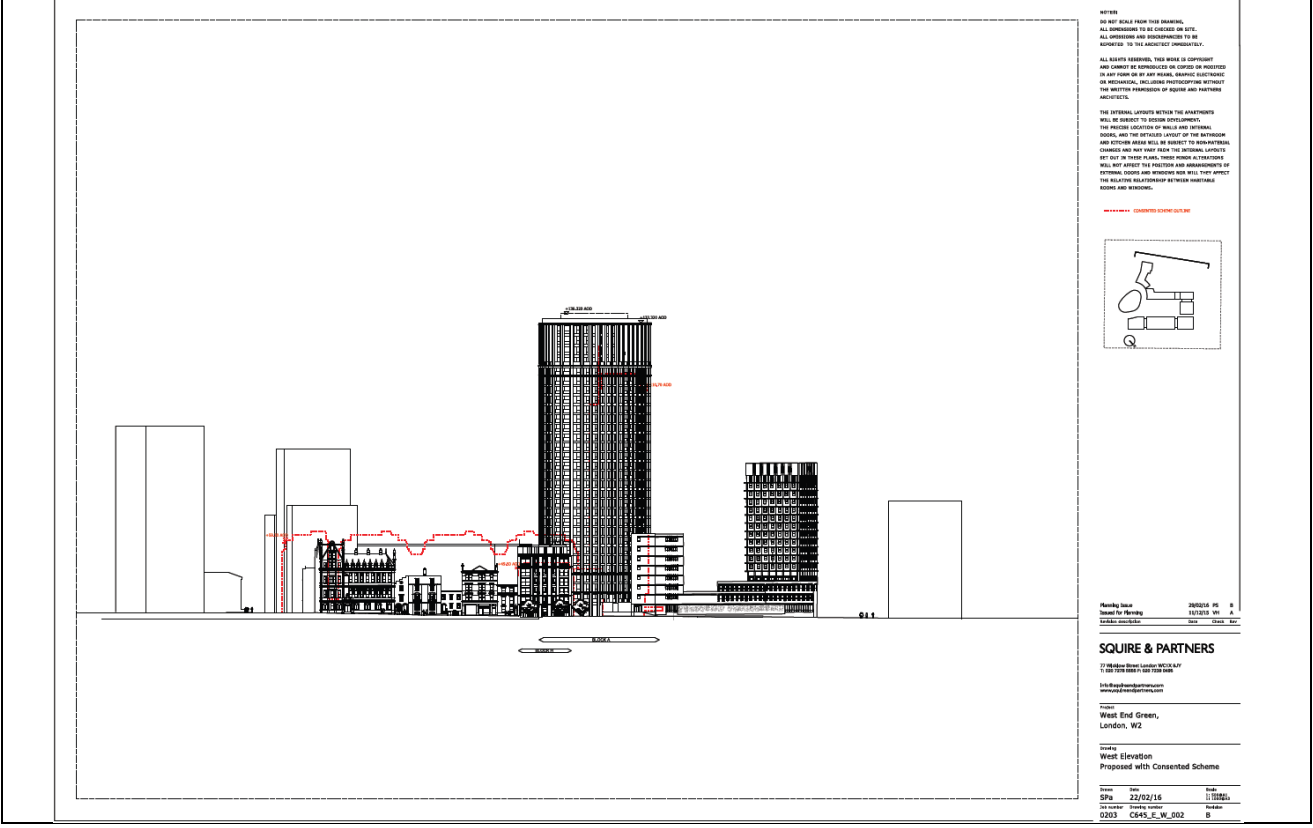


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Scheme For Planning: 101010 WY #
Drawing Code: 0000 - 0000 - 0000

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17 Middle Street, London, EC2A 4AF
T: 020 7556 1000
info@squireandpartners.com
www.squireandpartners.com
West End Green,
London, W2

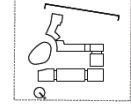
Drawing: South Elevation
Proposed with Consented Scheme

Date: 22/02/2016
Scale: 1:1000
Drawing Code: 0000
Revision: 0000 - 0000 - 0000



NOTES
DO NOT SCALE FROM THIS DRAWING.
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IN ANY CASE OR BY ANY OTHER PARTY.
ON REVISIONS, INCLUDE THE REVISIONS BY
THE ARCHITECT'S FIRM AND THE ARCHITECT'S
FIRM'S REPRESENTATIVE.
THE INTERNAL LAYOUTS WITHIN THE APARTMENTS
WILL BE SUBJECT TO DESIGN DEVELOPMENT.
THE POSITION LOCATIONS OF WALLS AND INTERNAL
DOORS, AND THE DETAIL LAYOUT OF THE BATHROOM
AND KITCHEN AREAS WILL BE SUBJECT TO DESIGN
CHANGES AND MAY VARY FROM THE INTERNAL LAYOUTS
SET OUT IN THESE PLANS. THESE CHANGES
WILL NOT AFFECT THE POSITION AND ARRANGEMENTS OF
EXTERNAL DOORS AND WINDOWS AND WILL NOT AFFECT
THE RELATIVE RELATIONSHIP BETWEEN HABITABLE
ROOMS AND WINDOWS.

CONSENTED SCHEME OUTLINE

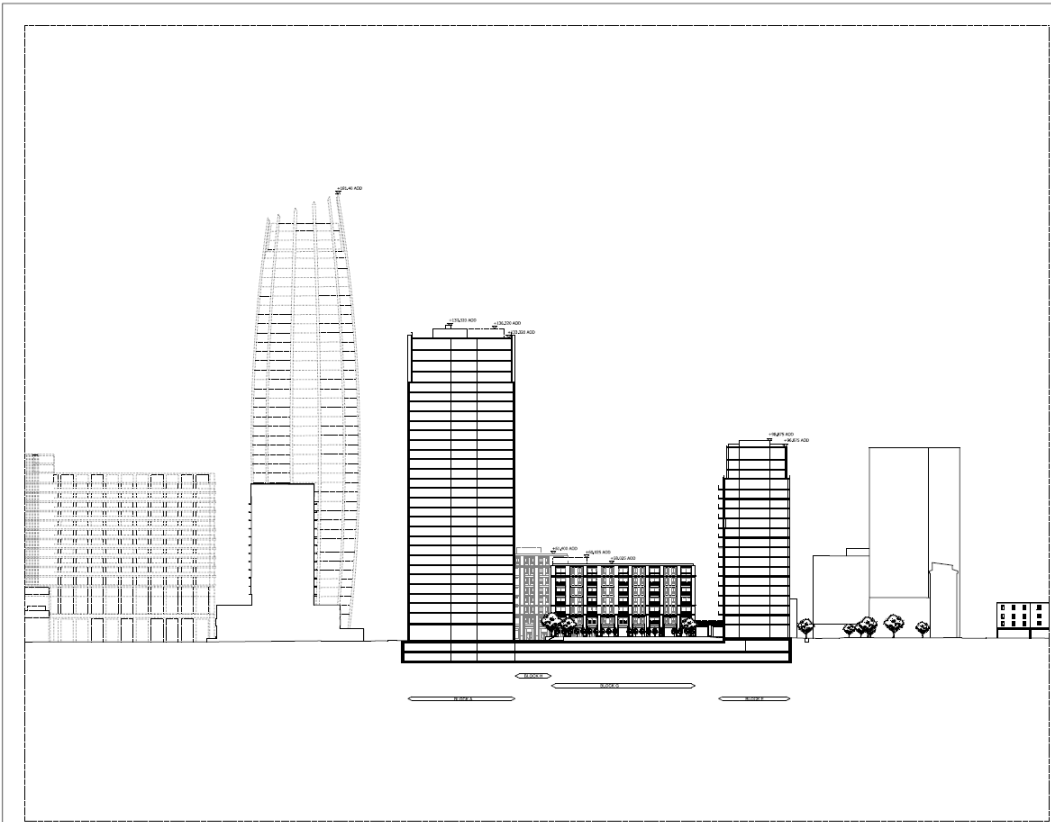


Planning Issue: 200516 PR #
Scheme For Planning: 101010 WY #
Drawing Code: 0000 - 0000 - 0000

SQUIRE & PARTNERS
17 Middle Street, London, EC2A 4AF
T: 020 7556 1000
info@squireandpartners.com
www.squireandpartners.com
West End Green,
London, W2

Drawing: West Elevation
Proposed with Consented Scheme

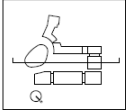
Date: 22/02/16
Scale: 1:1000
Drawing Code: 0000
Revision: 0000 - 0000 - 0000



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ARCHITECTS.

THE SPATIAL LAYOUTS WITHIN THE APARTMENTS
WILL BE SUBJECT TO DESIGN DEVELOPMENT. THE
FINAL FLOOR PLANS WILL BE SUBJECT TO CONTRACTUAL
DOCUMENTS AND WILL NOT AFFECT THE SPATIAL LAYOUTS
SET OUT IN THESE PLANS. THESE PLANS, ACCORDING
WILL NOT AFFECT THE POSITION AND ARRANGEMENTS OF
STAIRS, LIFTS AND SERVICES AND WILL NOT AFFECT
THE RELATIVE RELATIONSHIP BETWEEN ADJACENT
ROADS AND BUILDINGS.



Scale: 1:500
Date: 22/02/2016
Author: [Name]
Check: [Name]

SQUIRE & PARTNERS

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www.squire-partners.com

West End Green,
London, W2

Section BB
Proposed

Date: 22/02/2016
Scale: 1:500
Author: [Name]
Check: [Name]
0203_Co45_S_BB_001 8



Proposed Massing



Proposed Perspective. From Edgware Road towards Marble Arch.



Proposed. From the Westway towards Regent's Park.



Proposed Perspective. Ground Floor Activity.



Proposed Presentation. Paddington Green.

Item No.
1

DRAFT DECISION LETTER

Address: Development Site at 285-329 Edgware Road, London, W2 1DH,

Proposal: Redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A3 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).

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).

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 residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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 Block 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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;
 - (F) Gates to vehicular entrances;
 - (G) Roof top plant and plant enclosures;
 - (H) Elevation of the Church Street facing sub-station façade;
 - (I) Typical bay elevations showing structural and cladding joints;
 - (J) Details of ventilation and other services termination at façade or roof;
 - (K) Details of any centralised satellite dish and TV system(s) to serve the development;

- (L) Details of 'fins' to south side of the tower and their relationship with the water feature to ground floor level; and
 (M) 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 21 No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

(A). The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and

(B). The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of

Westminster's City Plan: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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 L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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: Strategic Policies adopted November 2013, 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: Strategic Policies adopted November 2013, 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 the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night from sources other than emergency sirens.

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 Condition 28 and 29 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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: Strategic Policies adopted November 2013, 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 & LFMmax 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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 54 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013. (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: Strategic Policies adopted November 2013. (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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

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: Strategic Policies adopted November 2013, 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. (150AA)

- 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 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)

- 10 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.
- 11 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

- 12 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

- 13 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

- 14 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.

- 15 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 16 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)
- 17 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)
- 18 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)
- 19 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).
- 20 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.

- 21 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).

Item No.
1

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

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Development Site At 117 - 125 Bayswater Road, 2 - 6 Queensway, Consort House And 7 Fosbury Mews, London, W2.		
Proposal	Demolition and redevelopment of 117 - 125 Bayswater Road, together with 2 - 6 Queensway and 7 Fosbury Mews for a new building comprising three basements, ground and nine upper storeys to include 55 residential units and ancillary residential facilities (Class C3), together with retail (Class A1) and/or car showroom (sui generis) unit, a retail (Class A1) and/or restaurant (Class A3) unit, a dentist (Class D1) and a spa/re use (Class D2), highway works and the use of car parking within the basement of Consort House.		
Agent	Mr Nick Delaney		
On behalf of	Bayswater Road (Holdings) Ltd		
Registered Number	15/10671/FULL	Date amended/ completed	4 December 2015
Date Application Received	9 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Queensway Adjacent to Bayswater and Royal Parks Conservation Areas.		

1. RECOMMENDATION

Does Committee agree that:-

- 1) The loss of the unlisted buildings of merit would result in substantial harm to the Queensway Conservation Area and for the loss to be considered acceptable the scheme must deliver substantial public benefits.
- 2) The redevelopment of this site could be acceptable in principle providing:-
 - a) the replacement building is reduced in size to mitigate its harm; and
 - b) that substantial benefits are delivered in accordance with the NPPF
- 3) That the proposed replacement building requires the following amendments in order to reduce its impact to adjacent residents and visual harm to the Queensway Conservation Area and the Royal Parks:-

- a) A reduction in the height of the building by two storeys – one middle floor and one floor to the roof.
- b) Alterations to the shop fronts to introduce a stronger and more detailed base to the building.
- c) Consideration of a single material for balconies to streamline the use of materials.
- d) Alterations to the height, bulk, proximity and detailed design of the rear elevation, to reduce the unacceptable impact of the building on the amenities of neighbouring residents in Fosbury Mews, Inverness Terrace and Consort House.
- 4) The proposed car showroom at ground and basement level accessed from Bayswater Road is unacceptable in transportation terms and should be omitted from the proposal.
- 5) A significant increase in public benefits is required in order to outweigh the harm caused from the loss of the unlisted buildings of merit and the bulk of the replacement building. This should be in the form of more substantial public realm improvements along Queensway.
- 6) Subject to 1-5 above being agreed and the applicant making the necessary changes, that conditional permission is granted, subject to a S106 legal agreement in consultation with the Chairman and subject to concurrence of the Mayor of London.

2. SUMMARY

Planning permission is sought for the redevelopment of the site and construction of a new building comprising 3 basements, ground and 9 upper storeys to provide a mixed use building of residential (55 flats), dentist, spa, and flexible use for Retail and or car showroom and Retail and or Restaurant.

A number of elements of the proposal are supported in planning terms, although the car showroom use is not supported and the potential impact of the development on the amenities of surrounding residents raises significant concern.

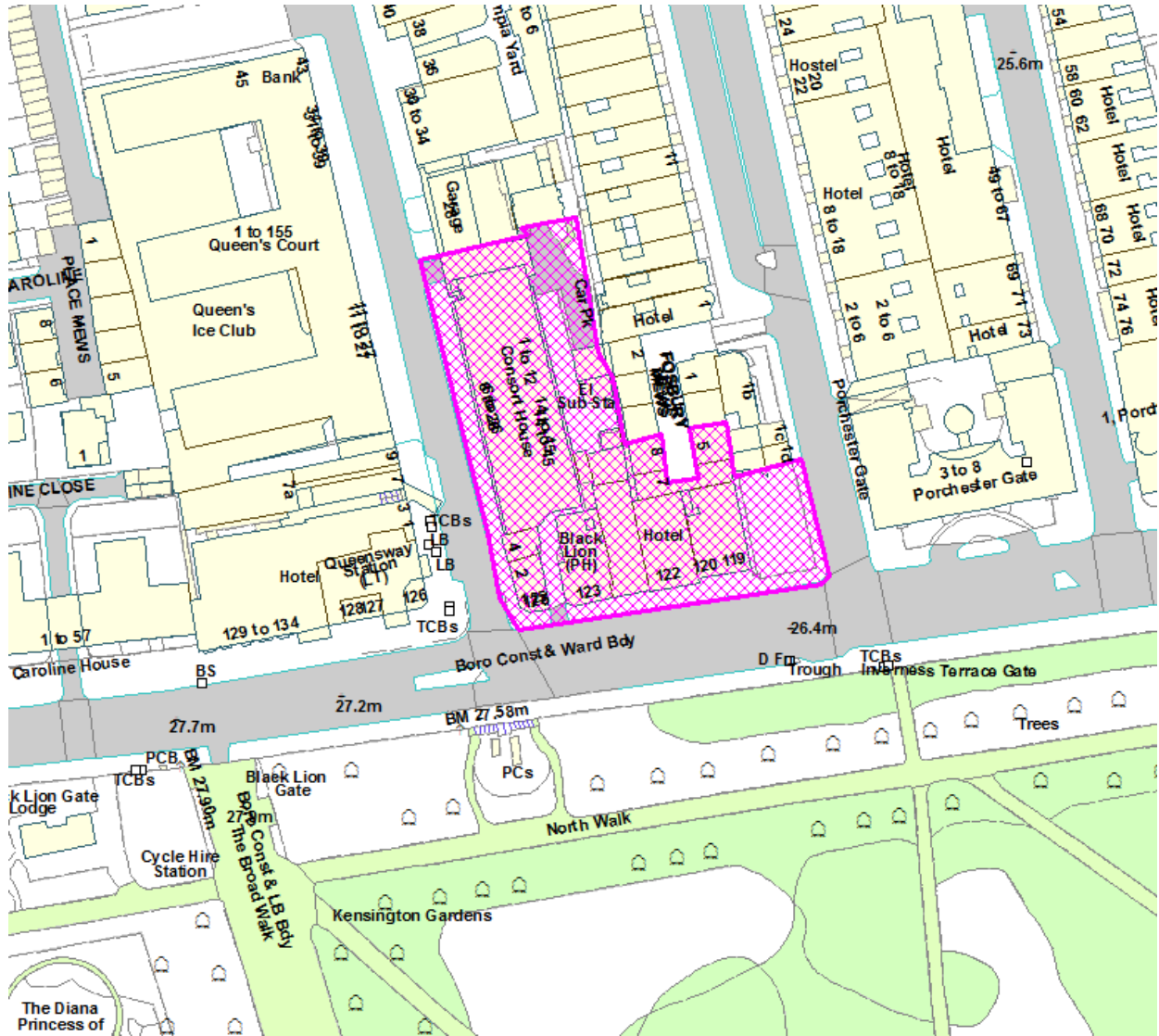
The proposal involves the total loss of buildings of merit in the conservation area and under the tests set out under the National Planning Policy Framework (NPPF) this loss is viewed as resulting in substantial harm to the heritage assets. The loss of the existing buildings and the replacement building (due to its excessive height and mass) are considered harmful to the conservation area and has brought about objections from Historic England, The Victorian Society, The Royal Parks, The Greater London Authority, The Royal Borough of Kensington & Chelsea, Campaign for Real Ale (loss of Black Lion PH), the South East Bayswater Residents Association and a number of local residents.

In such cases it must be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Taking into account the applicants limited package of benefits, including a financial contribution towards streetscape improvements in connection with the City Council's Queensway and Westbourne Grove Streetscape Initiative Project, and new gates to Kensington Gardens which has brought about objection from The Royal Parks, it is not considered that such justification has been demonstrated.

Given these key issues, Members are asked to agree that it is necessary for the applicant to make a number of revisions to the proposed development to seek to address design, land use and amenity issues and also to significantly increase the public benefits resultant from the proposal if a favourable recommendation is to be forthcoming.



3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally

GREATER LONDON AUTHORITY

Objection. The Mayor considers that the application does not comply with the London Plan and is of the opinion that the benefits of the development do not outweigh the loss on non-designated heritage assets and the substantial harm caused to the Conservation Area and the development proposal are contrary to London Plan policy. The Mayor is also of the opinion that the design of the replacement building would also be harmful to the Conservation Area.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Objection. Proposal would result in considerable and unjustified harm to the historic environment and would fail to constitute sustainable development. The demolition of the existing buildings and their replacement with the proposed development would cause substantial harm to the special character and appearance of the Queensway Conservation Area. Harm has also been identified to the significance of the Grade 1 registered Kensington Park Gardens and the special character and appearance of the Royal Parks Conservation area. Does not consider there to be any clear benefits of the scheme that could be considered in mitigation against the harm caused.

HISTORIC ENGLAND (ARCHAEOLOGY)

Comments. Site does not lie within an archaeological priority area; it does lie along/close to the line of a major Roman Road which is thought to follow Bayswater Road. The development therefore has the potential to impact upon the remains of the road or associated roadside features. As such a condition is requested for seek a two stage process of archaeological investigation.

THE ROYAL PARKS

Objection. Key concern is the encroachment of the public realm into Kensington Gardens as a part of improvements to the road junction. These wider aspirational plans for the public realm heavily impact upon Grade I listed Crown Land and the proposed intervention into the park is not appropriate. The mass of the development is an additional concern and would form an imposing and unwelcome view from Kensington Gardens. Support view of Historic England that the proposals would result in substantial harm to the special character and appearance of the Queensway conservation area and would result in harm to the setting of the grade 1 registered Kensington Park Gardens. Reference is made to the Royal Parks Kensington Gardens Plan 2006-2016 which states "The aim should be to retain the green and verdant setting of the Park, with skyline views principally formed by the tree canopy.

THE VICTORIAN SOCIETY

Objection. The proposal (by virtue of extent of demolition and replacement building) is a highly inappropriate and seriously damaging development, which would cause substantial and unjustified harm to the significance of the Queensway Conservation area.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS

Any response to be reported verbally.

THE GARDENS TRUST

Any response to be reported verbally.

LONDON HISTORIC PARKS AND GARDENS

Any response to be reported verbally.

TRANSPORT FOR LONDON

Comments. Concerned with excessive level of car parking. Cycle Parking for non residential units does not comply (64 spaces required as well as cycle parking for the dentist). Satisfied that effects on Bayswater Road (Strategic Road Network) can be managed, supports footway widening to Bayswater Road and Inverness Terrace. Request conditions to secure Construction and Logistic Plan (CLP) and Delivery and Service Plan (DSP), Electric Vehicle Charging Points (EVCP) and Blue Badge car parking. Suggest travel plan to secure funding for cycle hire membership for each residential unit for a minimum of 1 year – up to 3 years (£90 per unit per year) and cycle changing facilities for staff of all commercial uses on site. Further suite of comments to be provided to the GLA which may contain a suite of mitigation measures pertaining to walking, buses, or public transport generally.

LONDON UNDERGROUND LIMITED

Any response to be reported verbally.

ENVIRONMENT AGENCY (THAMES REGION)

No comment.

THAMES WATER UTILITIES LTD

Comments. General comments provided and conditions requested with regard to drainage strategy, piling method statement, ground water discharging into public sewers, non-return valves fat traps, together with recommended informatives.

NHS CENTRAL LONDON

Any response to be reported verbally.

WESTMINSTER PRIMARY CARE TRUST

Any response to be reported verbally.

ROYAL BOROUGH OF KENSINGTON & CHELSEA

Objection. The development, due to excessive height, bulk, massing and forward buildings line, would be an overly dominant and unsympathetic addition to the townscape. The development would be visible from within the conservation area of Royal Borough and from the Grade I registered Kensington Gardens and would detract from these views and fail to preserve the character and appearance of the Kensington Palace Conservation area, and the setting of the Grade 1 Registered Garden.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (Two responses)

Objection (original holding response). Application poses a number of important issues, height, bulk, design of the new building, including forward building line, in such a prominent location. Members would like to see retention of unlisted buildings of merit and do not like the new building, bulk, height and office like appearance and consider it to be inappropriate in this location and from views from Inverness Terrace.

We have a predicament as opportunity for development (of vacant corner plot, down market hostel, shops and shop fronts of poor quality), has to be weighed against the loss of three unlisted buildings of merit within the Queensway conservation area. Would like to retain these buildings, but acknowledge that this site or part of it does need to be developed as the situation cannot stay as it is forever. Nobody asked for the Black Lion PH to be made a community asset, probably as it was mainly frequented by tourists. There are aspects of the new building upon which we are divided as it is bulky, tall and top heavy and would dominate the skyline. The proposal ticks various boxes in terms of mix of flats, parking, servicing etc. A substantial sum is offered for public realm improvements and funding for pathways and improved gates to Kensington Gardens. Question affordable housing offer. Without the benefit of a full breakdown of what is being offered in terms of public realm and affordable housing, difficult to decide if the merits of the scheme outweigh the loss of the three buildings and the height, bulk and design of the new building. Suggest restrictions on 1) servicing hours and to prevent servicing from Bayswater Road and Queensway 2) hours of use of commercial units in stress area 3) require commercial units to be ready for occupation before residential units occupied 4) omission of car showroom 5) omission of north facing green wall 6) shop front and signage strategy 6) unallocated car parking 7) affordable housing contribution retained for that purpose 8) No cluttering or canopies to balconies 9) no illumination of building. Would like to see new tree planting and lighting and highways works independent of gates to the park and removal of green wall from Fosbury Mews.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

CAMPAIGN FOR REAL ALE (CAMRA)

Objection. Loss of former Black Lion Pub as an unlisted building of merit within the Queensway Conservation area, which dates to 1889. Whilst the interior is completely refitted, does retain some fine copper relief panels depicting scenes from *King Lear* by Frederick T Callcot. The submission totally dismisses the former Black Lion PH and does not give any information about the importance or names of the architects or of the importance of the pictorial metal panels inside the pub or the contribution the pub has made to the community and character of the area right up to its closure in 2015. The fact that the pub is now a cafe does not mean it could not revert to being a pub in the future. The Black Lion was an extremely popular pub and its loss is still mourned to this day.

AFFORDABLE HOUSING SUPPLY MANAGER

Comments. Regret that a payment of £8.5m in lieu (PIL) of on-site affordable housing is proposed. Note consultants advice that £8.5m is the maximum reasonable amount that the development can afford. Also note that the applicant is currently in discussions with the owner of 382-386 Edgware Road with a view to purchasing the site as a potential location for off-site affordable housing provision which would be welcomed as an alternative to PIL, as it would assist the Council with its future re-housing needs associated with the proposed regeneration of Church Street.

ADULT & COMMUNITY SERVICES

Any response to be reported verbally.

CHILDREN'S SERVICES

Any response to be reported verbally.

HIGHWAYS PLANNING

Objection. Lack of details to assess the loss of the existing public car parking spaces, lack of detail of the provision of car parking (within the public car park) for occupiers of residential units, lack of detail to demonstrate that the car showroom use would not adversely impact on the surrounding highways network to other road users and traffic flows. Conditions/S106 legal agreement recommended to include; further cycle parking for commercial uses and access to these spaces; no food retail uses; no car showroom use; servicing management plan; vertical clearance of 2.6m over highway; electrical vehicle charging points; unallocated car parking; highways alterations, dedication

CLEANSING

No objection. Suitable provision is made for the storage of waste and recyclables. Recommend condition to ensure provision is made permanently available.

ARBORICULTURAL SECTION

Comments. Recommend condition to secure bespoke details for green wall to ensure it is effective. Tree planting to Inverness Terrace is welcomed, if on private land needs to be controlled by condition, if on highway needs to be controlled through a S106 legal agreement. Request financial contribution towards street tree planting in the area.

BUILDING CONTROL

Any response to be reported verbally.

DESIGNING OUT CRIME

No objection. No major concerns

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 601

Total No. of replies: 30

No. of objections: 23 representations including from Consort House Resident's Association and Park Villas Resident's Association.

No. in support: 7

Representations of objections on some or all of the following grounds:-

Land use

- Scheme makes no contribution to the area
- In general terms welcome the proposal- but the current plan is detrimental
- Most of apartments will be sold to foreigners and absentee property owners will be high.
- Shops will be occupied by brand chains and have no utility for existing residents
- No merit for local community.
- Leaseholder (6 years remaining) of 2 Queensway and 125 Bayswater Road concerned that proposal involves demolition of their premises whilst they are still in occupation and trading. Construction management plan incorrectly refers to full

vacant possession. Suggest that the developer has no right to remove them within the 6 years remaining on their lease. Legal proceedings have begun.

- A contribution towards affordable housing is not the same as social housing

Amenity

- Impact on Fosbury Mews:-
- Loss of daylight and sunlight
- Loss of privacy from windows and balconies
- Impact of 10-storey building overhanging shared cobbled mews.
- Dramatic impact on amenities of Mews
- Ground floor rear facade with substation and fire escape doors gives an industrial appearance within the Mews which destroys the historical street pattern and traditional buildings and would result in noise and disturbance.
- This private residential mews should not be flooded with hundreds of people during fire drills, visiting electrical engineers or gas inspectors.
- Proposed development is higher and broader than previously consented schemes.

Impact on Consort House, 26 Queensway.

- A 30m wall will be a couple of metres from first floor living kitchen and bedroom
- Impact of loading bay outside Consort House flats, already problems with plant noise, litter, waste collection, unloading/loading.
- Loss of daylight and sunlight
- Block views of Kensington Gardens
- Impact of works during construction
- Potential for structural damage and subsidence
- Devalue property
- Increased potential for pest problems

Townscape and Design

- Demolition of unlisted buildings of merit including 7 Fosbury Mews- should be preserved
- Appalling monstrosity in full view of the park
- New building is an eyesore
- Fosbury Mews is described in the conservation area audit as forming a surprising peaceful enclave hidden behind the main through fare; private character and intimate feel emphasised by the smaller scale of buildings
- Proposed development would have a further projecting building line to Bayswater Road than other buildings around the park.
- Overbearing and out of scale and character with surroundings
- Design is disrespectful
- Proposed development has moved north and now sits on top of the mews where its scale and proximity will adversely affect the mews.
- Building is clumsy, overbearing and out of character with the area.
- Proposed design makes little or no attempt to harmonise or contribute to the visual or historic qualities of the area.
- Fails to respect local context and street patterns, or scale and proportions of surrounding buildings and is entirely out of character of the area

- Proposed building covers the entire site and more by jutting out and overhanging public land and represents a 5-fold increase in building volume.
- Inappropriate in landmark location
- Proposed building is devoid of any individual character or ornament and the last thing residents want.
- Substantial harm to the special character and appearance of the Queensway Conservation Area
- Harm to setting of Grade 1 registered Kensington Park Gardens
- Impact on views from Royal Park
- Bulbous blockhouse out of keeping with the general architecture along Bayswater Road
- No need for new gates to the park

Environmental

- No outside space

Transportation

- Proposal does not deal with the difficult pedestrian access on Bayswater Road, pavement should be widened.
- Impact on car parking

Other Matters

- Question whether previous permission have been implemented and or now expired. If expired applicant should not rely on them.
- No.7 Fosbury Mews is shown deeper on plans than on land registry
- Proposal is contrary to Human Rights Act
- Impact on right of access for 1c/d Inverness Terrace.

Representations of Support on some or all of the following grounds:-

- Will result in Community benefits, including retail and dining opportunities, social housing contribution, public art and leisure facilities.
- Area of proposed development is dilapidated, scruffy and prone to squatters.
- Proposed development is well conceived, elegant and appropriate scale
- It would be a wasted opportunity not to refurbish and invest in the area.
- De-cluttering of street furniture
- Splendid looking gates to Hyde Park
- Still a big building at the end of Inverness Terrace but design works well and is a more harmonious scheme.
- Developers have listened to resident's concerns
- Catalyst for much needed change in the area
- New pavement, roads and shop fronts
- Long standing concern over the current state of local neighbourhood of Queensway and Bayswater Road – proposed is a significant improvement
- Regeneration of Queensway long overdue
- New design is attractive and will look iconic against the backdrop of the Royal Parks.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises of a street block between Queensway and Inverness Terrace incorporating 117-125 Bayswater Road, Nos.2-6 Queensway, basement car park to Consort House & No.7 Fosbury Mews. The entire site is located within the Queensway Conservation Area and lies adjacent to both the Bayswater Conservation Area (to the east) and the Royal Parks Conservation Area (to the south). Kensington Gardens, on the opposite side of Bayswater Road, which forms part of the Royal Parks Conservation Area, is listed as a grade I park on the Register of Historic Parks and Gardens. The nearest listed buildings are the grade II listed Victorian terraces on Inverness Terrace.

117-118 Bayswater Road occupies the corner site at the junction with Inverness Terrace. It is a vacant plot enclosed by hoarding and has been vacant for a number of years following a fire on the site in the early 1980's.

119-121 Bayswater Road comprise of a group of four unlisted five storey Victorian Terrace properties with existing/previous ground floor commercial uses (pizza restaurant, a tourist centre and a money exchange) together with the entrance to the Bayswater Hotel which occupies the upper floors.

122 Bayswater Road is a five storey unlisted building of merit with a ground floor bureau de change and the upper floors are associated with the Bayswater Hotel.

123 Bayswater Road is the former Black Lion Public House, an unlisted building of merit. A Certificate of Immunity from listing has been issued by Historic England. In the absence of an application for it to be designated as an Asset of Community Value, the public house was converted to a coffee shop.

125 Bayswater Road occupies the corner site at the junction with Queensway. It is a six storey unlisted building of merit with ground floor money exchange and residential use above.

4 Queensway is a three storey unlisted building housing a gift shop and dentist.

6 Queensway is an unlisted single storey element that forms the southern end of Consort House in use as a gift shop/bureau de change

7 Fosbury Mews is a modern residential mews house which along with the entire mews is an unlisted building of merit.

Overall the site is in mixed use purposes for retail, restaurant, dentist, hotel and residential uses. The site along with the length of Queensway and Westbourne Grove is located within the designated Queensway/Bayswater Road Stress Area. Furthermore, most of the Bayswater and the Queensway frontages form part of the Queensway/Westbourne Grove Major (District) Shopping Centre. 119-123 Bayswater Road is designated

secondary frontage, with 125 Bayswater Road and 2-6 Queensway are designated as Core frontage.

The site is also in close proximity to the City Council's Queensway and Westbourne Grove Streetscape Improvement Project. The City Council in collaboration with local stakeholders has been working on a Queensway and Westbourne Grove Streetscape improvement project, which sets a plan for improving both streets which form the City of Westminster's largest shopping area outside of the West End to create a pleasant place for shoppers, visitors and residents. The improvements are dependent on funding and pooling of resources from Transport of London, the City Council and businesses and as such may take some time to be implemented. Key design proposal include improved pedestrian environment by reducing road width and widening footways and removing clutter, improved pedestrian crossings, new tree planting, paving, street lighting and dedicated delivery zones.

The site is located in close proximity to Bayswater and Queensway London Underground Stations (the central line tunnels run beneath Bayswater Road) and a bus stop is located outside of 119 Bayswater Road which serves a number of bus routes. Bayswater Road is part of the Strategic Road Network (SRN) with Queensway and Inverness Terrace part of the local Road Network.

The site is surrounding buildings to the north; east and west are predominantly residential. Consort House (with an 11 storey tower) lies to the north of 123-125 Bayswater Road. Fosbury Mews to the north of 119-121 Bayswater Road, 1b/c/d Inverness Terrace to the rear of 117-118 Bayswater Road. To the east is the large residential block of Porchester Gate and to the west is the 6-storey Hilton hotel.

6.2 Recent Relevant History

15/10990/EIASC

Request for Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (amended 2015) to determine whether an Environmental Impact Assessment is required for the mixed use redevelopment of the site.

Not required 4 December 2015

15/07320/CLEUD

Use of basement and ground floor (Black Lion Public House, 123 Bayswater Road) as retail coffee shop (Class A1).

Certificate Issued 02 November 2015

Historic England Ref

Certificate of Immunity from listing issued by Historic England in respect of the Black Lion Public House, 123 Bayswater Road.

Certificate issued February 2015

09/05824/FULL

Development of Nos. 117 - 118 Bayswater Road for a mix of ground floor retail (Class A1) and 10 residential units (Class C3) on five floors above ground level plus basement parking for residential use.

Application Permitted 20 October 2009

08/04631/FULL

Redevelopment of Nos. 117-121 Bayswater Road for a mix of residential, hotel, retail and restaurant use and retention of facade and party walls of No. 122 and rebuild to provide three flats.

Application Permitted 19 November 2008

05/08673/FULL

Erection of new building comprising a retail (Class A1) unit at ground floor level, 13 residential units (3x1 bed, 6x2 bed and 4x3 bed) at first to fifth floor and 13 parking spaces for the residential units at basement level together with the build out of the pavement on the junction of Bayswater Road and the west side of Inverness Terrace.

Application Permitted 26 October 2006

07/07392/FULL

Redevelopment of Nos. 117-121 and conversion of No. 122 to provide a mix of residential, hotel, retail and restaurant uses.

Application Refused 13 December 2007

03/06054/FULL

Demolition of existing buildings (retention of facade at 122 Bayswater Road) to provide new building comprising basement, ground and five upper floors for use as apart-hotel, retail, restaurant and six residential units with associated car parking and servicing.

Application Refused 3 September 2004

7. THE PROPOSAL

Planning permission is sought for the demolition of all buildings within the site and the erection of a new building comprising 3 basements, ground and 9 upper storeys to provide a mixed use building of residential (55 flats), dentist, spa and flexible retail/car showroom and retail/restaurant uses.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The overall proposed mixed use is generally acceptable, apart from the proposed car showroom, which has raised highways issues (see transport section). The applicant is also seeking a flexible use for retail and or car show room and retail and or restaurant use within the two ground floor/basement units.

Land use	Existing GEA	Proposed GEA	Difference GEA
Retail (A1)	771m2 (A1/A2)	0	-771m2
Retail (A1) and or car showroom (SG)	0	643m2	+643m2
Restaurant (A3)	511m2	0	-511m2

Restaurant (A3) and or Retail (A1)	0	572m2	+572m2
Dentist (D1)	127m2	220m2	+93m2
Spa (D2)	0	1835m2	+1835m2
Hotel (C1)	2150m2	0	-2150m2
Residential (C3)	841m2	13514m2	+12673m2
Total	1282m2	16784m2	+15502m2

NB/ Figures do not include Pub use as this has been replaced by a coffee shop, by virtue of a certificate of lawfulness.

Public House

The importance of Public Houses as community facilities providing vital social infrastructure to support residential communities is supported by planning policy as well as Strategic and National advice.

The former Black Lion Public House (Class A4) was closed in January 2015. At no time prior to or after its closure did the City Council receive an application nominating it as an Asset of Community Value (ACV). As such the applicant subsequently changed the use of the premises to a coffee shop under permitted development allowed under Class A of Part 3, Schedule 2 of the Town and Country Planning General Permitted Development (England) Order 2015. In response to consultation on this current planning application the only objection to the loss of the public house was received from the Campaign for Real Ale (CAMRA). No other parties or individuals have raised objection to its loss. The public house use has now been lawfully lost to a coffee shop.

A lack of nomination as an ACV or objection to its loss as part of this proposal would suggest that the Black Lion Public House was not considered as an important social and community resource by the local community, although it is acknowledged that there are other public houses in the vicinity of the site that may meet the needs of the community.

For all of the reasons set out above, the loss of the public house use which has already occurred was both lawful and acceptable in land use terms in this particular case.

Dentist

The existing small (127m2) dentist facility (Class D1) within the site at 6 Queensway is proposed to be replaced with a larger facility (220m2) at ground, first and part second floor level within the development with customer access from Queensway. This is both welcome and acceptable in accordance with policy SOC1 and SOC4 of our Unitary Development Plan (UDP) and S34 of our Westminster's City Plan: Strategic Policies (City Plan).

Other Non-residential Institutional uses within the same use class as a Dentist (Class D1) (clinics, health centres, crèches, day nurseries, museums, exhibition hall, trainings centre, places of worship) are likely to have a very different impact in amenity, environmental and transportation terms. A condition is considered appropriate to restrict the use to a dentist only and no other use within Class D1. This will give the City Council control over any future change of use of the premises and enable a full assessment of the potential impact.

Retail/Car Showroom

The introduction of a car showroom (Sui Generis use) as a flexible use (with Retail A1) within the site along Bayswater Road could result in a loss of Retail Class A1 floor space from the site. However the City Council's Highways Planning Manager has raised significant concerns with regard to the potential impact of the use (movement of display cars to and from the highway) on the surrounding highway network and to other highways users and traffic flows. In light of this concern the applicant has indicated their willingness not to pursue this flexible use if required. As such, it is considered that the car showroom use should be omitted from the proposal on highways grounds.

The omission of the car showroom use would also ensure that the 643m² unit within the centre of the site would be retained for Retail A1 use. Whilst this would still result in a reduction in 128m² of retail floor space from the site, given the improvement in the quality of floor space offered, this small loss is considered to be acceptable in light of the aims of District Shopping Centre policies SS6 and SS10 of our UDP and S21 of our City Plan.

It is recommended that this retail use is restricted to non-food retail uses due to the concerns raised by the City Council's Highways Planning Manager with respect to the intensive servicing needs of food retail uses. (Refer to the transport section of this report). Whilst comments have been made by some residents that the proposed shops will be occupied by brand chains of no use to local residents, this is not a valid planning consideration in this instance.

Restaurant/Retail use

A flexible Restaurant (Class A3) and Retail (Class A1) use is proposed for the ground and basement unit on the corner of Bayswater Road and Queensway. If used for restaurant use the proposal would result in a small increase (61m²) in restaurant floor space within the Queensway/Bayswater Road Stress Area. However given the overall improvements to the quality of the shopping spaces offered the small increase in restaurant floor space does not raise concern. With respect to this being a large (572m²) restaurant unit within the stress area, it is considered that the proposal, with the aid of an operational management plan (to control its operation and minimise the potential impact of the premises on local residents and local environmental quality), would result in an improvement over the existing effects that the existing uses have upon amenity and environmental quality and would provide for exceptional circumstances under policy TACE10 of our UDP and S24 of our City Plan, in which to allow a large restaurant use.

Spa

A large 1835m² spa facility (Class D2) to serve visiting members of the public, is proposed across the entire second basement level and a small area at third basement level, accessed independently from a reception/entrance at ground floor level on Bayswater Road. The spa would include facilities such as a pool, gym and personal fitness, steam, sauna, jacuzzi and treatment rooms. This is considered to be an appropriate and compatible use for this location and would add to the variety of facilities and services offered in the locality. Subject to an operational management plan which will also address its hours of use etc. and details of necessary plant etc. such a use should not adversely affect amenity of residents or environmental quality.

Other Assembly and Leisure uses within the same use class as a spa (Class D2) (cinema, concert hall, dance hall, skating rink, gymnasium etc.) are likely to have a very different impact in amenity, environmental and transportation terms. A condition is considered

appropriate to restrict the use to a spa only and no other use within Class D2. This will enable the City Council to fully assess and control any future change of use of the premises.

Overall the commercial uses proposed can be adequately controlled by conditions in relation to their use, with operational and servicing management plans, restrictions on hours of use and times of servicing and use of plant, control of the nature of the use and in the case of the restaurant, kitchen extraction, size of ancillary bar, restriction on take-away and deliveries.

Hotel

The existing hotel floor space (Class C1) provided by the Bayswater Hotel is of intensive use, providing low quality and low cost hotel accommodation which attracts a transient customer profile and which has impacted upon the appearance of this important frontage. For these reasons it is not considered that the use has benefited the local community or residential amenity in what is an area acknowledged as having an over concentration of hotels. As such the loss of hotel floor space from the site and replacement with a residential led development is both encouraged and welcomed in accordance with policy TACE1 of our UDP and S23 of our City Plan.

Residential use

The provision of 12673m² of additional residential floor space on site is both welcomed and encouraged under policy H3 of our UDP and S14 of our City Plan and will help the City Council to achieve its borough housing target set out in the London Plan. A total of 55 units of accommodation are proposed comprising the following unit sizes:-

Unit size	No. of units	%	Average size of unit GIA	National minimum standard
1 bedroom	9	16%	79m ²	37-50m ²
2 bedroom	23	42%	125m ²	61-79m ²
3 bedroom	12	22%	196m ²	74-108m ²
4 bedroom	9	16%	276m ²	90-130m ²
Duplex 4/5 bedroom	2	2%	408m ²	90-134m ²
	55	100%		

A total of 23 (40%) of the units are proposed as family sized (3 bedroom or more) in accordance with policy H5 of our UDP and S15 of our City Plan. The size of the proposed units range from 79m² for a 1 bedroom unit to 408m² for a 4-5 duplex unit. (A full breakdown of room sizes is provided as a background paper) Whilst the size of the units exceed the Technical housing standards- nationally described space standards (DCLG March 2015), the size of the units are considered to be comparable to other new units in the locality. Any increase in the number of units in order to maximise the number of proposed units on site, would need to consider the knock on effect on the quality of the units provided in terms of aspect, as most of the one and two bedroom units currently proposed are single aspect, due to the footprint of the site. Furthermore, an increase in residential units would also have implications for car parking, cycle storage and waste and recycling. As such it is considered that both the number of units proposed and mix of unit sizes is appropriate in this instance and the Mayors concerns regarding optimising the

number of residential units are not justified. Whilst concern has been raised by some residents that the residential units will be sold to absentee landlords, this is difficult to control under planning legislation.

Play space

Given the number of private residential units and number of family homes (less than 25) there is no requirement to provide play or open space under policies H10 and SOC6 of our UDP.

Affordable housing

No affordable housing is proposed on site. The applicant was seeking to acquire a site in Edgware Road (382) with a view to potentially providing nine affordable housing units, however this has not come forward as a firm proposition, which is disappointing. As such the applicant is proposing a payment of *up to* £8.5m in lieu of on-site affordable housing (see planning obligations section for breakdown of contributions). Whilst a policy compliant payment would be £24m (increased to £25.6m on 1st April 2016), an independent assessment by Gerald Eve, of the applicant's viability report, on behalf of the City Council, advises that it is not viable to provide on-site affordable housing and that the offer of £8.5m as a payment in lieu of affordable housing is the maximum reasonable amount the scheme can viably afford when taking into account community infrastructure levy and £100,000 for Public Art and a Tom Harris memorial. Whilst regrettable, given the independent advice on viability, it is considered that the scheme meets policy H4 of the UDP and S16 of our City Plan. The applicant has suggested that £900,000 of this £8.5m contribution should be diverted from the affordable housing fund towards funding streetscape improvements, leaving the remaining £7.6m for affordable housing (see section 8.10). Officers consider that the full available £8.5m should be directed to the City Councils affordable housing fund.

8.2 Townscape and Design

Introduction

The site comprises a group of unlisted buildings and a vacant building plot on the north side of Bayswater Road. The site is bounded by Queensway to the west and Inverness Terrace to the west. Part of the site is also within Fosbury Mews on the north side of the site. The entire site lies within the Queensway Conservation Area, with the Bayswater Conservation Area lying immediately to the east and north; and the Royal Parks Conservation Area lying to the south. The nearest listed buildings are the grade II listed Victorian terraces on Inverness Terrace. Kensington Gardens, on the opposite side of Bayswater Road, which forms part of the Royal Parks Conservation Area, is listed as a grade I park on the Register of Historic Parks and Gardens.

The proposal constitutes a significant intervention to the townscape and to various heritage assets. In the context of the current proposals, the heritage and townscape issues that arise include the impact on the character and appearance of the Queensway Conservation Area; and the impact on the setting of nearby heritage assets.

Legislation / Policy

In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the local planning authority to have "special regard to the desirability of

preserving the building or its setting or any features of architectural or historic interest which it possesses”.

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

Chapter 12 of the National Planning Policy Framework (NPPF) requires great weight to be given to a heritage asset's conservation when considering the impact of a proposed development on its significance; the more important the asset, the greater the weight should be given to its conservation. Paragraphs 133 and 134 specifically address the issues of harm to designated heritage assets; Paragraph 133 states where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm is necessary to achieve substantial public benefits, whilst Paragraph 134 states that where a proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. The public benefits would have to be of a magnitude that would outweigh the substantial weight that has been given to the protection of the significance of the heritage asset. In the case of this application, the designated heritage assets comprise of the Queensway Conservation Area and the listed buildings, registered park and other conservation areas in the immediate setting.

The City Council's City Plan strategic policies S25 and S28 recognise the importance of Westminster's historic townscape and the need to conserve it and require exemplary standards of sustainable and inclusive urban design and architecture.

Policy DES 1 of our UDP set out principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

DES 4 of the UDP sets out criteria to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. The policy sets out considerations whereby new infill developments must have due regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas and conforms to or reflects urban design characteristics such as building lines, storey heights, massing, roof profiles and silhouettes of adjoining buildings, distinctive forms or architectural detailing prevalent in the local area, existence of set piece or significant building groups.

Policy DES 9 of the UDP aims to preserve or enhance the character and appearance of conservation areas and their settings and indicates that development proposals should recognise the special character or appearance of the conservation area. It indicates that buildings identified as of local architectural, historical or topographical interest in adopted conservation area audits will enjoy a general presumption against demolition.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

Policy DES 12 of the UDP seeks to preserve or enhance the appearance and integrity of open spaces and their settings. It requires development adjacent to open spaces to protect views into and out of these spaces, and to not project above existing tree or building lines.

Finally, ENV 14 of the UDP seeks to protect Metropolitan Open Land (which would include Kensington Gardens and Hyde Park). The policy seeks to protect and enhance their settings, including views from them.

The Existing Buildings within the Application Site

The application site is made up of the following components:

The vacant plot of 117-118 Bayswater Road is identified as a negative feature of the area within the Queensway Conservation Area Audit. The site has been vacant since the 1980s and is currently enclosed by hoardings and exposes the blank flank walls of neighbouring buildings.

Nos.119-121 Bayswater Road is a group of four Victorian terraced properties that have been converted into a hotel. They are four storeys high and the upper floors are set back from the street, but the ground floor retail areas extend forward to the back edge of the pavement. These buildings are identified as neutral buildings within the conservation area audit and their demolition has previously been accepted as part of an acceptable replacement development scheme.

No.122 Bayswater Road is a five storey building and like nos.119-121, the upper floors are set back from the ground floor retail unit. The upper floors are in red brick with stone dressings, with a stepped gable to the top storey. The building dates from the late nineteenth century. While the ground floor retail unit and the replacement windows detract from its appearance, the building exhibits a high level of craftsmanship and materials and is identified as an unlisted building of merit within the conservation area audit.

No.123 Bayswater Road is the former Black Lion Public House, which has regrettably had much of its pub interior stripped out and is now a café, although does not appear to be trading at present. This is a three storey building, which retains its ground floor pub shop front. The upper levels are in a stock brick with decorative window surrounds, cornice and parapet. The building dates from the 1860s, although the site of a pub on or close to this site can be traced back to the early/mid-eighteenth century. The building was recently considered for listing by Historic England, who concluded that it did not fulfil the criteria for listing, but also noted that it is not without interest and while there are some attractive features, "these are of local rather than national note." The building is identified as an unlisted building of merit within the Queensway Conservation Area Audit.

No.125 Bayswater Road occupies the corner site at the junction with Queensway. It is a 6 storey red brick building with stone dressings and is in an Arts and Crafts style dating from the late nineteenth century. The ground floor retail unit, in particular, but also the dormer roof extension detract from the appearance of the building, but it remains an attractive corner property and is also identified as an unlisted building of merit within the conservation area audit.

No.4 Queensway is a small three storey mid-Victorian building. It is stucco rendered to the upper floors with UPVC windows and a modern ground floor shop front. It is described by the conservation area audit as a neutral building.

No.6 Queensway is a single storey element that forms the southern end of Consort House. This is a red brick residential building with ground floor retail units, which was built

1968-72 by Owen Luder & Partners. Consort House is identified as a negative building within the conservation area audit. This assessment is based principally because the tower is out of scale with the southern end of Queensway, with views of it from the Royal Parks and because its horizontality at street level fails to respect the smaller plot widths of the nearby terraces.

Finally, no.7 Fosbury Mews is the one modern mews building within Fosbury Mews, which is otherwise, a discreet enclave of Victorian two storey mews houses, accessed from Inverness Terrace. All of the buildings within the mews are identified as unlisted buildings of merit within the conservation area audit.

The Significance of the Queensway Conservation Area and nearby Designated Heritage Assets

The Queensway Conservation Area is a linear area which predominantly comprises the frontage buildings onto Queensway. There is a mixture of building types, styles and ages, but the majority of the buildings date from the second half of the nineteenth century through to the first half of the twentieth century. The earlier buildings tend to be the Victorian terraced properties typically of 3 and 4 storeys height, which survives along long sections of the eastern side of Queensway and some, survive within the application site (nos. 119-121 Bayswater Road). The twentieth century buildings tend to occupy larger plots and for the most part are residential mansion blocks. The conservation area audit also identifies a small number of landmark buildings, which includes the listed Whiteley's shopping centre, the Porchester Centre and Hall (also listed), the former Queens Cinema and finally no.129 Bayswater Road the Hyde Park Hilton Hotel, which occupies the opposite corner to the application site at the southern end of Queensway. This building dates from the first decade of the twentieth century and is an attractive brick and terracotta building with a playful roofscape of domes, cupolas and gables. The buildings within the application site are all considered to reflect the somewhat eclectic character and appearance of the area. Their narrow plot widths reflect the earlier grain of development within the area and their design and materials are all elements which can be found elsewhere in the conservation area. This is not a view shared by the applicants who regard the buildings as having less coherence than other groups of buildings within the area.

The application site is described by the applicants as dilapidated and this is acknowledged. There is evidence of under investment, the appearance of the ground floor retail, with the exception of the former Black Lion Public House, is poor and the vacant site at the junction with Inverness Terrace, with a timber hoarding around it, and has been a blight to the area for too long.

In terms of the significance of nearby designated heritage assets, the Victorian terraced properties in Inverness Terrace, which also lie within the Bayswater Conservation Area are the nearest listed buildings to the application site. The majority of these buildings date from the mid-nineteenth century and are typically 5 and 6 storey properties (plus lower ground floors), stuccoed, with classical detailing. One of the principal components which contribute to their intrinsic significance but also to the significance of the area is their uniformity and order. The one slight exception to these buildings is 1-3 Inverness Terrace (now the Grand Royale Hotel) which was built in the late nineteenth century and is faced in stone, with more elaborate decoration to the facade. Despite its differences it still

complements the adjacent stucco terraces and general scale, character and appearance of the conservation area. Porchester Gate, which lies at the southern end of the listed terrace on the east side of Inverness Terrace crashes into this historic townscape and is considered to have an adverse impact on the setting of these listed buildings and upon the character and appearance of the conservation area. Similarly to the south of 1-3 Inverness Terrace, the townscape breaks down, with the buildings at 1B, 1C and 1 D Inverness Terrace and the vacant site within the application site, all diminishing the setting of the listed buildings and the character and appearance of the area.

Kensington Gardens in the Royal Parks Conservation Area are the other main nearby designated heritage assets. Kensington Gardens and Hyde Park as they appear today is largely a product of the mid-18th to 19th century in the form of a picturesque landscape. As stated in the application documents these parks can be regarded as the 'lungs and playgrounds' of central London. While the parks are bounded by busy roads with buildings fronting onto them, there are many locations within the parks (particularly when the trees are in leaf) where the picturesque qualities of the park shine through and the perception of *rus in urbe* occurs. The buildings which face onto Bayswater Road are of varied design and scale and in some cases, such as with the application site, the buildings lie below the tree line and in their unassertive scale, reinforce the picturesque qualities of the park.

The Proposal

The proposal is to demolish all of the buildings on the site and provide a new building comprising 3 basement levels, ground plus 9 upper floors providing 55 residential flats, with a retail character at ground floor level.

The new building has a defined base, middle and top, which is most clearly expressed on the main south-facing façade and the return elevations onto Queensway and Inverness Terrace. The base comprises the ground floor retail areas and the first floor defined by a wavy projecting canopy, with window band above; the middle section essentially comprises the 2nd -6th floors, which are terminated by a strong horizontal cornice line and above this the top is comprised of three storeys which are progressively recessive and contained within a curved form. Vertical emphasis is provided by subdividing the façade into bays with terminating curved corners. The two corners are slightly different, responding to the geometry of the site. The return facades onto Queensway and Inverness Terrace follow the same architectural approach as the main south façade. The rear faced has a more toned down design with less articulation and depth, although the common principles of the façade composition are maintained. The overall expression of the building in views from the south and along Bayswater Road is of a curvilinear nature.

The main facing materials include natural stone for the curved panels to the middle section of the façade, set within a reconstituted stone grid, with the curved balcony elements formed of reconstituted stone as well. The base section of ground and first floors including the prominent wavy canopy will be in bronze-coloured metal (assumed to be aluminium), while the curved roof is to be a light grey / champagne-coloured metal (again assumed to be aluminium). Window frames are generally in a dark grey powder-coated aluminium, with the exception of the top floors where a lighter grey is used to complement the roofing material. Both metal and glass balustrades are proposed for balconies, with the use of metal prevalent in the lower floors, with glass used for the corners and upper floors. The use of natural stone is not carried round onto the rear façade, where instead there is a greater use of reconstituted stone and bronzed-coloured metal cladding.

The ground floor building line is pulled back by between 1 and 1.5m to provide greater pavement width, however, the massing to the upper floors extends beyond this ground floor line and thus differs from the current situation, where the upper floors are set well back from the ground floor retail units.

The ground floor shop fronts will comprise large glazed openings with no subdivision, an initial shop front strategy has been submitted which relates to signage locations. Public art is proposed and it is anticipated to be located within the shared outdoor space of the residential drop-off area in Inverness Terrace.

Assessment of Impacts

The demolition of all of the existing buildings, in particular nos.122-125 Bayswater Road, on the site is considered to have a harmful impact upon the character and appearance of the Queensway Conservation Area. This is a view shared by the Greater London Authority, the Victorian Society, Historic England and many of the objections raised by local residents.

Nos. 122-125 are all unlisted buildings of merit which make a positive contribution to the character and appearance of the Queensway Conservation Area and also act as the eastern side of the 'townscape gateway' into Queensway from the south. Their loss would significantly erode architectural, historic and aesthetic characteristics of the conservation area. No meaningful attempt has been made to integrate these buildings into a redevelopment scheme.

With respect to the replacement building, while, in isolation of context, it is attractive and eye-catching, when placed in its townscape context is considered to be far too large and assertive. As a consequence its height and massing are considered to have a harmful impact on the Queensway Conservation Area, and upon the setting of the listed buildings in Inverness Terrace, the Bayswater Conservation Area and the Royal Parks Conservation Area. This is a view shared by the Royal Parks Agency, the Victorian Society, Historic England and many of the objections raised by local residents.

The height of the new building at 62.15m AOD is comparable in height to Porchester Gate to the east (62m AOD) and Consort House to the north (61.8m AOD). The Queensway Conservation Area Audit identifies Consort House as having a negative impact on the area due in part to its scale; and any visual assessment point of Porchester Gate, whether from the Royal Parks, from along Bayswater Road or from Inverness Terrace, reveals a building which is oppressively out of scale and harmful to its surrounding townscape. Thus to introduce a scale of building which matches these two buildings will only add to the harmful massing and adversely affect the surrounding area. In addition to the concerns over the development in simple height terms, the proposed new building is brought forward of the existing building line (above the ground floor shops) and thus will step forward of the building line of Porchester Gate to the east and the Hyde Park Hilton Hotel to the west and as a consequence its scale and massing will be assertive and overwhelming in views from along Bayswater Road. In views from the north, along Queensway and Inverness Terrace, and especially from within Fosbury Mews, the new building will introduce a cliff face, relatively unarticulated, which in no way complements the character and appearance of the conservation area or the setting of the listed buildings in Inverness Terrace.

In terms of more detailed design comments, the over sailing of the ground and first floor and the creation of a canopy over the street is oppressive and while the widening of the street is welcome, this comes at a price. The ground floor shop fronts are highly glazed with limited framing and intricacy of detailing and as a consequence the building somewhat uncomfortably floats above this lightweight base, and also exhibits a lack of craft and quality at pedestrian level. The combination of glazed and metal balconies is also regarded as somewhat unresolved as a detail. These and other more minor detailed design issues are of secondary concern to the in principle issues that result in harm – namely the loss of the historic buildings and their replacement with a building which is far too large.

These two concerns are considered to cumulatively result in substantial harm to the Queensway Conservation Area and less than substantial harm to the setting of other designated heritage assets. Where substantial harm occurs, the NPPF advises that local authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm, or all of the criteria set out in paragraph 133 are met. In this case the public benefits identified by the applicant are as follows:

- Enhances the setting of Kensington Gardens and the Royal Parks Conservation Area, the Bayswater Conservation Area, the nearby listed buildings and the nearby unlisted buildings of merit. Enhances the character and appearance of the Queensway Conservation Area;
- The scheme resolves a site previously suffering from fragmented ownership and under investment. A coherent redevelopment providing new and better residential, leisure facilities accessible to the public and an improved retail frontage;
- A financial contribution to streetscape improvements for Queensway;
- Proposal will be a catalyst for transformational local change;
- A contribution will be made towards affordable housing.

It is contended that the proposed benefits are not substantial (some being no more than attempting to be policy compliant), do not necessitate the harm caused, nor do they outweigh the harm caused.

Where less than substantial harm occurs, paragraph 134 of the NPPF advises that this harm should be weighed against the public benefits of the proposal, including securing the asset's optimum viable use. Again, and mindful of the statutory duty, it is considered that the public benefits do not outweigh the harm caused.

For these reasons the proposal is considered to be unacceptable in design terms and to be contrary to S25 and S28 of our City Plan; DES 1, DES 4, DES 9, DES 10, DES 12 and ENV 14 of our UDP.

Overall the limited package of benefits put forward by the applicant has not justified the loss of the existing buildings as required by the NPPF and officers therefore cannot support the application in its current form, a view supported by the Greater London Authority. As such the officer's recommendation sets out a number of suggested amendments to the proposal that could go some way to mitigating the acknowledged harm and also seeks a significant increase in public benefits in light of the NPPF requirements.

8.3 Residential Amenity

Consort House

This residential block is located directly north of the site (behind 123-125 Bayswater Road and adjacent to 6 Queensway). It comprises of 5 storeys closest to the application site rising to an 11 storey tower. The flank of the 5 storey element of the block is generally brickwork to its southern facade (apart from a vertical slot window) with windows to its east and west facades. The tower element which lies around 35m north has a number of windows and balconies facing south.

Within Consort House 28 windows will see a significant reduction in daylight and 4 will see significant reductions in sunlight. In terms of enclosure and privacy limited information has been submitted with respect to the relationship of the proposed building and the 5-storey part of Consort House. As such the impact of the proposed development on this residential block is considered to require further review and revision to minimise the potential impact on the amenities of the occupiers of this building. This should take into account the objections made by occupiers of this neighbouring building.

Whilst the occupiers of the tower have raised objection to significant changes to their south facing outlook, as the proposed development is likely to block their view towards Kensington Gardens, this is not a valid reason to withhold permission. The development would lie some 35m south of this residential block and therefore would not result in any significant sense of enclosure.

Porchester Gate, Bayswater Road.

This is a large residential block located to the east of the application site on Bayswater Road at its junction with Inverness Terrace. The building contains a number of windows to its western flank which face the eastern elevation of the proposed building. Given this relationship, 76 windows in this neighbouring building would see a reduction in daylight and 41 would see a reduction in sunlight.

In this particularly case, this neighbouring property has had the benefit of a vacant site directly west of it which has resulted in unusually high levels of daylight and sunlight to those eastern flank windows over the last 20-30 years. Given the extant permission for the application site for 6-storeys and due to the location of the affected windows (up to 7th floor level) and that a number of the rooms of the affected windows are also served by a number of other windows. It is not considered that the impact of the development on the amenities of this neighbouring building would be so great as to warrant withholding permission. In terms of sense of enclosure and privacy, the proposed development would lie some 14m west of Porchester Gate and given the street layout and distance this is considered acceptable in amenity terms. It is of note that no representations of objection have been received from Porchester Gate.

1-8 Fosbury Mews

These two storey mews houses are located directly north of the application site to rear 119-121 Bayswater Road and have east and west facing windows. No.7 Fosbury Mews has a "U" shape footprint at the head of the mews and forms part of the application site. Nos. 5 and 8 Fosbury Mews are owned by the applicant but remain in residential use. Therefore all properties within the mews, excluding No.7, are relevant for assessment in amenity terms.

No.1 Fosbury Mews would see a significant reduction in daylight to 1 window and significant loss of sunlight to 7 windows.

No.2 Fosbury Mews would see a significant reduction in daylight to 1 window and a significant loss of sunlight to 4 windows.

No.3 Fosbury Mews would see a significant reduction in daylight to 3 windows and a significant loss of sunlight to 3 windows.

No.4 Fosbury Mews would see a significant reduction in daylight to 1 window and a significant loss of sunlight to 6 windows

No.5 Fosbury Mews would see a significant reduction in daylight to 6 windows and significant loss of sunlight to 4 windows

No.6 would see a significant reduction in daylight to 1 window and significant loss of sunlight to 2 windows.

No.8 would see a significant reduction in daylight to 4 windows and a significant loss of sunlight to 5 windows.

Even taking into account the extant permission/s for parts of the application site, significant further losses of daylight and sunlight are resultant from this proposed development which comprises of a building which is higher and which projects further to the rear and incorporates 7 Fosbury Mews.

A further concern is the feeling that the development “looms” over the Mews and would create a sense of enclosure. Again, whilst it is accepted that permission for redevelopment of part of the application site has been granted in the past, this proposed development is of greater height and scale.

The ground floor elevation to Fosbury Mews also raises concern with respect to its appearance and activities associated with its use. A green wall is proposed at ground floor level to the head of the Mews and the return elevations are to house access doors to gas, water, an electrical sub-station and to provide a fire escape access. Whilst not involving day to day activities, but rather general maintenance and escape in an emergency (and presumably practice drills), this does raise concern over the impact of these type of activities and also their associated appearance on the domestic and small scale mews and its residents. As such the officer’s recommendation seeks alterations and revisions to the proposed development to seek to minimise its detrimental impact on the mews. It is also considered necessary to seek an operational management plan with respect to access to these utilities and fire escape strategy so as to minimise non-residential activities on the mews. This should take into account the significant objections received by a substantial number of residents living in the mews.

Inverness Terrace

Nos1b and 1c/d Inverness Terrace lie north of the site to the rear of 117-118 Bayswater Road (the vacant site). These properties already suffer from low levels of daylight and sunlight and the proposed development would see a further reduction in daylight and sunlight to all rear facing windows. Even taking into account the extant permission,

significant further losses are resultant from this proposed development. Whilst the applicant has carried out a further assessment considering the potential impact on these properties if they were to be redeveloped in accordance with extant permissions, this is not relevant in the absence of commencement of those developments which may never be implemented.

In terms of enclosure and privacy, limited information has been submitted with respect to the relationship of the proposed building with these properties and the location of some terraces raises concern.

As in the case of Consort House and Fosbury Mews the impact of the proposed development on these residential buildings is considered to require further review and revision to minimise the potential impact on the amenities of the occupiers of these buildings.

Queens Court, Queensway

This residential block is located at a sufficient distance (30m) north west of the application site on the opposite side of Queensway 911-27, so as not to be adversely affected in daylight terms. Given its orientation, 6 windows would see a reduction in sunlight, however the affected rooms (living/kitchen/dining) are also served by unaffected windows and overall the level on sunlight reaching these rooms is considered to remain satisfactory.

Summary of amenity impact

Overall the proposed development raises amenity concerns with respect to the impact of the development on daylight and sunlight, sense of enclosure, privacy and activity which require resolution. The officer's recommendation therefore recommends alterations to the height, bulk, proximity and detailed design of the rear elevation, to reduce the unacceptable impact of the building on the amenities of neighbouring residents in Fosbury Mews, Inverness Terrace and Consort House in accordance with ENV13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

Pedestrian access

The pedestrian entrance to all uses is proposed via level access from ground floor level. The Dentist and the Retail and or Restaurant unit on the corner of Bayswater Road and Queensway are both accessed from Queensway. The retail unit and or car showroom and the spa facility are both accessed from Bayswater Road, with independent pedestrian entrance to the residential units from Inverness Terrace. The proposed widening of the pedestrian highway by between 1-1.5m around the building to Queensway, Bayswater and Inverness Terrace is welcomed.

Vehicular access

A new vehicular access is proposed on Inverness Terrace in the form of an off street drop/pick up area for residents. The Highways Planning Manager has indicated that there is no direct link between the proposed drop off and residential car parking provision and considers the drop off would result in unnecessary trips on the highway network and creates unnecessary conflict points for pedestrians. However, the Highways Planning Manager has not recommended refusal of the application on this ground and whilst regrettable is not considered a ground in which to justify withholding permission.

Servicing

An internal loading bay is proposed within the building at ground floor level; with access from the rear via Queensway through the Consort House under-croft (using the same access arrangement is used to access the Q Park public car park). Access to the loading bay is limited to white van type vehicles with larger vehicles (including refuse vehicles) only able to access as far as the access to the Q Park car park. The applicant has indicated that servicing will be managed through a servicing management plan, although no such plan has been provided at this stage, which is disappointing.

Given the potential detrimental impact of vehicles reversing from or into Queensway in highway and amenity terms, it is considered necessary and appropriate to require all servicing of the site (excluding collection of waste and recycling) to take place from within the development, which will ensure appropriate size vehicles enter and leave the site in a forward direction and noise and disturbance is minimised. A servicing management plan will also need to be sought through condition to require details of the servicing process for all of the units, storage locations, scheduling of deliveries and staffing arrangements including delivery vehicle size and any use of the highways by refuse vehicles. Given the size of the internal loading bay and the size of the two proposed units, the Highways Planning Manager has indicated that the loading bay is not sufficient for retail food use and as such a condition is necessary to prevent such a use.

The applicant is seeking a dual flexible use for either Retail Class A1 or Car showroom for the Bayswater Road unit, however no details have been provided as to how the delivery/exchange of display vehicles would be managed with regard to the impact on Bayswater Road (pedestrians and traffic flows). The City Council's Highways Planning Manager has raised significant concerns with regard to the potential impact of the use (movement of display cars to and from the highway) on the surrounding highway network and to other highways users and traffic flows, particular given the likely use of car transporter vehicles stopped on the highway. In light of this concern and in the absence of the applicant demonstrating that the car showroom could be serviced without adverse impact on highways uses; it is considered that the car showroom use should be omitted from the proposal on highways grounds. The applicant has indicated their willingness not to pursue this flexible use if required. As such it is recommended that the car show room use is omitted from the proposal.

Car parking

The applicant is seeking to provide 67 car parking spaces for the 55 residential units proposed, within the adjoining existing Q park public car park, located below Consort House, with a new pedestrian access from the application site. However little supporting information had been provided to justify the loss of public car parking or to show that the car parking could be satisfactorily provided, which raised concern with the City Council's Highways Planning Manager. The applicant has subsequently confirmed that a commercial agreement (long lease) has now been reached with Bourne Estate and with Westminster (which has an ownership interest) over the use of surplus car parking spaces with the Q Park basement carpark. On the basis that the provision of car parking within this area is achievable, this is considered acceptable, subject to full details of location of spaces, provision on an unallocated basis and with associated electrical vehicular charging points (at least 20% active and 20% passive) and blue badge car parking (the applicant has indicated that 10% of spaces will be made available for disabled use).

Whilst Transport for London consider the proposed level of car parking to be excessive in such an accessible location, the proposed level of car parking accords with TRANS23 of our UDP.

In accordance with planning policy, no off street car parking is provided in association with non-residential uses on site. The location of the site within a controlled parking location will prevent any significant impact on car parking in the locality.

Cycle parking

A total of 102 cycle parking spaces are proposed within the basement (level 3) for use by the residential occupiers of the development which accords with requirements of the London Plan. Only 12 cycle parking spaces are proposed within the basement (level 1) in association with the non-residential uses within the development, but with provision for 56 cycle spaces on street. Increased provision (to a minimum of 64 spaces) along with satisfactory access for staff including that of the spa use would be required by condition.

Transport for London has requested that the proposal should secure funding for cycle hire membership (cycle docking) for each residential unit for a minimum of one year. However given the on-site cycle provision and viability of the scheme, this request has not been pursued.

Refuse and recycling

A refuse storage room associated with the residential use is proposed at basement level 3 and for the commercial uses at basement level 1. A temporary presentation point is proposed to the top of the rear access road adjacent to the entrance car park. The provision is acceptable to the Cleansing Manager, subject to an operational servicing plan.

Travel Plan

Notwithstanding Transport for London's request, given the location of the site and the nature and mix of proposed uses, a travel plan is not considered necessary.

Other highways matters

Subject to the omission of the car showroom use, overall the proposal is generally considered acceptable in transportation terms subject to a number of detailed conditions and planning obligations. The cost of all highways works immediately surrounding the site required for the development to occur including changes to on-street restrictions and reinstatement and creation of new vehicular crossovers would need to be secured via a S106 legal agreement.

Works to the highway will require highways Authority approval. The development also indicates dedication of highway resultant from footway widening around the building to Queensway, Bayswater Road and Inverness Terrace, which must occur prior to occupation of the development and at the applicants cost.

Transport for London has requested that a financial contribution of £15,000 be provided towards the upgrading of the Bus Stop located outside of the site on Bayswater Road. This is not currently offered by the applicant,

Construction management

A scheme of this scale and nature would require a construction management plan to minimise the impact of construction and a financial contribution to the City Council's Environmental Inspectorate to monitor compliance with the construction Environmental Management Plan. In addition a Constructions and Logistics Plan and Delivery and Servicing Plan as requested by Transport for London would need to be secured.

8.5 Economic Considerations

The application is subject to a viability report which has been independently assessed, and the economic considerations are referred to throughout this report.

8.6 Access

Accessibility considerations are set out throughout the report and specifically within the land use and transportation sections of this report

8.7 Other UDP/Westminster Policy Considerations

Noise & vibration

Given the location of the London Underground tunnels (Central Line) it is considered that due regard must be had to the potential for noise and vibration to affect the proposed residential accommodation.

Plant is proposed to be located within the basement, ground and at ninth floor level including a combined heat and power plant and various other plant at basement level 3, a transformer at basement level 1, ground floor electrical sub-station and condenser units at 9th floor level.

A response on these matters from Environmental Health is awaited and any response will be reported verbally. Further details are likely to be required by condition to prevent noise and disturbance to existing and future residents in order to ensure compliance with Policy ENV6 and ENV7 of our UDP and Policy S32 of our City Plan

Trees and hard and soft landscaping

There are no trees on or close to the site. The proposed soft landscaping strategy is to create two pedestrian level green walls and a small landscaped area to the drop off area on Inverness Terrace. One green wall on the existing boundary wall to the rear of 4-8 Fosbury Mews which would face the access road and a further green wall is proposed to part of the rear elevation of 7 Fosbury Mews at the head of the mews. A small soft landscaped area is also proposed within the residential drop off area on Inverness Terrace. However limited details have been provided. Full bespoke details of the green walls including irrigation and maintenance will need to be required to ensure their chance of success. Full details are also required for the soft landscaping area to Inverness Terrace to secure planting of a tree and suitable shrubs. Furthermore, the City Council's arboricultural manager has requested that a financial contribution be sought for street tree planting in the vicinity of the site to improve biodiversity and visual amenity in the area, a request also made by the South East Bayswater Residents Association (SEBRA). However the applicant is not currently offering this.

The pavement is proposed to be re-landscaped to Bayswater Road and part of Queensway and Inverness Terrace. New hard landscaping/paving is proposed to the access road to the rear of the site together with new stone paving to a small area of Fosbury Mews outside of No.7 Fosbury Mews.

Whilst the improvement to paving and introduction of some minimal soft landscaping is welcomed, it is regrettable that further greening (at roof and street level) is not proposed.

Sustainability

The proposed development is expected to achieve carbon emissions savings of 38%. The design of the façade, fabric and glazing and material is designed to minimise overheating. A Combined Heat and Power (CHP) plant is proposed in the basement for the entire development with a condensing gas boiler back up, to provide heating and electricity. The strategy also includes the potential for future connection to a district heating network. No renewable energy is proposed due to visual impact and air quality constraints. Overall the scheme is considered to be acceptable in sustainability terms and in general compliance with the London Plan and our City Plan policy S39 and S28.

Archaeology

Whilst outside of a priority area, Historic England (Archaeology) has advised that there is potential for remains within the site due to the proximity of a Roman Road which is thought to have followed Bayswater Road. This could be addressed by conditions.

8.8 London Plan

The proposal is preferable to the Mayor of London under category 1c (a building of over 30m in height) and a stage 1 response has been received. The Mayor considers that the application does not comply with the London Plan and is of the opinion that the benefits of the development do not outweigh the loss of non-designated heritage assets and the substantial harm caused to the Conservation Area and the development proposal are contrary to London Plan policy. The Mayor is also of the opinion that the design of the replacement building would also be harmful to the Conservation Area.

If the City Council resolves to make a draft decision on the application, it must consult the Mayor again (stage 2) and allow 14 days for his decision as to whether to direct refusal, take it over for his own decision or allow the City Council to determine it itself.

The proposed development is also liable for a Mayoral CiL payment.

8.9 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.

8.10 Planning Obligations

Background

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

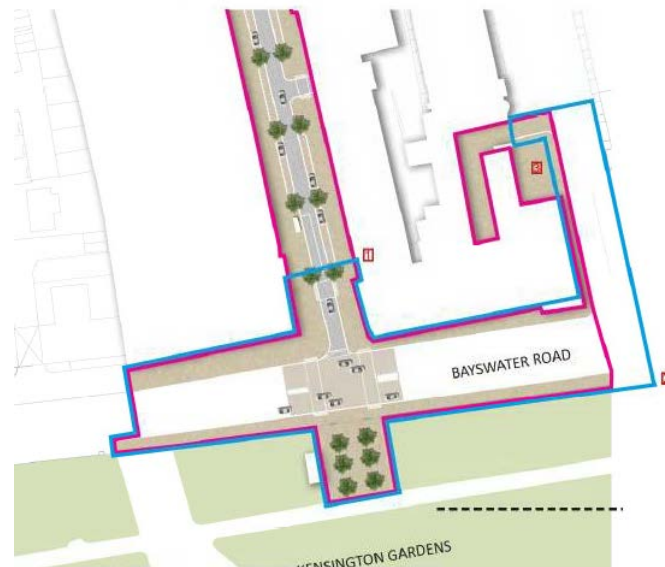
From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced in May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

The Applicant's offer

The applicant is proposing the following:-

- 1) A financial contribution of £8.5m, split between:-
 - a. A contribution of £900,000 towards the cost of streetscape improvements works to Bayswater Road, Queensway and Inverness Terrace within the blue line area shown on the plan below.



- b. A financial contribution of £7.6m as a payment in lieu of Affordable Housing.
- 2) A financial contribution of £100,000 towards the provision of Public Art & a Tom Harris Memorial within the application site.
- 3) A financial contribution of £1.3m towards the provision of new pedestrian gates to Kensington Gardens and associated hard & soft landscaping, highway works to the junction of Bayswater/Queensway and potential relocation of public toilets in the area shown on the plan above.
- 4) A financial contribution (TBC) to the City Council's Environmental Inspectorate to monitor compliance with Construction Environmental Management Plan.

The applicant considers that together with the contributions set out above, that their proposal, which they consider can only be achieved by comprehensive redevelopment of the site, would bring about the following public benefits:

- Coherent development to resolve legacy of fragmented ownership of site and under investment.
- Enhancement of the setting of the Park and conservation areas
- Additional and improved residential accommodation
- New leisure facilities
- Improvement to quantity and quality of retail offer.

Consideration of the Applicant's offer

Public benefits can be considered as social, economic or environmental benefits (which are the three dimensions that underpin sustainable development), of a nature and scale to benefit the public at large.

It is acknowledged that a part of the site (117-118 Bayswater Road) has been long term vacant and it therefore follows that its development is welcomed. It is also acknowledged

that the site has until recently been in a number of different ownerships, which has resulted in a number of separate smaller planning permissions for 117-118 and 119-122 Bayswater Road as well as collectively 117-122 Bayswater Road.

The proposal as currently submitted is not considered to enhance the setting of the park or conservation area (see section 8.2). The single ownership of the site is welcomed, as is the increase in quantity and quality of residential accommodation and retail floor space within the shopping centre and the financial contribution towards affordable housing. However these are matters that are required by planning policy and would be expected from any development of the site.

The applicant is not offering a policy compliant affordable housing financial contribution of £24m (£25.6m as of 1st April), but only up to £8.5m, although it is accepted that this is the maximum viable amount the scheme can afford (as independently verified). However the applicant suggests that £900,000 is re-directed from the affordable housing funding streetscape improvements around the site, leaving £7.6m for affordable housing.

Furthermore, notwithstanding the viability of the scheme, the applicant has also offered a financial contribution of £1.3m towards the provision of new pedestrian gates to Kensington Gardens and associated hard & soft landscaping, highway works to the junction of Bayswater/Queensway and potential relocation of public toilets in the area shown on the plan above. Although it is of note that objections have been raised to such an intervention into the park by a number of parties including The Royal Parks themselves.

It is acknowledged that the applicant is now one of four major land owners of the shopping area and that they are in collaboration with the other land owners to see the City Council's Queensway and Westbourne Grove Streetscape Improvement project implemented. It is also acknowledged that the financial contributions offered to streetscape improvements will assist the City Council in achieving its aims to reinvigorate Queensway. However, it is not considered that the public benefits currently offered amount to substantial public benefits in this case a view supported by The Greater London Authority, Historic England and The Victorian Society.

Other issues

Other financial contributions requested by other parties, but not currently offered by the applicant include Transport for London's request for £15,000 towards the upgrading of the bus stop outside of the site on Bayswater Road and membership of cycle hire membership for residents for at least one year at £90 per unit, and a financial contribution towards tree planting in the vicinity of the site.

8.10 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale, see history section of this report. Other general environmental matters are covered elsewhere in this report.

8.11 Other Issues

Statement of Community Involvement

The applicant has submitted a Statement of Community Involvement (SCI), which sets out their engagement with the local community and interest parties over the last 16 months. This states that they have met and or held workshops with resident groups including the South East Bayswater Residents Association, local land owners, Historic England, The Royal Parks and The Greater London Authority and that they held a public exhibition over 11-12th June 2015 which was attended by over 100 people.

NB/ Given the nature of the recommendation, a draft decision letter is not included.

9. BACKGROUND PAPERS

1. Application form & Schedule of room sizes.
2. Response from Greater London Authority, dated 11 February 2016
3. Response from Historic England dated 29.01.2016
4. Response from Historic England-Archaeology dated 16.12.2015
5. Response from Royal Parks dated 16.02.2016
6. Response from Victorian Society dated 24.02.2016
7. Response from Transport for London dated 10.12.2015
8. Response from Environment Agency dated 08.12.2015
9. Response from Thames Water dated 23.12.2015
10. Response from Kensington and Chelsea dated 23.12.2015
11. Response from South East Bayswater Residents Association dated 31.03.2016 and 21.03.2016
12. Response from Head of Affordable and Private Sector Housing dated 09.03.2016
13. Response from Highways Planning Manager dated 26.02.2016
14. Response from Cleansing Manager dated 22.12.2015
15. Response from Arboricultural Manager dated 18.12.2015
16. Response from Designing Out Crime Officer dated 10.12.2015
17. Representation from CAMRA, dated 21.01.2016
18. Representation from Occupier of 1 Fosbury Mews dated 21.01.2016
19. Representation from Occupiers of 2 Fosbury Mews dated 20th, 23rd, 24th, 25th (x2) January 2016 and 14.03.2016.
20. Representation from Occupier of 3a Fosbury Mews dated 01.02.2016
21. Representation from Occupier of 4 Fosbury Mews dated 20.01.2016
22. Representation from Occupier of 6 Fosbury Mews dated 25.01.2016
23. Representation from Occupier of 8 Fosbury Mews dated 19.02.2016 (S)
24. Representation from Occupier of 4 Pyrland Road, Richmond dated 25.01.2016
25. Representation from Occupier of 28 Inverness Terrace dated 14.03.2016 (S)
26. Representation from company who are leaseholder of retail unit at 2 Queensway and 125 Bayswater Road dated 29.12.2015, 07.01.2016 (x2), 16.02.2016.
27. Representation from Occupier of 4 Consort House, 26 Queensway dated 07.01.2016.
28. Representation from Occupier of Flat 24 Consort House, Queensway dated 05.01.2016.
29. Representation from owner/ occupier of 17 Consort House, 26 Queensway dated 04.01.2016.
30. Representation from owner of Flat 25 Consort House, 52 Evangelistrias Nicosia dated 04.01.2016.
31. Representation from the occupier of Flat 33 Consort House dated 29.03.2016.
32. Representation from owner of 37 Consort House, Queensway dated 11.12.2015.

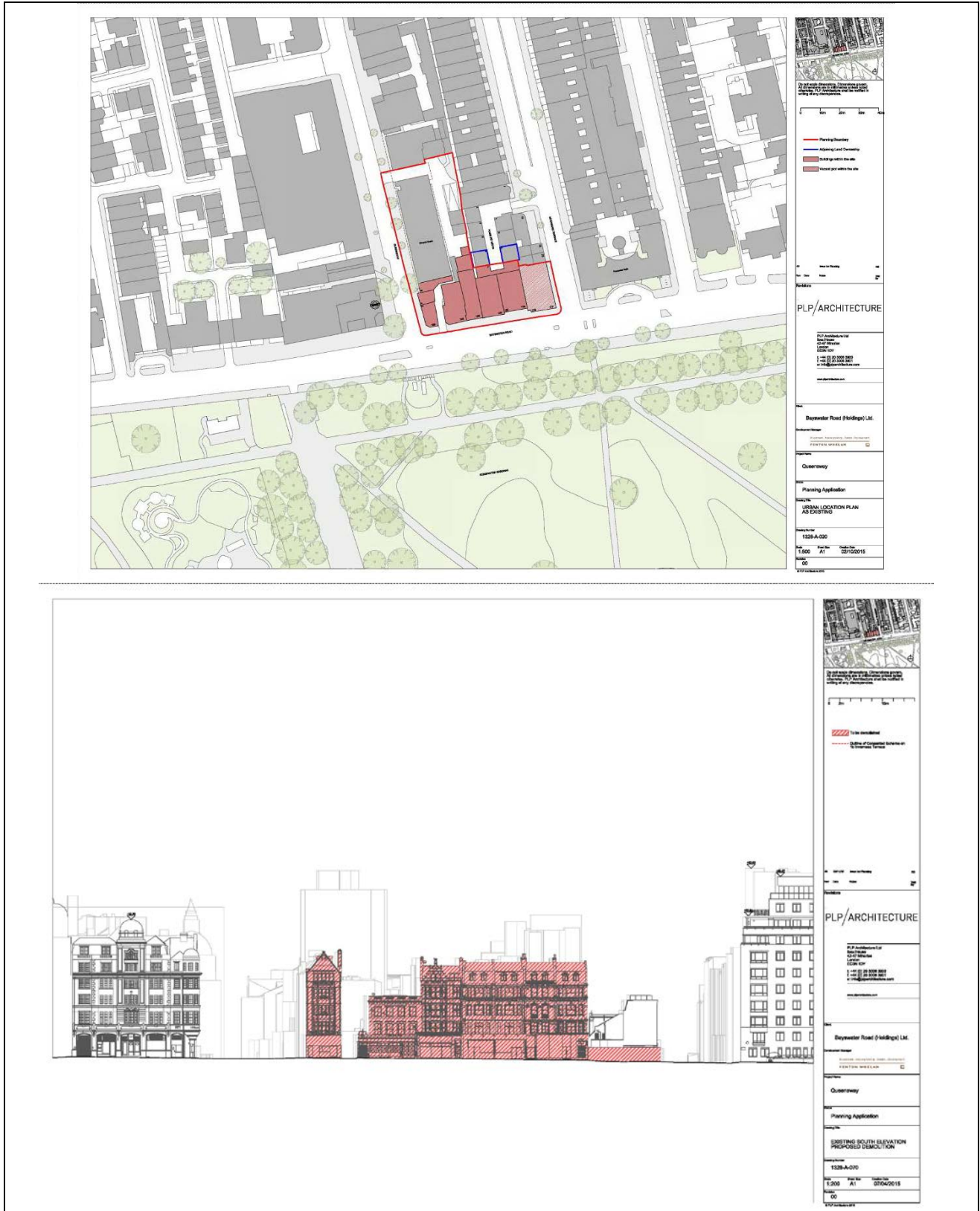
33. Representation from the Occupier of 42 Consort House, Queensway dated 16.02.2016.
34. Representation from the occupier of 62 Queensway dated 22.02.2016 (S)
35. Representation from the occupier of 22 Porchester Terrace dated 18.02.2016 (S)
36. Representation from the occupier of 21-23 Palace Gate dated 18.02.2016 (S)
37. Representation from the occupier of 116 Fifth Avenue dated 11.02.2016
38. Representation from Park Villas Residents Association, C/O 60 Westbourne Park Villas dated 08.02.2016
39. Representation from resident of Bayswater dated 11.02.2016
40. Representation from the occupier of 242 Aklam Road dated 14.03.2016 (S)
41. Representation from the occupier of 48 Westbourne Park Road dated 29.03.2016. (S)
42. Representation from the occupier of 98 Westbourne Terrace dated 29.03.2016
43. Representation from the occupier of 4 Caroline Place dated 29.03.2016.
44. Representation from the occupier of 5 Queens Court dated 29.03.2016.
45. Representation from the occupier of Bark Place dated 29.03.2016.
46. Representation from the owner of 1c/d Inverness Terrace dated 01.04.2016

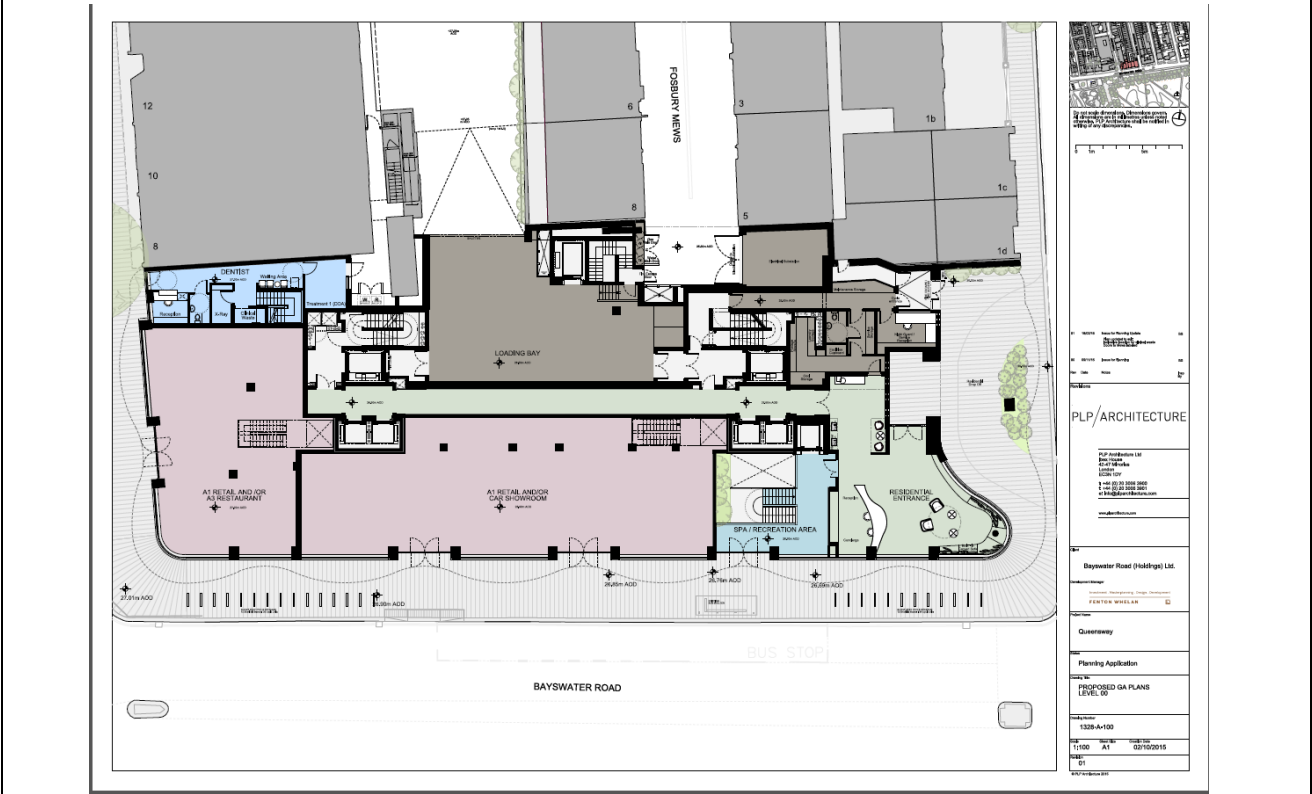
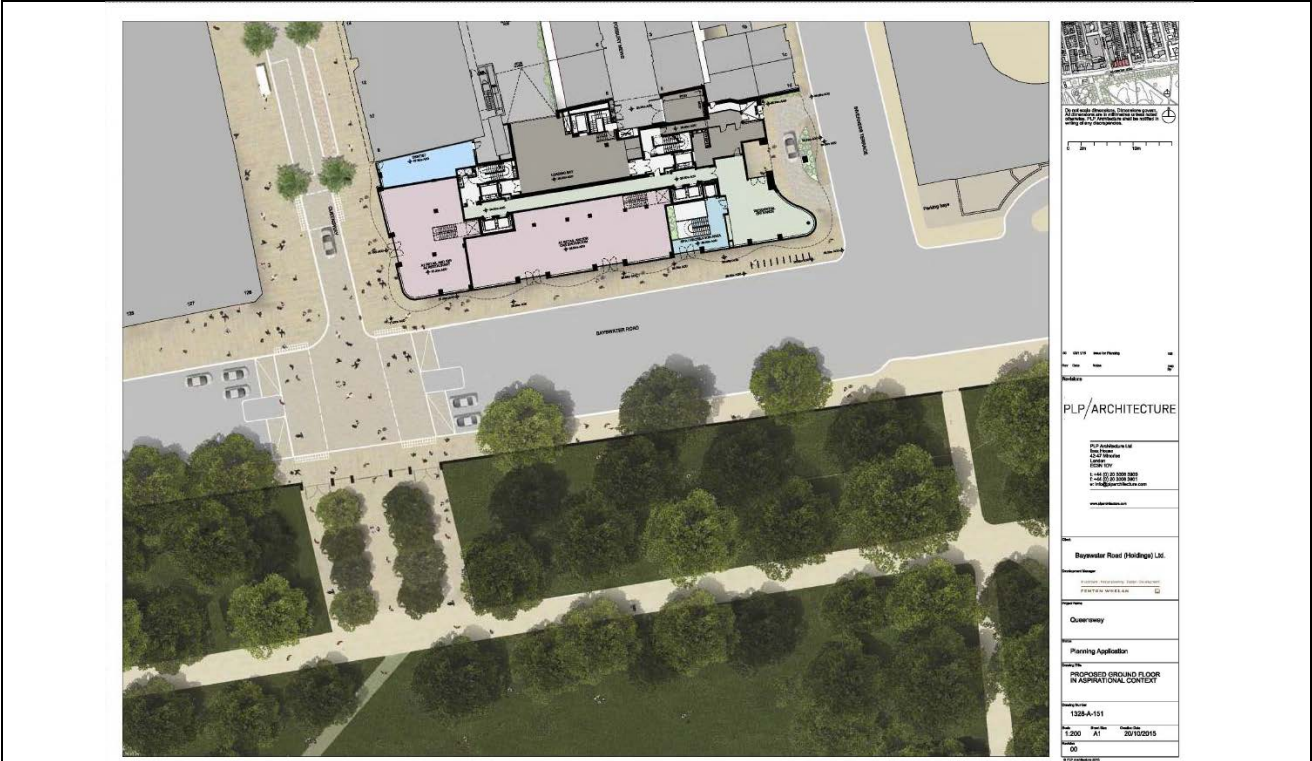
Selected relevant drawings

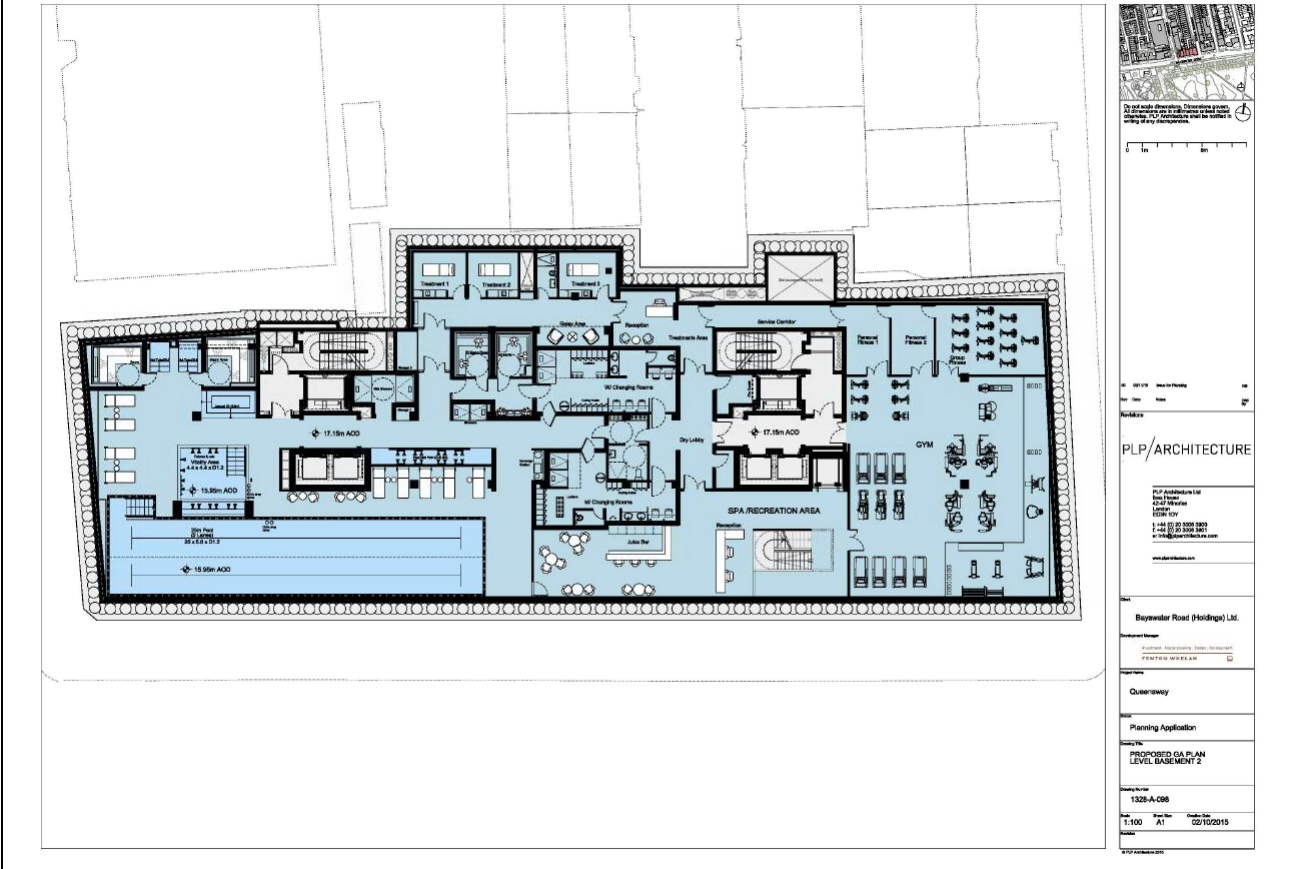
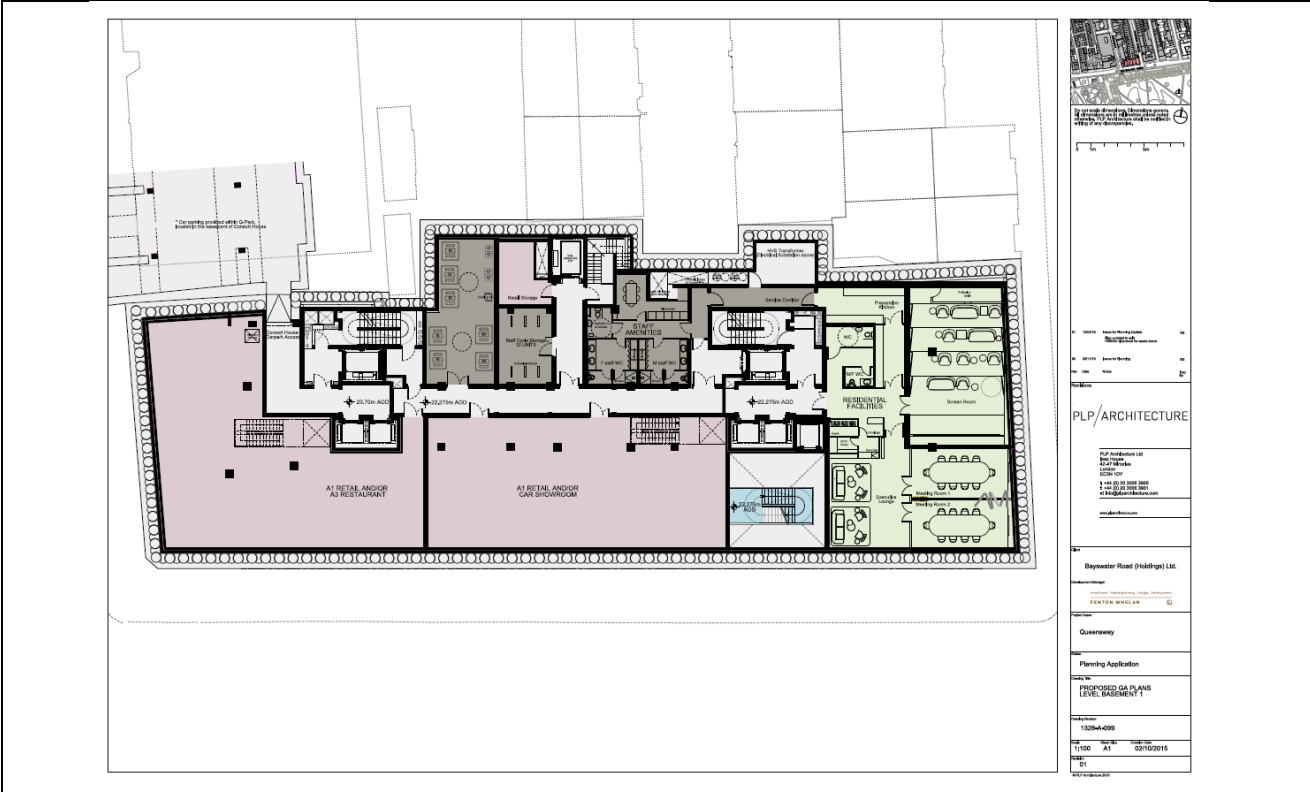
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

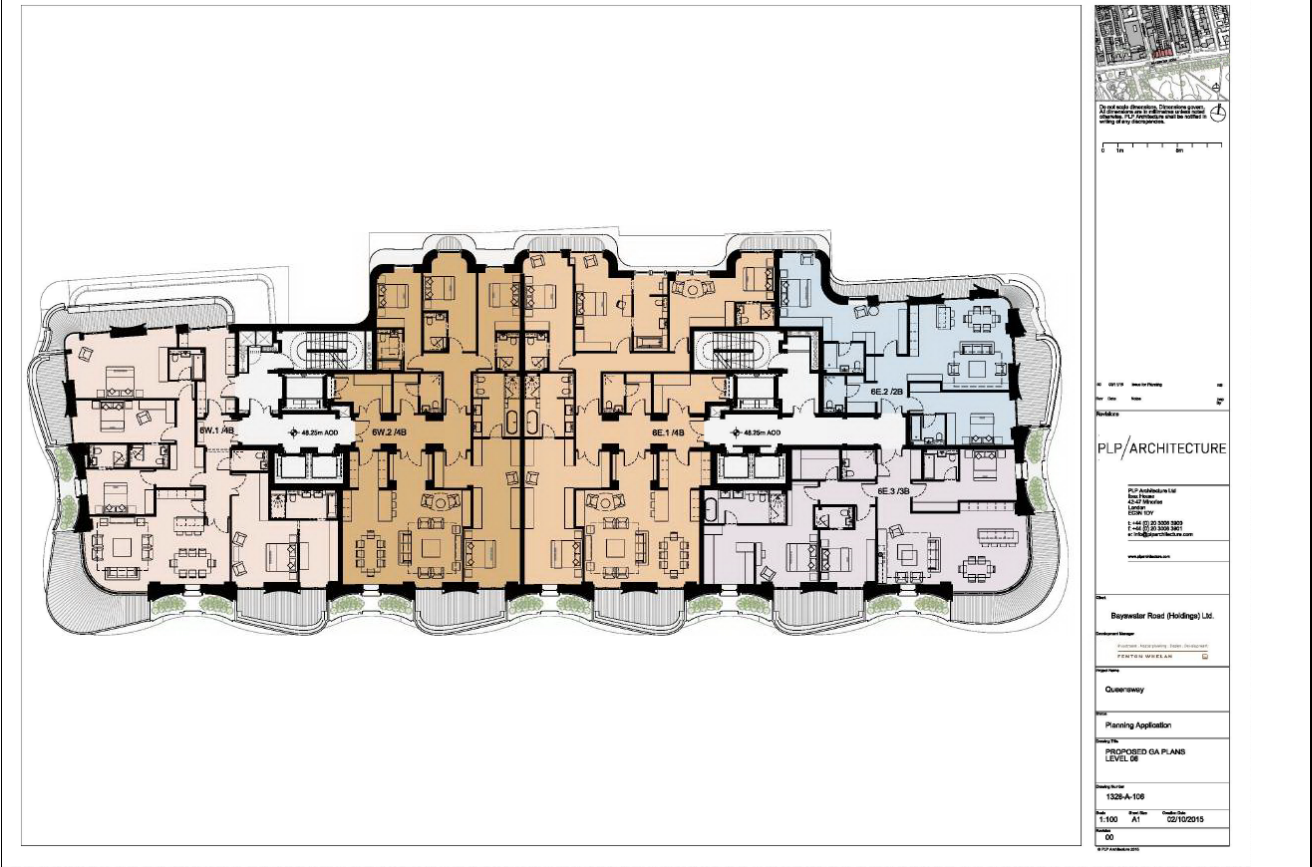
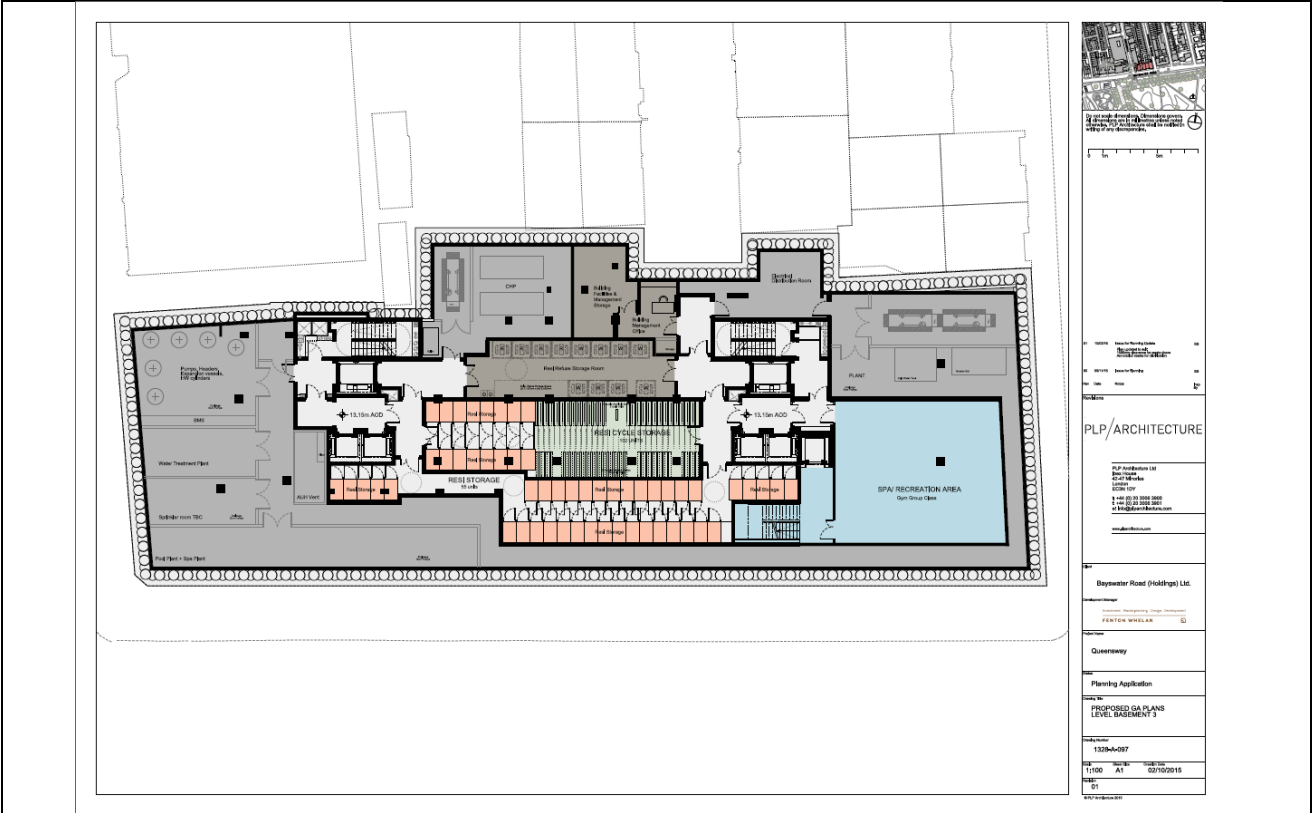
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

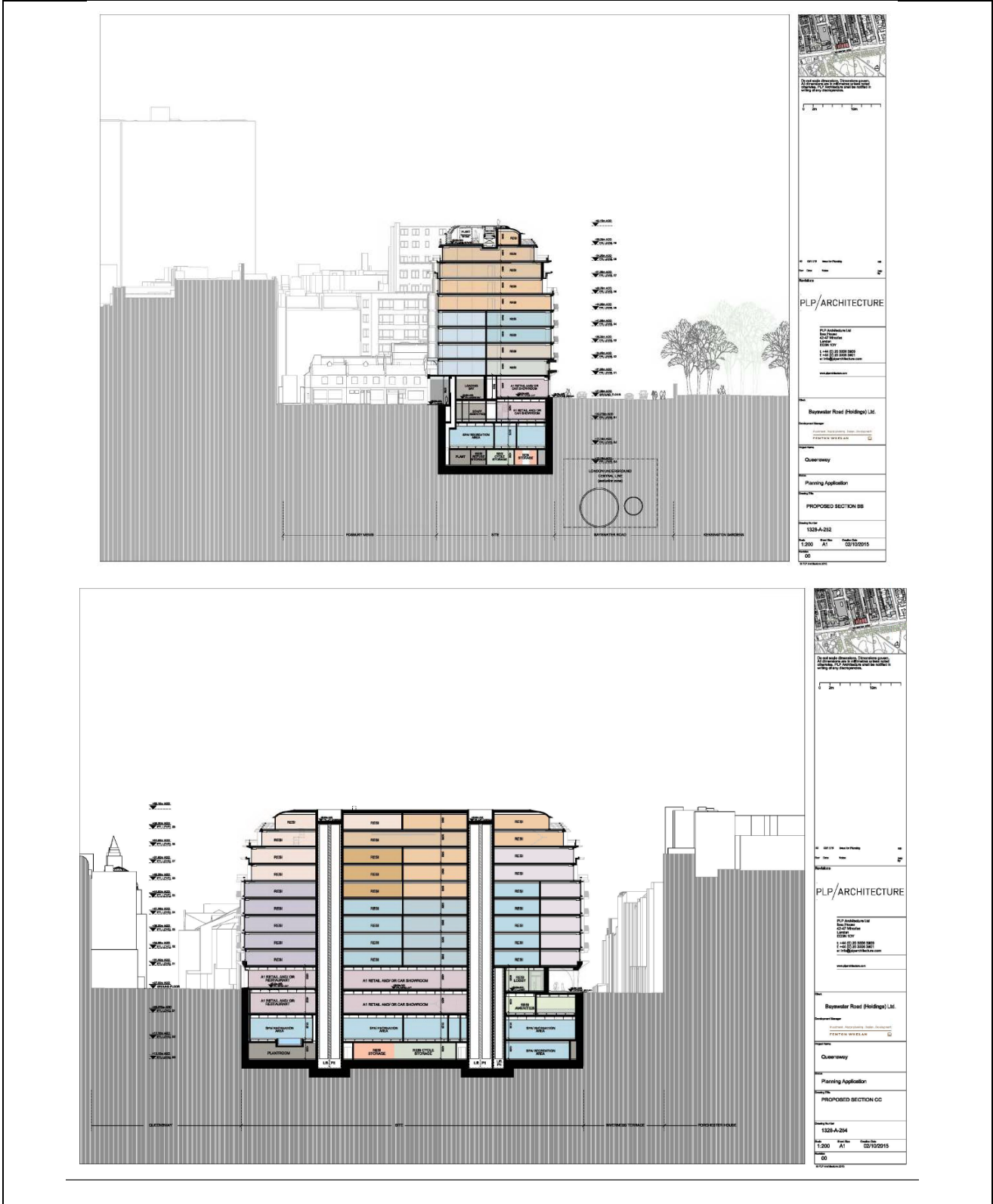
10. KEY DRAWINGS

















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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Development Site At 111-119 Charing Cross Road, WC2, 1-12 Manette Street, 1-4 Wedgwood Mews and 12-14 Greek Street, London W1.		
Proposal	<ol style="list-style-type: none"> 1. Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodating a new building comprising basements, ground floor and part eight upper storeys plus rooftop plant with frontages to Charing Cross Road and Manette Street; refurbishment of buildings on Greek Street; in connection with use of the buildings for offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within basements of plant equipment, waste rooms and cycle parking; new public realm and pedestrian route through the site from Manette Street to Greek Street; and associated external works. 2. Partial demolition to the rear of the building; rebuild of the rear facade and erection of single storey rear extension; internal and external works; all in connection with use of the building as an art gallery/art education use (14 Greek Street). 		
Agent	Mr Hugh Bullock		
On behalf of	Soho Estates Portfolio Limited		
Registered Number	15/11234/FULL 15/11235/LBC	Date amended/ completed	10 December 2015
Date Application Received	2 December 2015		
Historic Building Grade	14 Greek Street is Grade II.		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional permission subject to the views of the Mayor of London and a S106 legal agreement to secure the following:

i) The provision of affordable housing (intermediate rent) at 12-13 Greek Street for successive occupants in perpetuity at agreed rent levels and transferred to a Registered Provider (minimum 125 year lease) prior to first occupation. The housing to be allocated in line with the City Council's

nominations criteria. The housing to be made ready for occupation prior to the first occupation of the office and restaurant units.

- ii) Payment of £3.85m to the City Council's affordable housing fund.
- iii) Public art - a programme of public art to be implemented within 12 months of occupation of the offices.
- iv) Necessary highways works.
- v) Dedication (or alternative means of securing public access) of the widened area of footway on Charing Cross Road and Manette Street.
- vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street. Public access to be between 07.00 to 01.00 daily.
- vii) Provision of new public courtyard and access.
- viii) Crossrail payment.
- ix) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
- x) Employment and Training Strategy for the construction and operational phase of the development.
- xi) Payment of £100,000 towards the Mayor's cycle hire scheme.
- xii) Monitoring costs.

2. If the S106 legal agreement has not been completed by 1 May 2016 then:

a) The Director of Planning shall consider whether it will be possible or 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 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.

3. Grant conditional listed building consent.

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

2. SUMMARY

The proposals seek the redevelopment of the site to provide an office building with restaurants and retail uses at street level, along with a new pedestrian route and courtyard linking Manette Street and Greek Street. Housing (intermediate rental) is provided on the upper floors of 12-13 Greek Street with the Grade II listed building at 14 Greek Street restored and extended to be used as a gallery (Class D1).

Objections have been received on the grounds of design, amenity, land use and other non-planning matters.

The main issues raised by this application are:

- The principle of demolition within the Soho Conservation Area and the design of the replacement buildings.
- The mix of land uses and the applicant's offer of affordable housing at 12-13 Greek Street.
- The on street servicing of the site.
- Impact on the amenity of surrounding residents.

Objections have been raised by Historic England, the Victorian Society and other consultees regarding the extent of demolition within a conservation area. Whilst it is acknowledged that some harm is caused, this is considered less than substantial and is offset by the public benefits of the scheme. The detailed design and massing are considered acceptable.

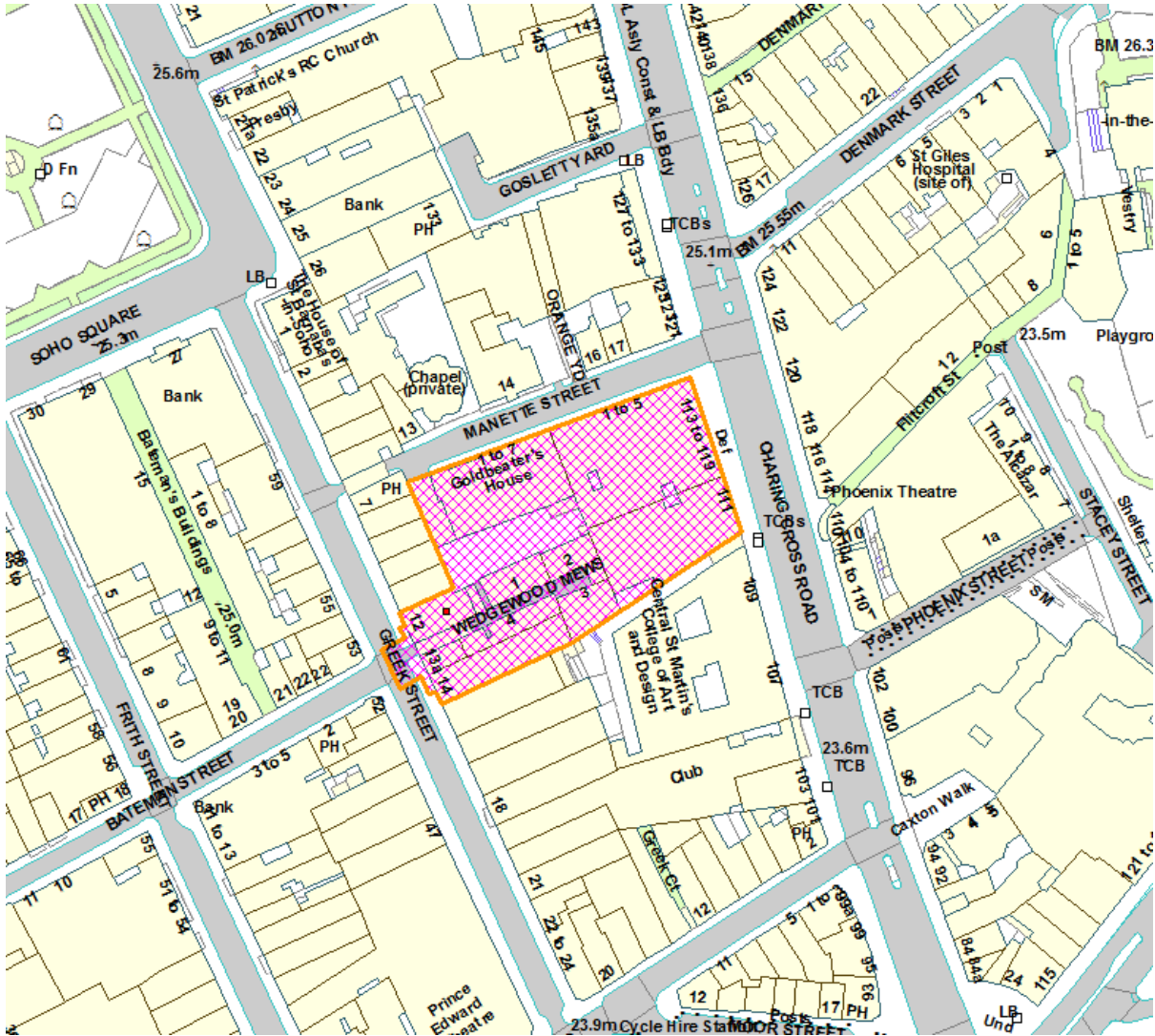
The application is generally acceptable in land use terms. The main land use issue the Committee is asked to consider is the applicant's approach to the mixed use policy and the provision of intermediate rented housing on site and payment in lieu.

The servicing of the site from Charing Cross Road is not supported by the Highways Planning Manager, but on balance the approach to servicing is acceptable.

Whilst there will be a material impact to windows on the adjacent residential building, it is considered that the impact is reasonable in an urban context and given the location of the windows facing a boundary wall.

Subject to the proposed conditions and heads of terms for the legal agreement the application is considered acceptable.

3 LOCATION PLAN



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4 PHOTOGRAPHS



Charing Cross Road elevation



12-13 Greek Street



Manette Street elevation



14 Greek Street



Wedgwood Mews

5 CONSULTATIONS

Historic England (Listed Builds/Con Areas)

The demolition of two prominent 'buildings of merit' and loss and alteration of other buildings would cumulatively result in substantial harm to the Soho conservation area, and harms the setting of a nearby Grade I listed building.

Historic England (Archaeology)

No objection subject to conditions.

Council for British Archaeology

Welcome the restoration of 14 Greek Street but concerned over the bulk of the new building and its impact on surrounding street scene and listed buildings.

Victorian Society

Objection on the basis that the development would result in substantial harm being caused to the Soho Conservation Area, harm the setting of nearby listed buildings. The broad brush and heavy handed development is prominent in views into and through the conservation area.

Greater London Authority

Principle of development

The office led mixed use scheme is acceptable in principle.

Affordable Housing

Further details required on the donor site; the viability appraisal should be assessed by WCC and reported back to the Mayor before the Stage 2 referral.

On receipt of further information, they ask for the applicant to provide justification for solely intermediate tenure and for WCC to confirm demand for this tenure.

Historic Environment

The GLA considers that the loss of the original Foyles building causes significant harm to the conservation area and consideration should be given to façade retention.

Upon receipt of further information from the applicant, the GLA now consider that the façade of 111 Charing Cross Road should be retained.

Urban Design

Further information required regarding height, massing, appearance and strategic views.

Now supportive of materials and design but remain of the view that retaining the façade of 111 Charing Cross Road would improve the massing.

Sustainable Development

Shortfall in CO2 reductions should be met off-site. Require monthly load figures for the combined heat and power plant.

Inclusive Access

The applicant should provide one wheelchair accessible or adaptable unit. Request a condition requiring compliance with part M4(2) and M4(3) of the building regulations.

Transport

TfL has requested a S106 contribution of £100,000 to accommodate the additional operational and maintenance demands on the local stations that are part of the Mayor's cycle hire scheme. Additional information required regarding floorspace and consequent requirements for cycle storage.

Upon receipt of further information, request additional short stay cycle parking and a travel plan.

Environment Agency (Thames Region)

No comment.

Cross London Rail Links Ltd

No objection subject to conditions.

Twentieth Century Society

Any response to be reported verbally.

London Borough of Camden

Any response to be reported verbally.

Soho Society

- Object to the increase in A3 within the West End Stress Area; if it is permitted, it should be subject to core hour's condition and no takeaway.
- New pedestrian route must be closed off at night.
- The development must include provision of public toilets to cater for additional footfall.
- The basement office space should be provided at an affordable rent.
- Manette Street must remain accessible to vehicles.

Covent Garden Community Association

Regrets the increase in height and density within the Soho Conservation Area and consequent impact on surrounding conservation areas. However, it is recognised that the site is within the Opportunity Area. Support the comments of the Soho Society.

Theatres Trust

No objection.

Transport For London

Please see response under the GLA.

London Underground Limited

No objection subject to conditions.

Thames Water Utilities Ltd

No objection.

Environmental Health

The complexity of developing this site requires a contribution to the environmental inspectorate of £33,000 per annum, a site environmental management plan and compliance with the Code of Construction Practice.

No objection on environmental or plant noise grounds, subject to conditions.

Cleansing

The current plan shows too much waste storage provision; a compactor needs to be accommodated.

Metropolitan Police

No objections in principle, but state concerns over the lighting levels in Manette Street, fire safety/escape routes and potentially vulnerable doors, along with the external street furniture to Manette Street.

Arboricultural Section

Concerns that the proposed Liquidambar trees to Manette Street will have to be excessively pruned in the future due to a tight space between the building and the trees. Four trees is a more realistic number than the 7 shown on some drawings. There is space for a new tree on the corner of Charing Cross Road and Manette Street. A soil crating system should be used for the new planting to ensure the long term success of the trees.

Insufficient information has been provided regarding species and details of the terrace planting. No details of the green wall have been provided.

These details, including maintenance regimes must be secured by condition.

Highways Planning Manager

On street servicing is not acceptable where there is an existing off-street yard. The area of widened footway on Charing Cross Road gained by setting the building back must be dedicated as highway to ensure sufficient space is maintained in perpetuity for pedestrians.

Sustainability

The strategy for the site is well thought out and the inclusion of GSHP and PV technology is welcomed. However, the carbon saving falls some way short of policy requirements and a carbon offset payment is sought.

Affordable Housing Supply Manager

The proposed use of the units at 12-13 Greek Street for intermediate rent is welcomed; the units must be transferred to a Registered Provider on a lease of at least 125 years.

The proposed household income caps of 50% of the units available for income up to £37,956, 25% up to £49,194 and 25% up to £60,097 is appropriate. The applicant's proposals regarding nomination rights are unacceptable – the City Council's nomination criteria must apply.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 406
 Total No. of replies: 13
 No. of objections: 13
 No. in support: 0

Objections have been received on the following grounds:

Land Use

No affordable housing on site.
 Loss of local café on Greek Street.

Design/conservation issues

Loss of the original early 20th Century Foyles building damages the Conservation Area and surrounding townscape.
 The proposed building is too large and too high.
 The proposed building damages the streetscape.
 The proposals are not in keeping with the character of Soho.
 No regard to the character of the surrounding area.
 'Façade retention' would be a much better option.
 New design is fairly good, but the wrong site for it.
 Support proposals for the retention of the Greek Street buildings and creation of new route through.
 There are some good things about the design – textured and patterned tactile materials and the courtyard space. These could still coexist with retained facades on Charing Cross Rd.

Amenity

Loss of daylight and sunlight to surrounding residential buildings on Charing Cross Road and Manette Street.
 Enclosure and overlooking to the adjacent residential flats above the current Foyles shop at 107-109 Charing Cross Road.
 Noise from the proposed nightclub and late night A3 uses.
 Unacceptable disturbance to residents during the demolition and construction process.

Other

The new route is likely to lead to increased crime.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6 BACKGROUND INFORMATION

6.1 The Application Site

The site is located on the eastern boundary of Soho and forms the substantial part of a street block bounded by Charing Cross Road, Manette Street and Greek Street. The entire site is within the Soho Conservation Area and comprises the following buildings:

- 111 and 113-119 Charing Cross Road,
- 1-5 and 6-12 Manette Street (Trefoil House and Goldbeaters House)
- 1-4 Wedgwood Mews
- 12, 13, 13a and 14 Greek Street.

14 Greek Street is Grade II listed and the buildings fronting Charing Cross Rd (including 1-5 Manette Street) and 12-13 Greek Street are identified as unlisted buildings of merit in the Soho and Chinatown Conservation Area Audit.

The site is within the Core Central Activities Zone, the West End Stress Area and West End Special Retail Policy Area as designated by the City Plan. The Charing Cross Road and Manette Street properties are within the Tottenham Court Road Opportunity Area. The Greek Street properties are within the Crossrail 2 safeguarding zone.

The buildings to Charing Cross Road comprise basement, ground and between 4 and 6 upper storeys and are larger in scale and height than the Greek Street buildings which are more characteristic of Soho, having originally been constructed as townhouses.

In terms of the use of the buildings across the site, Foyles book shop formerly occupied 113-119 Charing Cross Road, 1-5 Manette Street and the basement to second floors of Goldbeaters House. The remaining upper floors of Goldbeaters House contain 7 flats.

111 Charing Cross Road was last used by St Martin's College of Art until it vacated the site in 2013.

To Greek Street, nos 12-13 comprise basement, ground plus three upper floors. The upper floors are in office use, with a small retail shop and a café at ground floor, with a basement nightclub beneath (currently vacant). The entrance to Wedgwood Mews is also contained in this frontage, the entire private mews is used as small scale offices. No. 14 Greek Street also contains basement, ground and three upper floors. It was used entirely as offices though is currently vacant.

6.2 Recent Relevant History

The only relevant recent history for this collection of buildings is a permission granted in 2012 for the use of 14 Greek Street for either office or Class D1 (non-residential institution) purposes – a condition on the permission restricts the D1 use to educational, training or gallery purposes.

7 THE PROPOSAL

The proposal is for a new building on Charing Cross Road and the refurbishment and alteration of the properties on Greek Street. The buildings at 111-119 Charing Cross Road, 1-5 and 6-12 Manette Street and 1-4 Wedgwood Mews will be demolished. The replacement building fronting Charing Cross Road and Manette Street comprises four basement levels, ground and eight upper storeys plus rooftop plant. The height of the building steps down along Manette Street and towards the rear of the site. Terraces for the offices are proposed where the building steps down, as well as some photovoltaics and green roofs.

The street frontage to both Charing Cross Road and its return to Manette Street comprises glazed shopfronts, with black panelling at first floor and decorated terracotta panels above. The building is chamfered at the corner of Charing Cross Road and Manette Street and the ground floor is set back slightly to widen the footway.

A new pedestrian thoroughfare is proposed to link Manette Street and Greek Street. The path is lined with restaurants/cafes and some outdoor seating. A new entrance archway to the pedestrian route is formed opposite Bateman Street. The entrance to the pedestrian route from Manette Street is opposite the Grade I listed House of St Barnabas Chapel.

In terms of use, the new building would mainly provide offices (Class B1), accessed from Manette Street. At ground, first and part basement levels there is a large retail unit with an entrance on Charing Cross Road. The remainder of the 4 basement levels are proposed to be offices, with a separate entrance from the new pedestrian route. An internal lightwell provides these offices with daylight.

To Greek Street, nos 12-13 are essentially demolished behind their retained façade to provide a building comprising basement, ground and four upper floors. Eight flats are proposed on the upper floors (to compensate for the loss of the Goldbeaters House flats). The existing nightclub on this site is re-provided at part ground floor and basement.

The listed building at 14 Greek Street is retained and altered to remove a non-original rear extension and to reinstate the historic pattern of fenestration. It is proposed to use the building as an art gallery/education space (Class D1).

Servicing is proposed to be on-street primarily from Charing Cross Road.

8 DETAILED CONSIDERATIONS

8.1 Land Use

A summary of the existing and proposed floorspace by use is provided below:

Use	Existing	Proposed	Change
Retail (A1)	5,873	4,273	-1600
Restaurant (A3)	127	2,494	+2367
Office (B1)	3,231	20,003	+16772
Residential (C3)	1,108	1,005	-103
Non-residential institutions (D1)	2,921	643	-2278
Nightclub (sui generis)	284	412	+128
Total	13,544	28,831	+15,287

Offices

The provision of additional office accommodation within the Core CAZ is supported by Policy S20 of Westminster's City Plan and by London Plan Policy 4.2. Additional commercial capacity is supported by the site's location within an Opportunity Area. Subject to compliance with the Council's mixed use policy, the office floorspace increase is considered acceptable in land use terms.

Mixed Use Policy

The scheme generates a total commercial uplift of 17,667m². Policy S1 of Westminster's City Plan: Strategic Policies states that "where proposals increase the amount of commercial floorspace by more than 200m² or more, or in the case of A1 retail by 400m² or more, the provision of an equivalent amount of residential floorspace will be required on site where the Council considers this to be appropriate and practical". The supporting text states that where on site provision of residential floorspace is not considered acceptable or practical, a cascade of other options, including the use of land use swaps or residential credits will be considered as detailed in the City Management Plan.

As the City Management Plan is yet to be adopted, UDP policies COM2 and CENT3 are material considerations. CENT 3 seeks to promote mixed use development

incorporating housing where appropriate and practical and sets out the following hierarchy for securing mixed use commercial schemes in Central Westminster:

Firstly, the provision of self-contained residential accommodation equivalent to the increase in commercial floorspace is required, where appropriate and practical.

If this is not possible, then the policy states that where it is clearly not practical to provide the residential accommodation on site, the City Council will seek the provision of residential accommodation off-site.

Where it is not practical to provide residential accommodation on or off the site in accordance with Parts (A) or (B), then other uses that contribute to the character and function of that part of the CAZ should be provided as part of the same development.

Where housing has not been achieved under Parts (A) or (B), or an appropriate alternative use provided under Part (C), an appropriate financial contribution, known as a commuted sum, will be sought to the City Council's affordable housing fund will be sought.

As set out in the Cabinet Member for the Built Environment's open letter dated 18 March 2015, it is now the City Council's position that the balance of commercial to residential floorspace has tipped too far in the favour of residential across the CAZ. It considers that this has damaging impacts and if nothing is done to assuage the current trend it has the potential to, amongst other things, increase the 'residentialisation' of commercial areas, eroding their character by reducing employment densities and increasing expectations of residential amenity. As such, the letter states that the mixed use policies will be applied more flexibly.

The commercial uplift is 17,667 square metres. Given that there is a 103 square metre reduction in residential floorspace across the site, the total residential shortfall in relation to CENT 3 is 17,770sqm.

The applicants have chosen not to provide residential accommodation on site sufficient to offset the commercial increase as they do not consider a suitable residential layout could be provided without reducing the quality of the new offices. They consider that the provision of a policy compliant quantum of housing on site would significantly diminish the employment and economic benefits of providing a very large office building on site. The applicants have made a viability case, and the City Council have appointed independent valuers, Bilfinger GVA to provide an assessment of the FVA. The policy compliant commuted sum in this case is £30.972m.

It was originally proposed to provide some new residential accommodation off site (which is why the GLA are referring to a 'donor site') however following officer concerns

over various aspects of the scheme proposed on the other site, the proposal to 'link' the sites has been withdrawn. Consequently, it is proposed to provide the 8 flats above 12-13 Greek Street as affordable, in the form of intermediate rental tenure.

To comply with our policies on protecting residential floorspace, the applicants should be ensuring that no existing on site residential floorspace is lost, but there is no policy obligation to re-provide residential floorspace as affordable housing. The proposed provision of the residential accommodation specifically as intermediate rent tenure involves additional costs to the applicant which have been taken into consideration in the viability assessment.

Various scenarios have been tested including the provision of the required residential accommodation on site, the maximum payment in lieu in the absence of any residential accommodation on site and the proposed intermediate residential accommodation plus commuted sum. The key findings of the independent viability review are that the provision of a policy compliant amount of residential on site renders the scheme unviable. The 8 units of intermediate housing along with a commuted sum of £3.85m is the maximum viable proposition for this scheme.

Given the findings of the City Council's consultant and the policy context, the Committee is asked to consider whether they agree that the principle of the proposed on site intermediate residential is acceptable, along with the commuted sum of £3.85m.

Retail

Policy S6 identifies the Core CAZ as an appropriate location for a range of commercial and cultural uses. The sites are also within the West End Special Retail Policy Area as identified in Policy S7. Policy S7 sets out specific priorities for improved retail space and appropriate retail growth as well as other priorities for improved pedestrian environments and public transport provision aimed at the Primary Shopping Frontages of Oxford Street and its environs. Policy S21 states that new retail floorspace will be directed to the designated Shopping Centres. The location of the site within the Tottenham Court Road Opportunity Area (policy S5) also means that retail uses are encouraged at ground floor level.

In terms of the UDP, saved Policies SS4 and SS5 are relevant. SS4 requires developments within CAZ to include 'shop type premises' at street level, and should provide the same amount of retail floorspace as was there before. SS5 relates primarily to protecting Class A1 retail within the CAZ, and restricting the introduction of non-A1 uses at street level, basement and first floors.

There are two retail units within the site as existing – in addition to the former Foyles shop on Charing Cross Road there is a small convenience shop at 12 Greek Street.

The proposals include one large retail unit fronting Charing Cross Road and Manette Street, over two basement levels, ground and first floor.

There is an overall loss of Class A1 retail floorspace of 1600 square metres.

Whilst the policies listed above do not generally support the loss of retail floorspace, it should be noted that the key aims of these policies include protecting the retail character and function of localities, as well as enhancing retail space. The significant loss of floorspace is a result of the exceptionally large space used by the former occupier, Foyles, rather than the size of the replacement retail unit. Given that Foyles has now relocated to the new retail unit in the adjacent building, and the replacement retail unit in the new building is large and provides flexibility in layout, it is not considered that the loss of retail floorspace here would have any negative impact upon either the retail character of the area or upon the quality of retail floorspace on offer.

Entertainment uses

Policy S24 sets out the Council's strategic planning policy in relation to new entertainment uses. New uses must be appropriate in terms of the type and size of use, scale of activity and relationship to any existing concentrations of entertainment uses. They should not negatively impact amenity, health and safety, the character and function of the area or local environmental quality. UDP Policies TACE8, 9 and 10 provide detailed guidance according to their location and size.

The scheme involves reconfiguring and extending the existing Greek Street nightclub which would increase the floorspace by 128sqm. A small café at 12 Greek Street would be lost, to which some residents have objected.

Five new restaurants line the new public route, they cumulatively measure 2,538 square metres. One restaurant is located to the west of the courtyard, comprising three storeys; the others are all to the west. The applicants state that the intention of the restaurant cluster is to provide an 'oasis' away from the nearby principal shopping streets, comparing it to St Christopher's Place or Heddon Street in feel.

The location of the restaurants lining the new passageway is acceptable in principle. The external seating is not considered to overly dominate the area and will in any event provide a pleasant place in which to sit and enjoy the space or just pass through. The restaurants are not directly adjacent to any existing residential accommodation. There are considered to be sufficient noise attenuation measures contained in the design of the new residential units above 12-13 Greek Street to provide an appropriate living environment within.

In terms of the restaurants' operation, the outdoor seating would remain in situ until 23.00 daily; with the applicant stating the terminal hour for the restaurants would be

01.00 Monday to Saturday. It is recommended a terminal hour of 23.00 is required for Sundays and bank holidays.

In environmental terms the plans provide for appropriate full height extraction to serve the restaurants, routing out through the main roof of the new building. There is no reason to presume that, with suitable management procedures in place, the new uses would result in littering or pollution of the public realm.

A condition is recommended requiring the applicant to provide a detailed Operational Management Statement to be agreed with the City Council before any of the units are occupied.

It is accepted that there would be a degree of impact on amenity of existing residents in terms of introducing greater activity from comings and goings to and from the restaurants during the evening. The restaurants in particular would result in increased pedestrian and vehicle movements in the evening which contrasts with typical patterns associated with the current land uses across the site. Existing residents on Charing Cross Road (with any view of the site) and Greek Street may be aware of greater activity during the evening with the development in place.

Given the proposed residential accommodation is immediately above the sui generis 'club', it is considered that it is reasonable to bring the club hours under planning control. It is recommended that the terminal hour is consistent with that of the restaurants in the development, namely 1am to ensure that there is not an excessive degree of very late night disturbance to residents immediately above. Soho is a lively, vibrant area. It is reasonable to expect that future occupants of residential units in this location would anticipate a degree of disturbance due to being in close proximity to many entertainment uses and tourist attractions, and it is considered that the recommended conditions regarding insulation, windows and hours of use will ensure a reasonable living environment.

Class D1 floorspace

Policy S34 of the City Plan states that all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or relocated in order to improve services and meet identified needs as part of a published strategy by a local service provider. SOC 1 of the UDP also aims to protect existing social/community uses.

111 Charing Cross Road has Class D1 use (2921sqm). It was last occupied by St Martin's College of Art (part of University of the Arts London) in connection with the original college building at 107-109, now occupied by Foyles bookshop with flats above. When the planning application for the change of use of St Martin's College at 107-109 Charing Cross Rd was considered by planning Sub-Committee, it was accepted by

members that in this case the building was surplus to requirements and the principle of the loss of the Class D1 floorspace was accepted.

Part E of policy SOC1 requires the provision of an alternative facility where it is accepted that existing facilities are surplus to the needs of the existing provider. The proposals involve the use of 14 Greek Street (643sqm) for D1 purposes as a gallery and arts education space. The use is considered acceptable in land use policy terms.

Residential Use

It is proposed that the upper floors of 12-13 Greek Street provide 8 x 2 bed flats. These replace the 7 vacant flats lost at Goldbeaters House. Whilst there is an additional flat in the proposed scheme, the overall residential floorspace is approximately 100 square metres less than existing.

The proposed flats are appropriate in their size and layout. The bedrooms look out onto Greek Street, whilst living rooms have an aspect to the rear, with small balconies looking over the new pedestrian route. Cycle and refuse storage is at rear ground floor level. The flats at first, second and third floors are 84 square metres, whilst the flats within the third floor mansard are slightly smaller at 72.5 square metres. All flats comply with the national standards.

In land use policy terms, the principle of the replacement residential accommodation is acceptable and supported by policy S15. The affordable housing supply manager is satisfied that the proposed tenure of intermediate rent is appropriate as there is a greater demand for smaller units in this tenure – the layout and location are not considered particularly suited to family living. Housing advises that the units should be targeted at a range of income levels, and stipulates that the homes must be transferred to the ownership of a Registered Provider for a minimum lease of 125 years. The applicants have requested that the flats are ring fenced for those living and working in Soho. This would require a bespoke Nominations Agreement with the City Council, which Housing advise is not appropriate given there is an existing adopted allocations policy which sets out key priority groups for housing.

It is acknowledged that this is potentially a noisy environment for new residential accommodation. The acoustic report sets out that the floor and ceiling between the commercial and residential uses will be acoustically treated; double glazing and the masonry construction will also provide noise attenuation. These elements are secured by condition. Given the noise insulation offered by the design of the proposed residential units, the policy context, and the benefits offered by residential accommodation in a central area, it is not considered reasonable to withhold permission on the basis that the residential accommodation would be located in a noisy environment.

8.2 Townscape and Design

The site lies within the Soho conservation area and is surrounded by a number of listed buildings. The proposals seek to demolish the buildings currently on the site, which includes two unlisted buildings of merit (as defined in the Soho Conservation Area Audit). These are 111 Charing Cross Road and 113 -119 Charing Cross Road. The surrounding listed buildings are: 6 and 8 Greek Street, 14 Manette Street, 16 and 17 Manette Street all grade II listed, the House of St Barnabas which is grade I listed and the development site itself includes 14 Greek Street which is a grade II listed building.

There have been objection to the scheme on the grounds of its scale, height and detailed design. Some objectors, including Historic England, the GLA and the Victorian Society are concerned with the loss of the existing buildings to Charing Cross Road.

The principal building comprises eight storeys with a further storey of plant above facing Charing Cross Road, it then steps down as it projects west towards Greek Street. The proposal seeks a substantial increase in height over the existing buildings, although it is similar in scale to the schemes approved as part of the Tottenham Court Road opportunity area, which are in close proximity. This site represents the gateway into the large scale buildings of the Tottenham Court Road crossrail development.

In terms of the detailed design, at ground floor level the barrel fascia creates an inviting entrance to the site, whilst providing interest to the elevation. Above, a regimented fenestration of windows set within chamfered reveals produces a simple façade, which will be embellished by its materials. Levels 8 and 9 continue the design aesthetic, but are set back to reduce the overall massing and to produce a horizontal emphasis to the lower floors. To the rear the building steps down to meet the buildings on Greek Street. This creates an opportunity for roof terraces, where greenery is included, helping to break down the straight lines of the design.

In terms of materials on Charing Cross road the main block is to be of modern materials, reflecting its architectural character. At ground floor level bronze and brass will emphasise the barrel fascia, materials traditionally associated with shop fronts. The main body and the upper storeys are to be a 'Red' colour reflecting the local brick and a 'Dark Metal' colour reflecting traditional roofing materials. These elevations will be formed in Glass Reinforced Concrete (GRC) which allows any design to be impressed within the panels. The 'Red' of the front elevation then fades along Manette Street into a 'Softer Pink' and then a 'Buff Brick', reflecting the rear elevations of the properties on Greek Street. The panels will include a 'rose' imprint in recognition of the previous names associated with the streets and buildings within the site.

On Greek Street No's 12 and 13A are to be demolished behind the façade with the upper storey reconstructed and a new mansard added above. The mansard is to be

designed as a traditional mansard at the front, but with a modern appearance to the rear. In the context of the overall street scene, a mansard extension is acceptable. The materials to this side of the site are more subdued and in keeping with the existing. The rebuilt upper storey of No's 12 and 13A is to be constructed to match the storeys below. To the rear of the buildings on Greek Street the materials have been carefully chosen to reflect the character of the rear of these buildings, but are utilised in a contemporary manner. Metal railings complete the materials palette, bringing further richness to the design.

The development also has a place making agenda. The pedestrianised walkway through from Greek Street to retail units and an area to relax is considered a key feature of the scheme and is welcomed. The private Chapel of the House of St Barnabas becomes a focus as it is framed in views from the new walkway, creating an intimate atmosphere in keeping with the general character of Soho. To the rear a large lightwell faced with glass allows light to the basement levels and also acts as a 'surprise' feature within the walkway.

Whilst the objections of Historic England and other consultees are noted regarding the loss of the unlisted 'buildings of merit' on Charing Cross Road, it is not considered that their loss constitutes substantial harm to the character of the Soho Conservation Area.

Paragraph 132 of the NPPF states *that 'when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation'*. In this case the designated heritage assets affected are the character of the Soho conservation area and the setting of the surrounding listed buildings. Unlisted buildings of merit are not 'designated' heritage assets. Paragraph 132 goes on to state that *'the more important the asset, the greater the weight should be'*. In this instance the 'asset' is an area, which makes up a fraction of the overall conservation area and whilst the buildings to be demolished are of interest, they are not deemed to be pivotal to the character of the conservation area.

Whilst it is recognised that the proposals will form some degree of harm, the benefits of the scheme are considered to be substantial in terms of providing a new public courtyard, economic benefits, a gallery and other publicly accessible uses, along with the restoration of the listed building on Greek Street. As such, it is considered that the proposals comply with paragraphs 133 and 134 of the NPPF.

Paragraph 135 of NPPF states *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application ... a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*. The two unlisted buildings of merit, fall into this category. The proposals seek the loss of both buildings, which whilst of townscape value, arguably their significance lies in their use as the flag ship store for Foyles book

shop. However, the Foyles brand has left the site and moved a few doors down, leaving these buildings redundant. This past significance has been lost and is unlikely to return to the site. As such the value of these buildings is considered lessened and their loss, on balance deemed acceptable. A number of objections have suggested that these two buildings should be retained as part of a façade retention scheme. This is a feasible option, however it would limit the height of the building on Charing Cross Road, which would ultimately lead to a substantial loss in floor space and therefore a substantial loss in the overall benefits the scheme could provide.

Policy DES 1 'Principles of Urban Design and Conservation', is the Council's overarching design policy. Paragraph 10.7 of the supporting text states '*New development is necessary to adapt the fabric of the City to present and future needs and to ensure the economic wellbeing of Central London as a whole. New development is encouraged in areas where it is beneficial*'. The proposed scheme pushes the boundaries of development on the site and has been designed to maximise the available land and to provide some public benefit.

Policy DES 10 'Listed Buildings' states '*Planning permission will not be granted where it would adversely affect: a) the immediate or wider setting of a listed building ...*'. In this case, whilst a number of listed buildings are within close proximity of the site, their current setting is such that the proposals are not considered to cause further harm. The juxtaposition of the listed buildings on Manette Street against the modernity of the proposals are considered to create an interesting characteristic, which some may deem part of the historical development on Soho.

The overall scale, height and detailed design are considered to be appropriate to this site within the Tottenham Court Road Opportunity Area and are in line with DES1, DES4, DES6, DES9 and DES10 of the UDP.

Alterations to 14 Greek Street (Grade II listed)

The existing building has been vastly altered in the past and very little original features remain, except the stair and some panelling. A large extension has been constructed to the rear which creates a large open plan ground floor with a covered 'atrium'. The entire rear of the building is obscured by the rear extension/ stair core and the original rear wall has been considerably altered, little original fabric is thought to be retained within the rear wall.

The basement will be returned to its original layout with no access past the rear original wall. The existing ground floor extension is removed and replaced which is acceptable; internally the original stair will be revealed, which is considered an improvement on the existing. At first and second floors, the rear extension is removed, the rear wall reinstalled and the current internal non original partitions removed and replaced with

new partitions on the original alignment. These works are considered a benefit to the character and appearance of the listed building.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

Sunlight and Daylight

Objections have been received from residents opposite and adjacent to the site on the grounds of loss of daylight, sunlight and increased sense of enclosure.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Waldrams, has carried out the necessary tests using the methodology set out in the BRE guidelines on properties surrounding the site on Greek Street, Manette Street and Charing Cross Road. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The properties tested for daylight and sunlight levels comprise

- 1 Phoenix Street and the Phoenix Theatre
- Phoenix House (104-110 Charing Cross Road), a block of flats above a ground floor commercial use on the opposite side of Charing Cross Road.
- 114-124 (even) Charing Cross Road – largely commercial uses.
- 107-109 (odd) Charing Cross Road – residential flats from fourth to seventh floors above retail from ground to third floors.
- All properties on Manette Street opposite the application site.
- Greek Street - Nos 6 to 11 inclusive, 15 to 19 inclusive which back onto the site, and 47 to 60 which are on the opposite side of the street.

To residential properties on Charing Cross Road opposite the site, whilst there are small losses of daylight (VSC and daylight distribution) they are within the tolerances set out in the BRE guide and as such there is no material impact. Nor is there any material impact on the amount of sunlight hours received in either winter or annually.

To the Greek Street properties with rear windows facing the application site, there are several very minor material impacts on daylight at Nos 6, 11, 15 and 17. The most significant of these impacts is to the rear of No. 11, where one window is affected at second, one at third and the three rear facing windows in the fourth floor mansard which lose approximately 30% VSC. The only impact on sunlight is to a bathroom window on the first floor of 6 Greek Street.

To Manette Street, there is a material impact to windows above the shop units at nos 16 and 17, though records do not show residential use in this location.

The most significantly affected residential properties are those at 107-109 Charing Cross Road, adjacent to the application site, where there are windows in the recently completed flats that overlook the flank (south) elevation of the proposed office building. The windows in the north facing elevation of 107-109 have a poor neighbourly relationship with the application site, given they are set back only around 2.5m from the party wall and appear to rely on 'borrowed' light from the application site to provide good daylight to the relevant rooms.

The daylight consultants have analysed the affected windows using Average Daylight Factor which is appropriate as they are new build units. There are 7 bedroom windows over 4th to 7th floors which face the application site and will not achieve the 1% minimum

ADF, with values ranging from 0.39 to 0.83. It should be noted that the main living/kitchen/dining areas to all these flats have large well lit windows to either Charing Cross Road or to the rear of the site. Given that the affected bedroom windows do not have a good neighbourly relationship with the application site, it is not considered reasonable to afford them the same level of protection as windows to the front or rear. On balance, the effect on the bedroom windows at the adjacent site is considered acceptable.

Sense of Enclosure

Objections have been received from residents on Charing Cross Road that the proposals will result in a greater sense of enclosure due to the height and scale of the proposed building.

The building will be substantially taller than the existing buildings on site, particularly to the Charing Cross Road frontage, where the existing buildings step down in height quite significantly towards Manette Street. As a point of reference, the height of the top of the plant area will be approximately 10m above the height of the adjacent building at 107-109 Charing Cross Road. It should be noted that the seventh, eighth storeys and plant area will be set back from the main elevation. At this point, Charing Cross Road is relatively wide, and it is not considered that the proposed building height and scale would result in a degree of 'enclosure' which is unacceptable in an urban context.

Occupiers of the flats at 107-109 Charing Cross Road are concerned regarding the loss of view and outlook to the rear of their flats due to the height and depth of the proposed building. There is currently a very open outlook to the rear as 107-109 is the highest building in this particular street block. The proposed development will restrict views to the north and significantly change the outlook. Whilst the view to the north side of the building will change significantly, it is not considered that a material sense of enclosure would result due to the very open nature of the outlook to the south and west.

Privacy

It is not considered that the proposed building would cause an unacceptable degree of overlooking to residential properties facing the site on Charing Cross Road or to rear windows on Greek Street.

There will be a substantial flank elevation alongside the flats at 107-109 Charing Cross Road, including terraces at 4th, 6th and 7th floors which are directly adjacent to the party wall and would provide significant opportunity for overlooking and noise/disturbance to these flats. A condition is therefore recommended restricting access to maintenance only. The other proposed terraces to the office building at 5th to 8th floors are considered acceptable as they are more significantly set back from any residential windows.

8.4 Transportation/Parking

Car Parking

No off street parking is proposed in connection with the 8 residential units. There is no off street parking for the 7 existing units at Goldbeaters House. Given the overall increase in residential is only 1 unit, and there are no 'family sized units' the Highways Planning Manager is satisfied that the additional unit will not place undue stress on local on street parking, and the application is acceptable in this respect.

Cycle Storage

Residential cycle storage (16 spaces) is provided at ground floor level, accessed from Greek Street. It is acceptable and in line with policy.

Cycle storage for the other uses across the site is provided at basement level -1, with an appropriate lift accessed from the courtyard. Storage is provided for 258 bikes, which has been increased from the original proposals. A condition is recommended securing the size and location of storage.

Proposed changes to the highway/footway layout and new public realm

A new pedestrian route is proposed between Greek Street and Manette Street, via the new courtyard. The aim is to provide an additional pedestrian route into Soho given the increase in footfall in the area expected as a consequence of Crossrail. The route is welcomed. It will not be adopted highway, so it will be necessary to secure public access through the courtyard with a Walkways Agreement attached to the S106.

It is also proposed to set the building line back at street level along Charing Cross Road so the available footway is widened. This is essentially to accommodate a proposed servicing bay that is shown as being on the existing footway. The additional area will need to be dedicated as highway (or other appropriate means to secure permanent pedestrian access) to ensure an acceptable minimum footway width is maintained given the location of the proposed servicing bay. To Manette Street, it is proposed to build out the footway to part of the street where it meets Charing Cross Road. This would result in the loss of some on street motorcycle parking.

The proposed changes to Manette Street are not considered to provide any particular benefit to pedestrians given that the footway is not being widened over the entire street length. It is not considered that the partially widened footway offers sufficient benefit to the public realm to justify the loss of the on street parking spaces and the Highways Planning Manager has objected to this part of the scheme.

Servicing and deliveries

Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and

safe access to premises for servicing, and generally requires that servicing is undertaken off street. The existing Foyles building has a servicing yard to the rear, accessed from Manette Street.

The proposals involve servicing the majority of the site from Charing Cross Road. Servicing will take place from the new on-street servicing bay. The Highways Planning Manager is unconvinced that the level of servicing required by this new building will be comfortably accommodated by the servicing bay and has also objected to this element of the scheme.

It is acknowledged that it would be difficult to accommodate off-street servicing alongside a new pedestrian route and courtyard whilst maintaining a suitable environment for pedestrians walking through from Greek Street to Charing Cross Road. On balance, the benefits of the new public space are considered to outweigh the need for off street servicing accessed from Manette Street. Any on street servicing agreed will however require careful management and should be subject to an agreed servicing management plan secured by condition. In terms of the servicing to the proposed retail unit, it is considered that a supermarket in this location is likely to generate servicing of increased frequency/dwell times than as set out in the transport assessment, and it is considered reasonable to restrict the occupation of the retail units to a non-food retailer.

8.5 Economic Considerations

The economic benefits generated by the provision of modern office and retail accommodation are welcomed.

In terms of employment and local procurement opportunities, Policies 3A.26 and 3B.11 of the London Plan and City Plan Policy S29 encourage the provision of employment opportunities through new development. It is considered appropriate that the applicant agrees to sign up to the local procurement code which requires developers to allow local companies access to some of the tender opportunities generated by a development where there are suitable contenders locally.

8.6 Access

The development would be fully accessible to those with disabilities, with level access to all buildings proposed as part of the scheme in accordance with Policies TRANS27 and DES1 in the adopted UDP.

8.7 Other UDP/Westminster Policy Considerations

Noise/plant

Environmental Health officers are satisfied that the plant is capable of complying with the City Council's noise standards; residential units must also be constructed to achieve the relevant internal noise standards as set out in Policy ENV6 and ENV7 of the UDP. Appropriate conditions are attached to the draft decision notice.

Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. Refuse storage is provided at part ground and basement levels for the main office and retail building, with residential refuse storage within 12-13 Greek Street.

Trees and soft landscaping

New street trees are proposed to the extended area of footway on Manette Street in the form of 4 mature Liquidambar trees. Little detail has been provided of the green roofs, green wall and landscaping to the terraces, this will be reserved by condition.

Sustainability

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles.

In terms of addressing the GLA's 'energy hierarchy', the applicant commits to maximising the energy performance through passive measures within the design including insulation, green roofs, high performance facades and glazing/solar control systems.

In terms of how energy is provided to the site, it is proposed to use a gas fired combined heat and power (CHP) system. The energy strategy has explored various options for the use of renewable technologies. It is proposed to use ground source heat pumps to supplement the communal heating network, as well as an array of photovoltaic panels at

roof level. If the measures described above are implemented, then the applicant states there will be an overall carbon saving of 26% over baseline carbon emissions per year.

Even with the CHP and renewable technologies, the development fails to achieve the target set out in the London Plan. Policy 5.2 of the London Plan states:

“The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere”.

The shortfall for this scheme as presented in the energy statement is 67.5tCO₂ per annum. This means the carbon offset payment expected to be £510,300. Given the viability issues associated with the scheme, the applicants have not agreed to paying this at the time of writing.

The offices, residential and retail uses are projected to achieve a BREEAM excellent rating.

Flood Risk and drainage

Policy S30 requires all development proposals to take flood risk into account and that new development should reduce the risk of flooding. The applicants have undertaken a flood risk assessment. The site is within Flood Zone 1 as defined by the Environment Agency Flood Map and is considered to be at low risk of surface water flooding.

In terms of drainage, the development would not increase the impermeable area over the site meaning there would be no increase in the peak rate of surface water run-off. Measures to attenuate run off are proposed which include the provision of some green roofs and rainwater harvesting. These mitigation measures are appropriate and can be secured by condition.

8.8 London Plan

The application is referable to the Mayor of London under the provisions of the Town and Country Planning (Mayor of London) Order 2008. The proposal raises strategic issues in terms of its design, land use, transport and energy. The GLA's initial comments on the application dated 28 January 2016 are provided in full in the background papers, along with subsequent modifications to their comments upon receipt of additional information from the applicant. In summary their main comments at this stage are:

Principle of development

The office led mixed use scheme is acceptable in principle.

Affordable Housing

Further details required on the donor site; the viability appraisal should be assessed by WCC and reported back to the Mayor before the Stage 2 referral.

On receipt of further information, they ask for the applicant to provide justification for solely intermediate tenure and for WCC to confirm demand for this tenure.

Historic Environment

The GLA considers that the loss of the original Foyles building causes significant harm to the conservation area and consideration should be given to façade retention. Following further justification from the applicant, the GLA are now of the view that the façade of 111 Charing Cross Road should be retained.

Urban Design

Further information required regarding height, massing, appearance and strategic views. This has now been provided by the applicant and the GLA are generally supportive of the design and materials but remain of the view that the retention of 111 Charing Cross Road would improve the massing.

Sustainable Development

Shortfall in CO2 reductions should be met off-site. Have requested monthly load figures for the CHP.

Inclusive Access

The applicant should provide one wheelchair accessible or adaptable unit. Request a condition requiring compliance with part M4(2) and M4(3) of the building regulations.

Transport

TfL has requested a S106 contribution of £100,000 to accommodate the additional operational and maintenance demands on the local stations that are part of the Mayor's cycle hire scheme. Additional information required regarding floorspace and consequent requirements for cycle storage.

Upon receipt of further information, request additional short stay public cycle parking and a travel plan.

8.9 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.

8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The Council's own Community Infrastructure Levy will be introduced in May 2016. In the interim period, the City Council has issued guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) The provision of affordable housing (intermediate rent) at 12-13 Greek Street for successive occupants in perpetuity at agreed rent levels and transferred to a Registered Provider (minimum 125 year lease) prior to first occupation. The housing to be allocated in line with the City Council's nominations criteria. The housing to be made ready for occupation prior to the first occupation of the office and restaurant units.
- ii) Payment in lieu of £3.85m towards the City Council's affordable housing fund.
- iii) Public art – a programme of public art to be implemented within 12 months of occupation of the offices.
- iv) Necessary highways works.
- v) Dedication (or alternative means of securing public access) of the widened area of footway on Charing Cross Road.
- vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street. Public access to be between 07.00 to 01.00 daily.
- v) Provision of new public courtyard and access.
- vi) Crossrail payment - the London Plan sets out that for increases in commercial floorspace of over 500 square metres for office purposes, CIL is set at £140 per square metre (GIA) which for this scheme works out at £2,179,800. This will need to be secured by planning obligation. The applications will also be subject to Mayoral CIL which is essentially a tax collected outside of the S106 regime.
- vii) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
- viii) Employment and Training Strategy for the construction and operational phase of the development.
- ix) Contribution of £100,000 towards TfL cycle hire scheme as requested by the GLA.
- ix) Monitoring costs.

Officers consider that these 'Heads' satisfactorily address City Council policies and the CIL Regulations subject to detailed resolution of the relevant trigger dates.

8.11 Environmental Impact Assessment

It is not considered that the proposal warrants an Environmental Statement (ES) under the EIA Regulations (2011). The applicant has submitted various studies relating to the principal environmental issues raised by the development including noise, archaeology, ecology, construction impact, employment, drainage, energy and recycling. The issues raised can reasonably be dealt with by conditions attached to the permission. The principal environmental effects requiring further clarification or work through conditions and mitigation are examined in the relevant sections of this report.

8.12 Other Issues

Basement

The proposals involve the excavation of a new basement plantroom. The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction impact

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00

on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific SEMP, should be secured through a S106 legal agreement. It is recommended that a construction logistics plan is secured by condition.

Archaeology

In line with Policy DES11, an archaeological mitigation strategy has been prepared and agreed in principle with officers and English Heritage. The archaeological investigation can be secured by condition.

Crime and security

The Metropolitan Police have advised that any external lighting on the pedestrian route will need to be compliant with the relevant British Standard. There are potentially vulnerable doors and windows, and there are concerns over the use of outdoor furniture. They request a condition requiring details of how the principles of 'secure by design' have been incorporated into the scheme, which will need to be agreed with them prior to commencement.

9 BACKGROUND PAPERS

1. Application form
2. Response from Historic England, dated 8 January 2016.
3. Response from Historic England (Archaeology) dated 8 January 2016.
4. Response from the Council for British Archaeology dated 17 February 2016.
5. Response from the Victorian Society dated 22 February 2016.
6. Response from the Greater London Authority dated 28 January 2016 and e-mails dated 1 February 2016 and 23 March 2016.
7. Response from Environment Agency (Thames Region), dated 22 December 2015
8. Response from Transport for London (Crossrail) dated 24 December 2015.
9. Response from the Soho Society.
10. Response from the Covent Garden Community Association dated 15 January 2016.
11. Response from the Theatres Trust dated 11 January 2016.
12. Response from London Underground dated 29 December 2015.
13. Response from Thames Water dated 15 February 2016.
14. Memorandum from Environmental Sciences dated 6 January 2016.
15. Memorandum from Cleansing dated 13 January 2016.

16. Response from the Metropolitan Police dated 13 January 2016.
17. Memorandum from the Arboricultural Manager dated 22 January 2016.
18. Memorandum from the Energy Strategy Officer (undated).
19. Memorandum from the Highways Planning Manager
20. E-mail from the affordable housing supply manager dated 6 March 2016.
21. Letter from occupier of 4, Lockhart Street, dated 20 December 2015
22. Letter from occupier of 166 Waverley Street, Ottawa, dated 22 December 2015
23. Letter from occupier of 53 Ferndale Road, London, dated 22 December 2015
24. Letter from occupier of 23 Phoenix House, 104-110 Charing Cross Road, dated 5 January 2016
25. Letter from occupier of 56 Greek Street, London, dated 8 January 2016
26. Letter from occupier of 25 Phoenix House, 104-110 Charing Cross Road, dated 26 January 2016.
27. Letter from occupier of 104 Hydethorpe Road, London, dated 28 December 2015
28. Letter from occupier of 12 Phoenix House, 104-110 Charing Cross Road, dated 2 January 2016
29. Letter from occupier of Flat 16, Phoenix House, 104-110 Charing Cross, dated 29 December 2015
30. Letter from occupier of 6 The Alcazar, Phoenix Street, dated 29 December 2015
31. Letter from occupier of 23 Phoenix House, 104-110 Charing Cross Road, dated 7 January 2016
32. Letter from occupier of 55 Dean Street, London, dated 22 January 2016
33. Letter from occupier of 26 Phoenix House, 104-110 Charing Cross Road.

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 LOUISE FRANCIS ON 020 7641 2488 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

10 KEY DRAWINGS



Charing Cross Road elevation



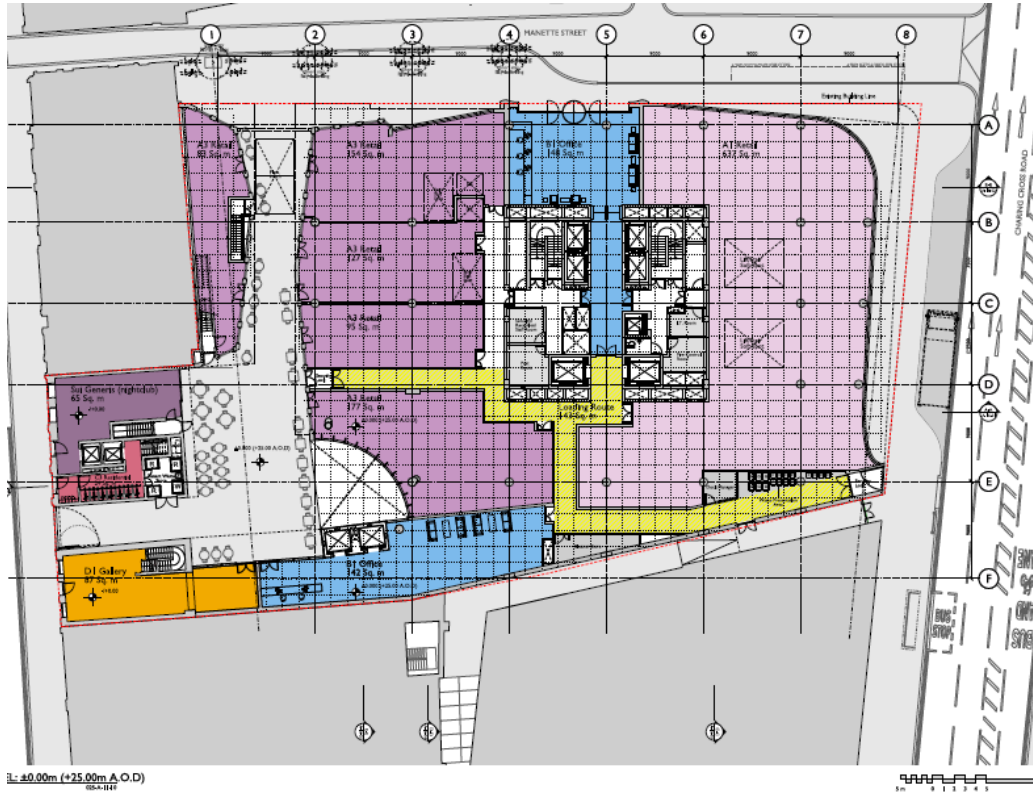
Courtyard looking towards the rear of 12-13 and 14 Greek Street



Manette Street looking towards Greek Street



Greek Street elevation



Rev	Desc	Author	Date
1	Issue for Tender	09/	

FOR INFORMATION

MATT soda.
ARCHITECTS
17 - 19 Leeson Square
London WC2H 7LE
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matt@mattandsoda.com

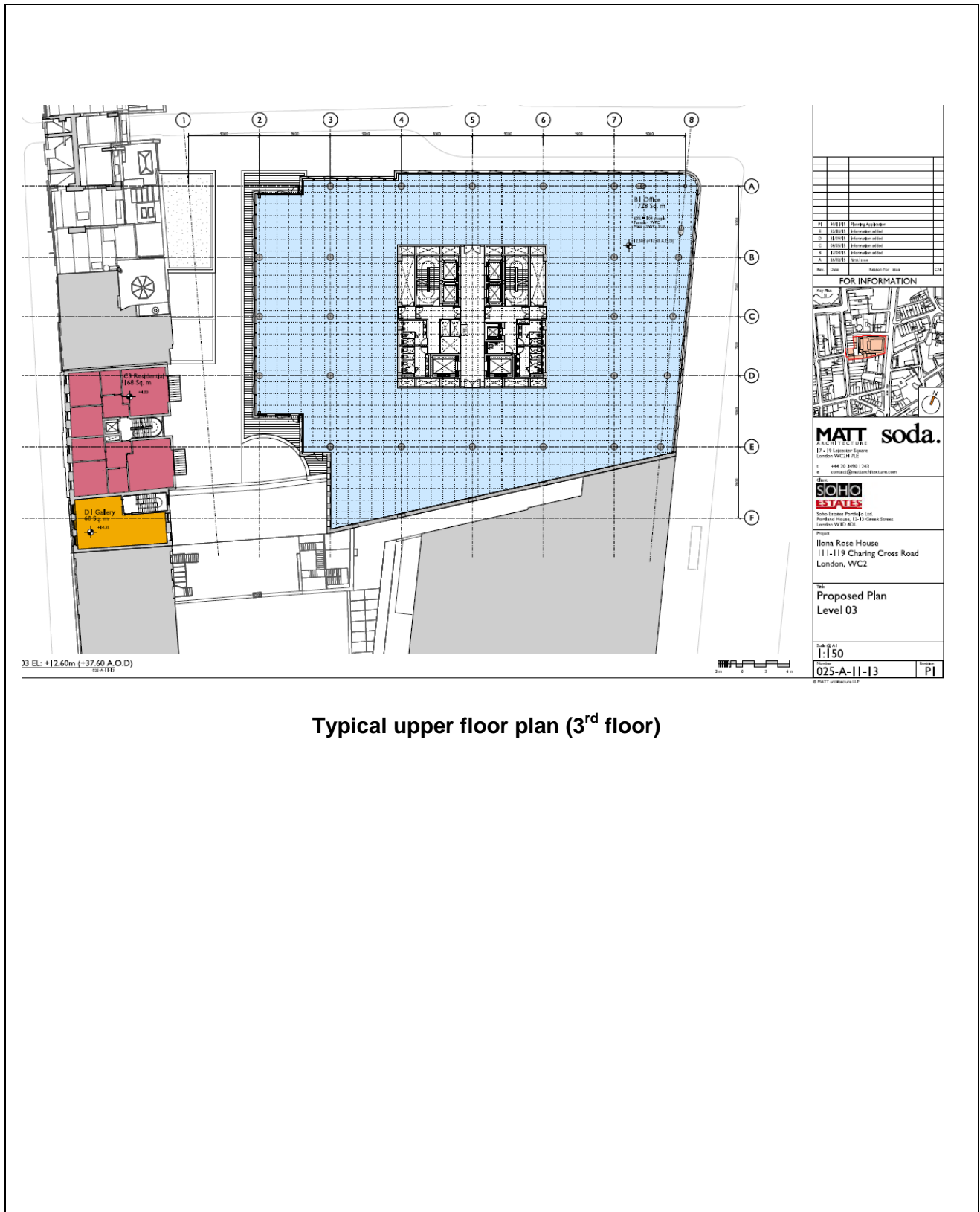
SOHO
ESTATES
Ilona Estate Property Ltd.
Portland House, 141 Gresham Street
London WC2E 8JL

Project
Ilona Rose House
11-19 Charing Cross Road
London, WC2

100
Proposed Plan
Level 00

Scale 1:150
Number 025-A-1-10
Sheet P5
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Ground floor plan



Typical upper floor plan (3rd floor)

DRAFT DECISION LETTER

- Address:** Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And, 12 - 14 Greek Street, London,
- Proposal:** Substantial demolition of existing buildings and redevelopment of the site to provide a mixed-use scheme accommodating a new building comprising basements, ground floor and part eight upper storeys plus rooftop plant with frontages to Charing Cross Road and Manette Street; refurbishment of buildings on Greek Street; in connection with use of the buildings for offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within basements of plant equipment, waste rooms and cycle parking; new public realm and pedestrian route through the site from Manette Street to Greek Street; and associated external works.
- Plan Nos:** 025-A-00-00/P1, 00-01/P1, 00-02/P1, 00-03/P1; 025-A-01-09/P1; 01-10/P1; 01-11/P1; 01-12/P1; 01-13/P1; 01-14/P1; 01-15/P1; 01-16/P1; 01-17/P1; 01-19/P1; 01-20/P1; 01-21/P1; 01-22/P1; 01-23/P1; 01-24/P1; 01-25/P1; 01-26/P1; 01-27/P1; 025-A-06-01/P1; 06-02/P1; 06-03/P1; 06-04/P1; 06-05/P1; 06-21/P1; 06-22/P1; 06-23/P1; 06-24/P1; 06-25/P1;
025-A-07-01/P1; 07-02/P1; 07-10/P1; 07-11/P1; 07-12/P1; 07-13/P1; 07-14/P2; 07-15/P2; 07-21/P1; 07-22/P1; 07-30/P1; 07-31/P1; 07-32/P1; 07-33/P1; 07-34/P2; 07-35/P2; 025-A-10-01/P1; 10-02/P1; 025-A-11-06/P5; 11-07/P5; 11-08/P4; 11-09/P4; 11-10/P5; 11-11/P3; 11-12/P3; 11-13/P3; 11-14/P3; 11-15/P1; 11-16/P1; 11-17/P1; 11-18/P1; 11-19/P1; 11-20/P1; 025-A-16-01/P5; 16-02/P5; 16-03/P1; 16-04/P1; 16-05/P1; 025-A-17-01/P1; 17-02/P1; 17-10/P1; 17-11/P5; 17-12/P1; 17-13/P1; 17-14/P5; 17-15/P5; 025-A-100-01/P1; 100-02/P1; 025-A-110-09/P1; 110-10/P1; 110-11/P1; 025-A-120-00/P3; 120-01/P5; 025-A-130-00/P1; 130-01/P1; 025-A-160-09/P1; 160-10/P1; 160-11/P1; 025-A-160-29/P4; 160-30/P3; 160-31/P3; 025-A-170-00/P5; 170-01/P5; 025-A-180-00/P1; 180-01/P3. Acoustic Report (Acoustic Logic, Dec 2015)
Supporting documents:
Planning Statement (Gerald Eve); Design and Access Statement (MATT/SODA); Access Statement (David Bonnett Assoc, December 2015); Landscape report (Townshend); Townscape and Visual Impact Study (Peter Stewart/Miller Hare); Heritage Statement and Heritage Impact Assessment (Iceni Projects December 2015); Archaeological report (MOLA - November 2015); Economic report (Volterra, December 2015); Energy Statement (Thornton Reynolds, November 2015); Ecology Report and BREEAM report (eight associates, November 2015); Daylight/Sunlight report (Waldrums, November 2015); Transport Assessment (Arup, Dec 2015 and Feb 2016); Statement of Community Involvement (Comm Comm UK, Nov 2015); Flood risk assessment (Civil Engineering Solutions); SUDS report and structural report (Tier Consulting); construction management plan (MACE); wind assessment (Arup)

Case Officer: Louise Francis**Direct Tel. No.** 020 7641 2488

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start 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 this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development -
- i) Typical windows
 - ii) Typical doors
 - iii) Typical bay of the main block
 - iv) Greek Street ground floor elevation including shopfronts.
 - v) Railings
 - vi) Plant enclosure

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

5 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

6 **Pre Commencement Condition**

None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

(i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), of this condition shall be completed, in its entirety, before any part of the building[s] [is] [are] occupied.

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

7 **Pre Commencement Condition**

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent)

have been submitted to and approved in writing by the local planning authority which:

- i) Provide details on all structures
- ii) Accommodate the location of the existing London Underground structures and tunnels
- iii) Accommodate ground movement arising from construction thereof
- iv) And mitigate the effects of noise and vibration arising from the adjoining operation within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition, shall be completed in their entirety before any part of the building hereby permitted is occupied.

Reason:

As required by London Underground, to ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with the London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

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

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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: Strategic Policies adopted November 2013, 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.

- 9 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.

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 11 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 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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

Reason:

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.

- 13 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.
- Reason:
As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.
- 14 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall not be used for food retail purposes (i.e. a supermarket).
- 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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)
- 15 The Class A3 restaurants shown on the approved drawings at ground and basement level shall only be used as sit-down restaurants with waiter service. You must not use any part of these as a separate bar, or for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).
- Reason:
We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)
- 16 Customers shall not be permitted within the restaurant premises before 0800 or after 0100 on Monday to Saturday (not including bank holidays and public holidays) and before 0800 or after 2330 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 17 The Class A3 uses allowed by this permission shall not begin until you have fitted self closing doors and lobbies between the entrance and dining area. You must not leave these doors open except in an emergency or to carry out maintenance. The lobby shall not contain any tables and chairs or bar/restaurant area where customers can stand.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 18 You must apply to us for approval of a detailed servicing management plan. The plan shall identify process, storage locations, scheduling of deliveries and staffing.

You must not occupy any part of the buildings until we have approved what you have sent us.

The servicing management plan shall be maintained for the life of the development unless a revised strategy is agreed in writing by us.

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 20 The new buildings must achieve a BREEAM rating of at least 'excellent' (or any such national measure of sustainability for commercial buildings that replaces that scheme of the same standard). Within 1 year of the completion of the commercial units, you must submit to us for our approval a copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that an 'excellent' rating has been achieved.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 21 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- i) Photovoltaic panels;
- ii) ground source heat pumps;
- iii) rainwater harvesting system

You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 22 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 and green wall

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 23 You must apply to us for approval of a scheme of public art.

You must not start work on the public art until we have approved what you have sent us. You must carry out the scheme according to the approved details within 12 months of first occupation of the building.

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

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 24 Prior to the occupation of any parts of the development, you shall submit and have approved in writing by the local planning authority, a detailed Operational Site Management Plan and you must then carry out the measures included in your Plan at all times unless as otherwise agreed in writing by the City Council as local planning authority.

The plan shall include arrangements for external tables and chairs, maintenance, cleansing and public access to the public realm area, measures to reduce impact on local residents, smoking, taxis and security arrangements.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 25 Unless otherwise agreed in writing by the City Council, the external seating in connection with the

restaurants shall be restricted to those areas set out on the approved ground floor plan (025-A-11-10/P5); and shall contain seating for no more than 90 customers overall. They shall only be available to customers of the restaurants hereby permitted.

Reason:

In the interests of public safety and to maintain sufficient space for unobstructed pedestrian passage as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 26 The tables and chairs permitted in the courtyard shall only be used between 0800 and 2300.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 27 You must provide the waste store shown on drawing 025-A-11-07/P5 and 025-A-11-10/P5 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 28 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 29 The replacement windows to 12-13 Greek Street shall be white painted timber framed.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 30 The detailed insulation measures to 12-13 Greek Street including double glazing and floor/ceiling insulation as set out in the acoustic report by Acoustic Logic dated December 2015 shall be installed in their entirety prior to the first occupation of any residential unit.

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.

- 31 The terraces at levels 4, 5 and 6 shown on the approved drawings adjacent to the boundary with 107-109 Charing Cross Road shall not be used for sitting out or any other purpose except maintenance or escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 32 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 33 **Pre Commencement Condition.**

You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 34 You must apply to us for approval of detailed drawings of the following parts of the development - gates to the pedestrian route. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or

both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

35 Pre Commencement Condition

Prior to the commencement of development, details of the measures to be incorporated into the development demonstrating how the principles of 'secured by design' are included shall be submitted to and approved by the City Council in consultation with the Metropolitan Police.

Reason:

In line with the requirements of S28 and S29 of Westminster's City Plan, November 2013 and as required by the Metropolitan Police.

36 Customers shall not be permitted within the sui generis club at basement and ground floors of 12-13 Greek Street before 0900 or after 0100 each day.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - i) Provision of affordable housing (intermediate rent) at 12-13 Greek Street.
 - ii) Payment of £3.85m towards the City Council's affordable housing fund.
 - iii) Public art
 - iv) Necessary highways works;
 - v) Dedication (or alternative means of securing public access) to the widened area of footway on Charing Cross Road.
 - vi) Walkways agreement to allow public access to the privately owned passageway and square linking Manette Street and Greek Street, to be between 0700 to 0100 daily.
 - vii) Provision of new public courtyard and access.
 - viii) Crossrail payment.
 - ix) Employment and training strategy;
 - x) Compliance with Code of Construction Practice and contribution to the environmental inspectorate;
 - xi) Contribution towards the Mayor's Cycle Hire scheme (£100,000).
 - xii) Monitoring costs.

- 3 Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.
- 4 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)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 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 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please

contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 8 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 9 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 10 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 11 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.

DRAFT DECISION LETTER

Address: 14 Greek Street, London, W1D 4DP,

Proposal: Partial demolition to the rear of the building; rebuild of the rear facade and erection of single storey rear extension; internal and external works; all in connection with use of the building as an art gallery/art education use.

Plan Nos: Site Location Plan 025-A-100-01/P1; 025A-100-02/P1; 025A-110-09/P1; 25A-110-10/P1; 025A-110-11/P1; 025A-120-00/P5; 025A-120-01/P5; 025A-130-00/P1; 025A-130-01/P1; 025A-160-09/P1; 025A-160-10/P1; 025A-160-11/P1; 025A-160-29/P4; 025A-160-30/P3; 025A-160-31/P3; 025A-170-00/P5; 025A-170-01/P5; 025A-180-00/P1; 025A-180-01/P3; Heritage Impact Assessment and Heritage Statement by Icení Projects dated December 2015; Letter from Icení Projects dated 28 January 2016.

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 of the following parts of the development - all new windows. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

Item No.
3

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	Development Site At Millbank Complex, 25 Millbank, London, SW1P 4QP		
Proposal	Refurbishment and replacement of facades and erection of 2 additional floors and plant enclosure to both Millbank Tower and 1 additional floor to the Y buildings; excavation of basement levels; demolition of rear car park in association with re-landscaping and reconfiguration of wider site; all in association with the use of the Tower as 207 private residential flats (Class C3) and Skybar (ancillary to adjacent Class C1), the south podium and part of Tower as an arts/ cultural facility (Class D1) and the north podium and Y buildings as a 150 bedroom hotel (Class C1) with restaurant, bar and cafe at ground floor level. Use of roof of podium building as a terrace with associated alterations. [EIA Development]		
Agent	Tom Sweetman		
On behalf of	Basio Holdings Ltd		
Registered Number	15/07756/FULL 15/09739/LBC	Date amended/ completed	February 2016
Date Application Received	20 August 2015		
Historic Building Grade	Grade II		
Conservation Area	Outside Conservation Area		

1. RECOMMENDATION

<p>1. Subject to the views of the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. The provision of a cultural facility on a 125 year lease with a peppercorn rent, with the end user to be agreed by the City Council; ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility; iii. The provision of a publically accessible 'Skybar' with no admission fee; iv. Costs of all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions, returning the footway on Thorney Street and footway repaving; v. Provision of public art to the sum of £100K (index linked); vi. Comply with the Council's Code of Construction Practice, to provide a Site Environmental Management Plan and provide a financial contribution of £110,000 (£55,000 per annum based on 2
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year demolition / construction period) prior to commencement of demolition to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

vii. Employment and Training Strategy for the construction phase and the operational phase of the development;

viii. Costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed by 1 May 2016 then:

a) The Director of Planning shall consider whether it will be possible or 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 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.

3. Grant conditional listed building consent, subject to Historic England Authorisation.

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

2. SUMMARY

The Millbank Complex is made up of three main components; the tower; a Y-shaped building; and a Podium. The building is currently in office use, with some entertainment uses within the tower, including a cinema at basement level and corporate function spaces on the second and twenty ninth floors. A residential building, Millbank Court is located to the rear of the site on John Islip Street, which is separated from the main building group by a multi-storey car park and an area of open space.

The site is located outside of a designated conservation area, but is within the Core Central Activities Zone (CAZ). The buildings are listed grade II.

The scheme proposes significant refurbishment, alteration and extension of the existing site in association with the change of use of the buildings to provide a hotel within the podium and Y buildings, residential accommodation and skybar within the tower and a cultural centre within the podium building at the western end of the site. Associated works include the excavation of basements, re-cladding of the buildings, demolition works, re-landscaping and extension of the tower by 2 storeys (plus plant room) and 1 storey to the Y building.

The proposals have been amended during the course of the application, namely a reduction in the height of the tower (by 1 storey) and Y building (by 2 stories) resulting in a reduction in the amount of flats from 215 to 207 and hotel rooms from 195 to 150; removal of additional restaurant storey to podium building; removal of courtyard infill; reduced extent of demolition; and alterations to basements (including 1 less basement level). This had led to alterations to landscaping, servicing, the provision of a new terrace atop the podium building and relocation of the skybar to the top of the tower.

The key issues with this application are:

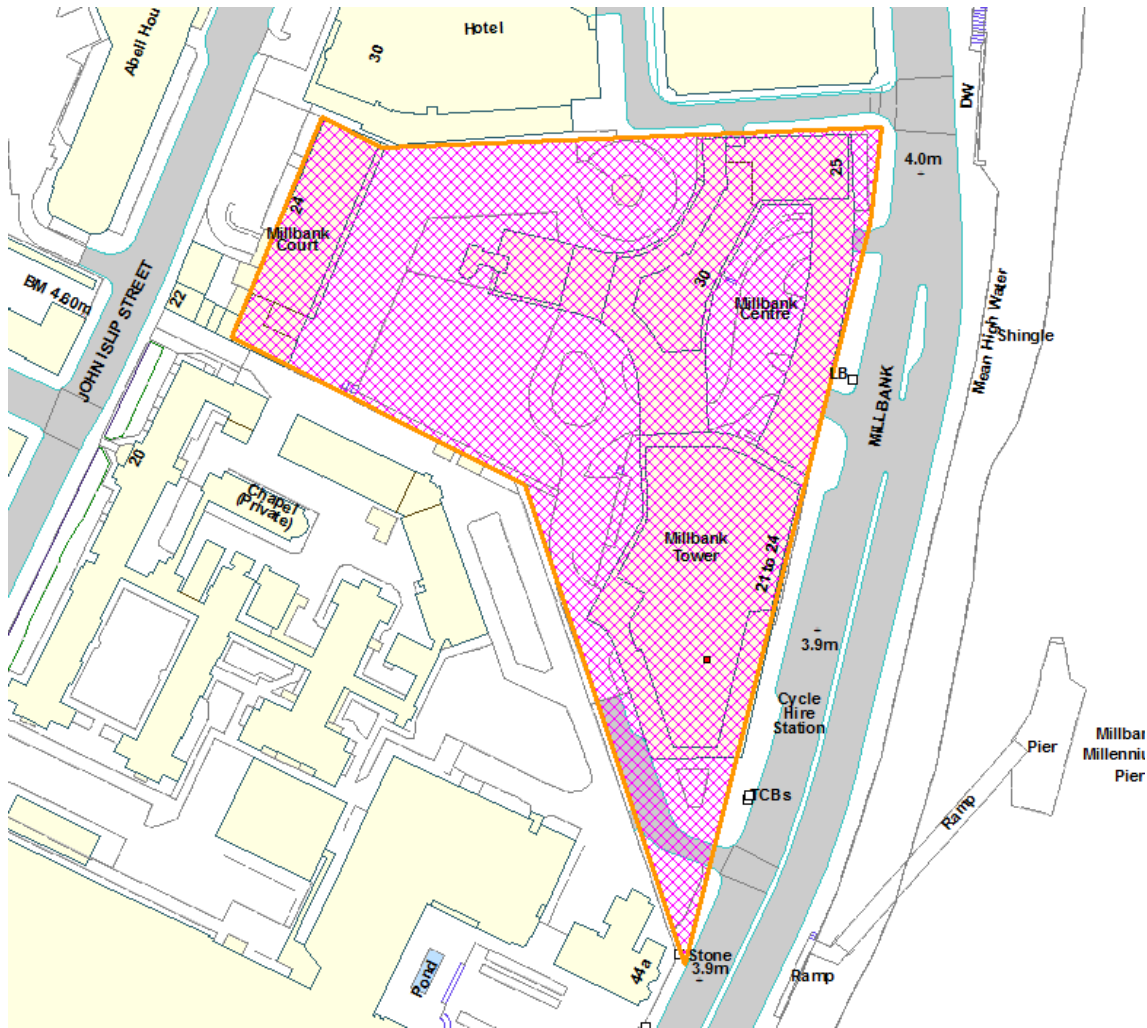
* The impact of the changes to the external appearance and additional height of the buildings on the

special character of the building, neighbouring conservation areas and the setting of the Parliament Square World Heritage Site.

- * The loss of a significant amount of employment floorspace.
- * The amount of affordable housing proposed.
- * The environmental impact of the development including the impact on amenity of nearby residents
- * The highway implications of the scheme.
- * The impact on neighbouring amenity.

The alterations to this listed building are significant, both physically and in terms of its new uses. On balance, given the need to refurbish the building to ensure its future, it is considered that the proposals are acceptable and in accordance with policies in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and are therefore recommended for approval subject to a S106 legal agreement to secure a number of benefits.

3. LOCATION PLAN



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4. PHOTOGRAPHS



**View of Tower
from rear gardens**



View of rear of 'Y' Building



Satellite Image of Site

5. CONSULTATIONS

Representations received to original submitted scheme:

WARD COUNCILLORS:

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY:

Objection raised to the re-cladding of the building, increased height to the tower and Y buildings, infilling of the front courtyard and the substantial demolition (particularly the loss of car ramp). No objection to the proposed change of uses or associated internal alterations.

COUNCIL FOR BRITISH ARCHAEOLOGY:

Objections raised on the following grounds: The building should be retained in office use as originally designed. The details of the proposed cladding will impact on the light transparent appearance of the faceted skin of the tower. The additional storeys on the Y building might, on balance be acceptable, but the additional height to the towers is considered that have a negative impact on the listed building and views from the Houses of Parliament and along the Thames. The infilling of the courtyard would also have a detrimental impact on the buildings significance. Twentieth Century Society comments endorsed.

SOCIETY FOR THE PROTECTION OF ACIENT BUILDINGS:

Any response to be reported verbally.

ANCIENT MONUMENT SOCIETY:

Any response to be reported verbally.

THE FOUNTAIN SOCIETY:

Any response to be reported verbally.

THE GEORGIAN SOCIETY:

Any response to be reported verbally.

THE VICTORIAN SOCIETY:

Any response to be reported verbally.

THORNEY ISLAND SOCIETY:

Objection on the following grounds: Loss of office floorspace; loss of open courtyard; widening of front podium will devalue the building; additional height to buildings will have a negative impact on its setting and inter-relationship; cultural centre is less important than the provision of affordable housing, particularly given location next to Tate Britain; the short south facing podium is overly fussy in design; new curtain walling is too dissimilar to existing, altering the appearance of the building; impact of the loss of the spiral ramp; servicing access via Thorney Street is undesirable.

WESTMINSTER SOCIETY:

No objection to proposed new uses, residential mix or increase in height of the Tower or Y buildings. Landscaping will make a considerable improvement. Concerns in relation to coach parking. Objection raised on the grounds of lack of affordable housing or contribution in lieu to the Affordable Housing Fund.

GREATER LONDON AUTHORITY (GLA):

- Comment that the proposed uses and mix are appropriate for the CAZ and are acceptable in strategic planning terms.
- Suggest that a contribution cascade is included within a S106 in case of funding being provided for cultural use allowing for an affordable housing contribution being viable.
- 10% of hotel rooms should be wheelchair accessible.
- Increased activation of embankment is welcomed.
- Recommend that the rear garden is made public / semi-public space. Alterations to the building (height and cladding) are acceptable in historic building terms.
- Alterations to provide more inclusive access are welcomed, some further detail in relation to vehicular drop off to the hotel entrance foyer are requested to ensure routes along Millbank are safe and inclusive.
- In terms of sustainability the proposals meet the London Plan requirement for a 37% carbon dioxide saving, but some further details are requested in relation to efficiencies, cooling, CHP and renewables.
- The green roofs and planted terraced areas are welcomed, however a condition is recommended for climate change adaption measures and potential of discharge of residential surface water directly into the Thames.
- Recommend that the level of residential car parking is reduced, and recommend that wheelchair parking is secured by condition.
- The level of cycle parking is acceptable, however details of the 'short stay' cycle bays is requested.
- Existing coach parking is adequate for the hotel, however TfL will require details of a taxi rank.
- Alterations to public realm supported, further details of vehicle tracking to Thorney Street are requested to demonstrate safe travel of delivery vehicles. A Construction Management Plan is requested to demonstrate that the adjacent cycle docking station is not impacted as a result of the development.
- A Delivery and Servicing Plan (DSP) should be secured by condition.
- A detailed travel plan should be secured by S106 legal agreement.
- A mayoral CIL payment will be required, but a Crossrail payment will not.

TRANSPORT FOR LONDON (TfL):

- The level of car parking is excessive.
- 20% of parking spaces should be active and 20% passive levels of Electric Vehicle Charging Points, which should be secured by legal agreement or a Car Park Management Plan.
- Unclear where 103 short stay cycle parking spaces are to be provided.
- Minor inaccuracies in terms of trip generation, but it is likely that there will be a net reduction, with minor increase at peak hours.
- Alterations to public realm supported, further details of vehicle tracking to Thorney Street are requested to demonstrate safe travel of delivery vehicles. A Construction Management Plan is requested to demonstrate that the adjacent cycle docking station is not impacted as a result of the development.
- A Delivery and Servicing Plan (DSP) should be secured by condition.

LAMBETH COUNCIL:

Objects on the following grounds: Loss of employment floorspace; Lack of affordable housing; Increased height of tower will compromise the composition of the Vauxhall Cluster when compared to the Westminster World Heritage Site; Adverse impact on two LVMF views which protect the setting of the Westminster World Heritage Site.

DESIGNING OUT CRIME OFFICER:

Potential of Vehicle Borne Improvised Explosive Device (VBIED) being detonated on Thorney Street from delivery vehicles awaiting entrance to service yard impacting on adjacent government buildings. Recommended that traffic plan is revisited to alter route of delivery vehicles.

ENVIRONMENT AGENCY:

Recommend that the finished floor levels are ideally 300mm above the flood breach level. Recommend that the emergency planning team is consulted to ensure that mitigation measures are implemented in case of a flood.

PORT OF LONDON AUTHORITY:

No objection. Comment that the travel plan should seek increase use of river bus use by construction workers, residents and visitors to the site. Should the applicant wish to discharge into the River Thames then the PLA should be contacted and a River Licence will be required.

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT:

No comment.

HISTORIC ENGLAND:

Objection, the cumulative impact of the proposals would cause substantial harm the special architectural and historic significance of the building. It is considered that the public benefits do not outweigh the harm and are contrary to the NPPF.

LONDON RIVERS ASSOCIATION:

Any response to be reported verbally.

NATIONAL RIVERS ASSOCIATION:

Any response to be reported verbally.

THAMES WATER:

No objection however provides recommendations in relation to waste surface water drainage and water. Recommend that non-return valves are installed. It is the applicant's responsibility to ensure that water drains to the ground, water courses or a suitable sewer.

TATE BRITAIN:

General support to the provision of a mixed use development, particularly the new cultural use. They are also keen to improve linkages in the area as part of the 'Millbank Urban Strategy'. Reserves the rights for further comment in relation to potential loss of light.

ARBORICULTURAL OFFICER:

At least one of the trees is under the ownership of TfL, who should be consulted. Some trees appear to be missing from the tree plan. Objection to loss of trees to both the front and rear of the site. Insufficient information in relation to both landscaping and trees. No details of soil depth provided for the rear landscaping or roof gardens. No objection to proposed roof planting. Unclear if any public realm improvements being offered, will need to ensure any street trees can be accommodated with in-street servicing.

ENVIRONMENTAL HEALTH:

No details in relation to noise between commercial and residential premises and from servicing vehicles. Queries in relation to noise assessment, ventilation and overheating. No primary

cooking to commercial premises at lower levels. Funding is likely to be required for the Environmental Inspectorate.

BUILDING CONTROL:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Any response to be reported verbally.

HOUSING MANAGER:

Any response to be reported verbally.

CLEANSING:

Any response to be reported verbally.

GO GREEN PROJECTS OFFICER:

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 611

No. of replies: 18 letters of objection raising the following comments:

Amenity:

- Loss of light, increased sense of enclosure and loss of privacy from additional height.
- Increased noise particularly from visitors to new park.
- Hotel use would negatively impact on area due to intensification and use beyond existing office hours.

Design:

- Negative impact of new cladding.
- Increased bulk and height will have negative impact on the heritage asset.
- Alterations to the proportions, height and bulk of the building will have impact on its listing.
- Increased height will have a negative impact on views.
- Change of use and new cladding will have negative impact on the original fabric of the building.

Land Use:

- The proposals should include the provision of social / affordable housing.
- Local people should be consulted on occupier of the D1 use.
- Loss of employment due loss of offices is unacceptable and contrary to local and regional policies.
- Alternative uses are recommended in place of the museum such as a hostel.
- The cultural space is not required and will not benefit local people.

Highways:

- Insufficient parking provided.

Other:

- Noise, pollution and disruption from building works.
- Security concerns from new park.
- The local car parking and amenities will not be able to cope with additional flats.

- The new garden should be open to the general public.
- The health and fitness facilities in the hotel should have reduced rate for local residents.
- Loss of views of the Thames.
- Roots and trees should be protected during construction.
- The current rear pleasant garden space will be lost/altered as a result of the proposals.

PRESS ADVERTISEMENT/SITE NOTICE:

Yes

The same consultations were undertaken for the revised scheme in February, here follows a summary of the responses received:

WESTMINSTER SOCIETY:

Previous objection sustained: Revised scheme does not address lack of contribution towards affordable housing.

THORNEY ISLAND SOCIETY:

Uphold objections to the principle of a change of use from offices. The area is losing its mixed-use to luxury flats. Existing tenants will find it hard to find replacement accommodation in the area. The alterations to the heights will still detract from the elegant proportions of the building. The 'push out' windows will negatively impact on the appearance of the building. The retention of the open courtyard is welcomed, however area under the podium should not be used as parking which would inhibit pedestrians and detract from the aesthetics of the building. The garden and planting is overly fussy. The cultural centre may be desirable, but should not be in place of affordable housing. The car ramp to Thorney Street should be retained.

GREATER LONDON AUTHORITY (GLA):

- The revised scheme is not considered to cause harm to the historic environment or strategic views and is therefore in accordance with the London Plan.
- Recommend a revised approach in terms of the energy strategy, where the CHP is optimised as the lead heat source, with water source heat pump acting as a top up.
- Increase in car parking and reduced cycle parking not supported.
- Encourage liaison with TfL in relation to London Taxis and Private Hire and changes to the pedestrian environment.

HISTORIC ENGLAND:

The alterations to the scheme are broadly welcomed, however the cumulative impact of the proposals still represent harm to the architectural and historic significant of the listed building but this is now less than substantial in terms of the NPPF. This harm has to be weighed against the public benefits which are required to convincingly outweigh it, namely securing a long term viable future for this important building. The City Council will need to ensure that the impact on the Westminster World Heritage site is assessed.

HISTORIC ENGLAND ARCHAEOLOGY:

No objection subject to conditions.

ENVIRONMENT AGENCY:

No objection.

THAMES WATER:

No objection however provides recommendations in relation to waste surface water drainage, piling, effluent consent, ground water discharge. Recommend that non-return valves are installed. It is the applicant's responsibility to ensure that water drains to ground, water courses or a suitable sewer.

DESIGNING OUT CRIME OFFICER:

Concerns in relation to the proposed staff entrance on Thorney Street and possible lingering / casual unwanted surveillance.

PORT OF LONDON AUTHORITY:

No objection however comment as follows: Little mention to promote Riverboat usage or use of river for bulk removal of materials. Promote the use of a Heat Source Heat Pump, but comment that a River Works License will be required.

HIGHWAYS PLANNING MANAGER:

No objection raised, however comment as follows:

- The provision of 224 car parking spaces is acceptable.
- A car park and lift management plan is required to detail how the valet parking, space allocation, car charging and lift maintenance will function.
- Long stay cycle parking inline with FALP requirements, but there is a shortfall of 59 short stay cycle parking spaces.
- Off street servicing welcomed, however a legal agreement is required for alterations to Millbank.
- Recommend a condition for the provision of a servicing management plan to ensure deliveries are spread across the day.

CLEANSING:

No objection subject to a condition to secure waste storage.

ENVIRONMENTAL HEALTH:

No objection subject to conditions and in relation to noise and informatives in relation to contaminated land and building works.

ENVIRONMENTAL HEALTH S106 OFFICER:

No objection subject to securing of costs for Environmental Inspectorate.

ARBORICULTURAL OFFICER:

Objection to the loss of trees within rear garden space. The one mature London plane tree that is to be retained is at high risk of loss due to level of excavation proposed around it. Recommend that street trees are secured via S106 given the losses to the rear. The revised scheme does not remove previous objection to the lack of soil depth provided to the rear above the newly excavated basement. Should permission be granted, conditions are recommended.

BUILDING CONTROL:

No objection, the structural method statement is considered acceptable.

GO GREEN PROJECTS OFFICER:

A connection to the Pimlico District Heating Undertaking (PDHU) is feasible, which is likely to be beneficial over its lifetime compared to the local CHP proposed. Clarity over the functionality of the proposed Water Source Heat Pump in combination with the CHP is requested.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 612

No. of replies: 1 objection on behalf of the freeholder and management company of Millbank Court on the grounds that the revised should not have been considered as an amendment to the scheme, but a new application submitted; the loss of office space; impact on the amenity of neighbours from both the use and additional bulk; and impact on the special character of the building.

PRESS ADVERTISEMENT/SITE NOTICE:

Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

The Millbank Complex is made up of three main components; a 39 storey tower; a 9 storey Y-shaped building and a 2 storey Podium. The buildings are currently mainly in office use, but also includes a restaurant at the eastern end of the site, entertainment uses within the tower, including a cinema at basement level and corporate function/event spaces within the tower building. The site is located outside of a designated conservation area, but is within the Core Central Activities Zone (CAZ) and the buildings are listed grade II.

Millbank Court, a residential building is located to the rear of the site on John Islip Street and originally formed part of the complex. This application does include the basement areas of this building but not the main residential accommodation on the upper floors. The building is separated from the main tower/Y buildings by a 3 storey car park (partially below ground level) and an area of open space.

Millbank runs along the eastern side of the site, which is a TfL managed Red Route. Adjacent to this is the River Thames and the Millbank Millennium Pier. To the south of the site is the grade II* listed Tate Britain, which lies within the Millbank Conservation Area. To the north on the other side of Thorney Street sits Thames House, which is also listed grade II and is within the Smith Square Conservation Area.

6.2 Recent Relevant History

Various applications for the installation of antennae and telecommunications equipment.

Various applications for minor repairs and alterations to the external facade, such as the installation of louvers and internally.

Permission granted on 27 October 2011 for the use of 28th floor for office, conference centre and private function use (sui generis).

Permission granted on 16 December 2010 for the use of ground floor and first floor mezzanine as cinema , conference centre, bar and private function centre (Sui Generis).

Permission granted on 10 December 2009 for the use of second floor of Millbank Tower for office, conference centre and private function use (sui generis).

Permission granted on 23 April 2009 for the use of 29th floor for office, conference centre and private function use (sui generis).

Permission granted on 21 June 2007 for the use of part of ground floor as an auditorium/conference centre and Class A4 bar (sui generis).

Permission granted on 21 June 2004 for use of ground floor office suite (Class B1) as retail (Class A1) and associated alterations.

Permission granted on 26 October 2001 for the recladding of plinth around tower base with granite. Replacement of top paving slabs. Installation of canopy on west elevation of tower

Permission granted on 11 February 1959 for the erection of buildings on site of 21-44 Millbank, John Islip Street, Thorney Street and Queen Alexandra hospital for use as offices and ancillary accommodation and residential block of flats.

7. THE PROPOSAL

The scheme proposes significant refurbishment, alteration and extension of the existing site in association with the change of use of the buildings to provide a hotel within the podium and Y buildings, residential accommodation and skybar/restaurant within the tower and a cultural centre within the podium and lower levels of the tower building at the southern end of the site. There is also to be a publically accessible restaurant on the corner of Millbank and Thorney Street, a café to the rear of the Y building and a hotel bar in a new infill between the Y building and the Tower, all at ground floor level. The hotel includes a pool and spa facilities at basement levels and conference facilities at first floor level.

The existing two storey (plus basement) car park at the rear of the site adjacent to Millbank Court is to be demolished to make way for a larger garden space, with the parking relocated to the new basement. Associated works include the excavation of basements, re-cladding of the buildings, demolition works, re-landscaping and extension of both the tower and Y buildings by 1 and 2 storeys rep

The proposals have been amended during the course of the application, namely a reduction in the height of the tower and Y buildings resulting in a reduction in the amount of flats from 215 to 207 and hotel rooms from 195 to 150; removal of additional restaurant storey to podium building; removal of courtyard infill; reduced extent of demolition; alterations to basements (including 1 less basement level). This had led to alterations to landscaping, servicing, the provision of a new terrace atop the podium building and relocation of the skybar to the top of the tower.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S1 of the City Plan seeks to promote a mix of uses consistent with supporting the vitality, function and character of the Central Activities Zone. The application proposes a mix of residential, hotel, restaurant, café and cultural uses. The floorspace for each use is set out in the table below.

Table 1: Existing and Proposed Land Uses (GEA)

Use	Existing (sqm)	Proposed (sqm)
Offices (B1)	57,453	0
Restaurant (A3)	541	0
Event Space (Sui Generis)	4,458	0
Cultural (D1)	0	5,474
Hotel (C1)	0	20,242
Residential (C3)	0	45,190
Total	62,453	70,906

8.1.1 Loss of office use

The applicant considers the current office accommodation to be outdated and the building in need of refurbishment, particularly with the external cladding of the building coming to the end of its life. The applicant considered that the requirement to refurbish represents an opportunity for altering the mix of uses across the site. The proposal will result in an overall loss of 57,453sqm of office floorspace.

Policy S47 of the City Plan advises that ‘when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.’

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a net reduction in office floorspace and employment as a result of the development, there is no evidence to suggest that the economic impact of the proposals on this part of the City as a whole would be sufficiently harmful in this instance to withhold permission. The mixed use proposal will incorporate a hotel and cultural use which would provide economic benefits and employment, and the proposed residential element would provide social benefits with the provision of a net increase of 207 residential units.

There are no policies within Westminster’s UDP or City Plan which safeguard the existing office floorspace. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing office floorspace. However, this objective still needs to be balanced against the requirement to provide new homes. Consequently, interim measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications will be determined under a

'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

As the current application was submitted in August 2015, it is not subject to consideration under the interim measures or emerging policies, but should be considered in the light of adopted development policies which do not protect existing office uses.

8.1.2 Residential use

Policies S14, S15 and S16 of the City Plan and H3, H4, H5, H8 and H10 of the UDP are relevant to the consideration of this application.

The proposal would create a total of 45,190sqm of residential floorspace. The mix of residential units is set out in table 2 below.

Table 2: Residential Mix

Units	No provided	% of Mix
1 bed (2 person)	77	37.2%
2 bed (4 person)	89	43%
2 bed (4 person) duplex	7	3.4%
3 bed (6 person)	30	14.5%
4 bed (8 person)	4	1.9%
Total	207	100%

The provision of new residential accommodation is supported under Policies S14 of the Westminster City Plan: Strategic Policies and H3 of the UDP. Policy H11 within the UDP relates to housing density and recommends 250-500 habitable rooms per hectare in this location. The proposed density is 413 habitable rooms per hectare, which is considered acceptable.

The optimisation of housing delivery is a key strategic objective for the Council. All of the proposed flats meet the requirements of National Housing Standards in terms of their floorspace. The mix and the layout of the flats have been led by the size and shape of the floorplate of the existing building and is therefore considered to be in accordance with Policy S14 of the City Plan, which seeks to optimise the number of residential units on development sites.

Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances.

The residential mix which is heavily weighted towards 2 bed units, fails to meet the Council's Policy H5 in the UDP. In this case 16.4% of the units are family sized (34 units). The City Council may accept a lower level of family sized accommodation having regard to the nature of the development and the character of the environment. It is considered that there is a case for a slightly lower amount of family housing given the constraints of the existing floorplate of the building, lack of private amenity space and to maximise the number of units provided.

Policy H10 of the UDP expects housing developments to include the provision of amenity space. Within the CAZ this can be in the form of balconies and roof terraces subject to satisfactory design and amenity issues. These should be provided for 25% of the units and should mainly be in association with the family size units. This has not been possible, given that the provision of balconies would have a negative impact on the special character of the listed building, particularly the cladding which is such an integral part of the interest of this building (discussed in part 8.2.3 below). Communal outside space is provided in the form of a roof terrace on the podium building and the extensive rear garden, which is considered acceptable.

Playspace:

UDP Policy SOC6 requires children's play space to be provided in residential developments of 25 or more family sized units and in developments in or near to Priority Areas for additional play space and additional green open space for play. The development is not in a Priority Area for additional play space or open space. London Plan policy 3.6 also seeks to ensure that all children and young people have access to play space. The Environmental Statement has stated that the development would trigger the requirement for 200sqm of playspace in accordance with the GLA's Supplementary Planning Guidance. The proposals include the provision of a 10,982sqm of private open space of which over half will be grassed. It is regrettable that the new rear gardens are not provided for public use, given that the existing green space to the rear is currently publicly accessible, however it is noted that this is a private space and that the owner is not currently required to allow access. The proposals do include an area of publically accessible open space to the rear of the proposed cultural facility, which is considered acceptable.

The applicant's landscape strategy demonstrates that consideration has been given to provide play space, it is recommended that the final landscaped design of this open space be secured by condition. The increased size and re-landscaped gardens are considered to be acceptable.

8.1.3 Affordable housing

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of the City Plan. The City Plan requires housing developments of either 10 or more additional units or over 1,000sqm additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing.

The proposed residential floorspace is 45,190sqm (GEA). Using the calculations set out in the Interim Guidance Note, this requires 25% of the total residential floorspace to be provided as affordable housing. This equates to 11,298sqm or 141.2 units.

Policy S16 requires the provision of affordable housing on-site. It adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Offsite provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity..." If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Note. A policy compliant payment in lieu is £57,352,792 (updated to April 2016 standards).

The applicant has submitted a viability report that sets out the maximum reasonable amount the scheme can afford in terms of London Plan Policy 3.12. The viability report concludes that the proposed scheme cannot provide any amount of affordable housing either on site, off site or through a payment in lieu.

The City Council's independent consultants (Lambert Smith Hampton) reviewed the findings of the applicant's report (based on the revised scheme) and conclude that the findings are reasonable.

8.1.4 Hotel use (with ancillary conference facilities)

The main policies relating to new hotel accommodation are TACE 2 within Westminster's UDP and S23 within Westminster's City Plan. These policies state that new hotels will be directed towards the Opportunity Areas and the Core CAZ within streets which do not have a predominantly residential character. The proposals are considered to comply with these policies given that the area is predominantly commercial in character and the site is located within the Core CAZ.

The proposals include the provision of a café, restaurant and bar at ground floor level and 'sky bar' at thirty fifth floor level within the tower, all of which will be open to the public, but managed by the hotel. The hotel will also operate a business centre within the main podium building facing the Thames at first floor level. A condition is recommended that these uses are not accessible to the general public between the hours of 02:00 and 07:00 each day to protect the character of the area and the amenity of neighbours.

Café and bar:

At ground floor level a new hotel bar is proposed in the new infill between the Y and the Tower buildings. To the rear of the Y building a new café is proposed, which is accessed through the hotel and will have access onto its own terrace/garden on the northern side of the building. Due to the location of the café, to the rear of the site, it is likely to mainly be used by hotel guests. The bar has a more prominent location and is likely to also be used by new residential occupiers. Both facilities have a floorspace of c.200sqm and are therefore assessed against policies TACE 8 (café) and TACE 9 (bar). These policies seek to ensure that such uses do not have a negative impact on the character of an area or on the local environment as a result of noise, vibration, smells, increased late night activity or increased parking. Given that these functions are inherent to the hotel use it is considered unreasonable to limit the opening hours, conditions are however recommended to limit the hours of use of the terrace and the submission of details in relation to ventilation for any cooking facilities the proposals are considered acceptable in land use terms.

Restaurant:

There is an existing restaurant (Use Class A3) on the site, located at ground floor level at the northern end of the site facing Millbank, which has floorspace of around 270sqm. Policy S21 within the City Plan states that such uses will be protected from changing to uses that do not serve visiting members of the public. The proposals include a new restaurant in the same location as the one existing, with a slightly larger floorspace of 350sqm, which is welcomed. As with the café, such uses are considered against policy TACE8 within the UDP. Like the café it is not considered a condition to limit the open hours is required as the restaurant will be used by hotel guests, again a condition for the submission of details of ventilation is recommended.

Skybar:

At thirty fifth floor level a new 'skybar' is to be provided with a floorspace of around 520sqm (excluding core) providing views across London. This is proposed to be publically accessible, free of charge, via a dedicated entrance at ground floor level within the tower. It will consist of seating areas, a bar and a terrace which wraps around the building. There are similar existing uses within the tower at 2nd, 28th and 29th floor levels, which provide conference / bar type uses as well as

dinning, but do not have a terrace. The existing facilities include conditions to restrict the opening hours to between 07.00 and 02.00 and the number of customers on the premises to 600.

Policies S24 and TACE 10 relate to entertainment uses in the CAZ over 500m² and are therefore relevant. The policies states that entertainment uses may only be permissible in exceptional circumstances. A list of possible exceptional circumstances is given in paragraph 8.95 of the UDP which includes:

- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on the site;
- b) the retention of a use which has a longstanding association with the area, or makes a major contribution to its character or function;
- c) the retention of a valued central London activity which is of national or international importance;
- d) proposals which are shown to be necessary to improve health and safety standards, or access for disabled people.

The policy goes on to say that where, in exceptional circumstances, the City Council decides to grant planning permission for large or very large entertainment uses, it will, where necessary and appropriate, impose conditions to control the use.

As a result of the proposals the nearest residential accommodation will be located on the floor below (34th floor level). The nearest existing residential is located in Millbank Court to the rear. Environmental Health has not raised objection to the proposals subject to the provision of conditions to ensure that sufficient mitigation measures are installed to ensure that noise does not transfer through the building.

A 2m high safety balustrade is to be provided around the perimeter of the terrace, which will provide protection from wind and some noise screening.

Given that there has been similar established uses within the building since 2009 and subject to conditions to restrict the use of the bar including the capacity, noise and opening hours, it is considered sufficient exceptional circumstances existing to allow the proposed use in this instance, in line with Policy TACE 10 of the UDP. In addition in order to ensure that the Skybar is maintained as a public benefit it is to be secured as publically accessible and free of charge by legal agreement.

8.1.5 Cultural use

Policy TACE 5 of the UDP and S22 of the City Plan relate to Arts and Cultural uses. These policies states that new arts and cultural uses will be granted in the Core CAZ where they would be compatible with the character and function of the area, there would be no adverse effects on residential amenity and no adverse environmental or traffic effects. The proposals are considered to comply with these policies given that the area is predominantly commercial in character and the site is located within the Core CAZ. The transport considerations are discussed in section 8.4 of this report.

The provision of the cultural facilities has resulted in increased development costs, which have been included within the viability assessment submitted with the application. These costs have been part of the viability case put forward by the applicant, which has resulted in the conclusion that the development proposals cannot viably provide any affordable housing contribution. The

provision of this cultural facility is welcomed in policy terms, however given that this may, at least in part, have impacted on the viability of the scheme it is necessary to ensure that this facility is secured. The draft heads of terms seek to secure the provision of the cultural facility, on a peppercorn rent. As the end user has not as yet been selected, a payment of £2.5million towards fit out costs is also to be secured by legal agreement. These will need to be provided prior to occupation of the residential accommodation. Should any subsequent applications for significant alterations to the cultural centre be proposed, a revised viability case will need to be provided.

As the final occupier of the unit has not yet been selected, a condition is recommended for details to be submitted in relation to the proposed use. Subject to the aforementioned legal agreement and condition, the proposed cultural use is considered to be acceptable in this instance.

8.2 Townscape and Design

The Millbank Complex was designed by Ronald Ward and Partners and completed in 1963. It consists of three distinct elements, tower, Y building and podium and, when built, was the tallest building in London. It is generally considered one of the most significant 1960's developments in London and was listed grade II in 1995. Many consider it one of the finest podium and tower compositions in the world. The complex has a prominent position on a bend of the River Thames between the grade II listed Tate Gallery and the grade II listed Thames House. The complex makes a distinctive and confident statement to this established townscape and the entire riverfront composition is best admired from the south bank of the river. From here, it is apparent that the step down in height from the adjacent Thames House is significant and designed to break the uniformity of height and scale of the 1920's office developments to the north. The tower, the Y building and the unifying element of the podium can be seen to be a carefully crafted composition designed to address the bend in the river and provide a "visual break" between the monolithic development to the north and the Tate Gallery to the south.

The buildings are concrete framed with applied cladding, one of the first such curtain wall designs to be built in the UK. The quality of construction was high and the complex has been well-maintained over the years. However, after 50 years the original cladding and external framing is in need of replacement. Specialist Engineers have studied the cladding in detail and consider that complete replacement is required to maintain a long term future for the building complex.

The scope of the proposed works has been much modified after discussions with Officers and other stakeholders, including Historic England. In brief, the proposal now is to raise the height of the tower by two storeys, the Y building by one storey, remove the raised car park and ramp, minor internal alterations to accommodate a cultural use, re-landscaping and complete removal and replacement of the façade cladding.

8.2.1 The extent of demolition

The raised car park bounding Millbank Court and associated spiral ramp are proposed to be demolished in entirety. The car park is of no interest and its removal is welcomed. This land would be landscaped as gardens for the hotel and residential users. This is considered to be a positive aspect of the scheme. The car park ramp, however, is a significant element of the overall composition and has inherent architectural quality in its own right. However, with the removal of the car park, the ramp becomes redundant in any functional sense. Consideration was given to retaining this feature, but it sits within a key part of the site that is required for gaining access to

the basement car park. The loss of this ramp is considered to be harmful and its loss will have to be weighed against any public benefits that the scheme may bring.

A small and very distinctive external stair to the south west side of the building is also to be demolished and not replaced. This is to allow for fire engines to access the rear of the building as the width remaining between a new basement ramp and the building is insufficient to meet the requirements of fire access. While this is regrettable, the need for fire access has to be met somehow, and the loss of this comparatively small element of the building complex will have to be weighed against any public benefits.

Some removal of internal fabric at the prow end of the podium is required to allow the location of the cultural facility. These elements are of no significance. The external cladding to the entire complex will also be replaced and while this is of high significance, its future life span is limited. Subject to suitable replacement by new cladding this element is considered acceptable.

The roof top elements of both tower and Y building will be removed to allow for the new floors. These are of high significance and their removal is dependent on the quality of replacement. The antennae and other equipment that currently disfigures the roof of the tower will be removed and will not be returned to the building – this is considered an enhancement.

There is little internal fabric of any architectural or historic significance other than in the two ground level foyers where some original fabric remains and both foyers retain interiors which are sympathetic to the 1960's period. A condition is attached which requires a full schedule of original fixtures and fittings to be made and arrangements to be made for their re-use in the building complex.

8.2.2 The impact on views

The most significant and contentious proposal is the increase in height of the tower and Y building. The tower is to be increased by a height of 6.2m, raising the height from 118m to 124m. The detailing of the cladding to the top of the tower is replicated, albeit there will be a 2m high glass barrier to the Skybar terrace. The telecoms equipment and satellite dishes that currently disfigure the silhouette of the top of the building will be removed and relocated within the plantroom screen or removed from the site completely. The tower is visible from many viewpoints around the City, including from within the World Heritage Site. The applicants have provided extensive views analysis to assess the impact on these townscape views. The analysis shows that the increase in height is apparent in most views but the impact is largely negligible. When seen against the clear sky, the increase is subtle and the improvement to the skyline from the removal of the telecoms equipment is more apparent than the increase in height. Where it is seen in the context of other buildings, for example LVMF View 18A.3, then the increase in height is more apparent. However, it is not considered that any of these views have major harm caused to them, though some are considered to cause minor harm (as in LVMF View 18A.3). This "less than substantial harm" will need to be considered with regard to any public benefits that the scheme may have. It should also be borne in mind that a considerable number of high towers at Vauxhall have been permitted which would also impact on many of these views, though there is no certainty as to whether these will be built. The applicants have provided outlines of these consented schemes on their townscape impact views for information. In terms of impact on the World Heritage Site, the only new impact is shown in LVMF View 27B.2 from Parliament Square where the impact is so minimal and screened by trees (even in winter) that it is difficult to assess any impact. More distant views show a subtle increase in height but not to the extent that it could be considered harmful to these views.

The Y building is to be increased by 3.3m raising the height from 33m to 36m (excluding plant room). This building does not impact on more distant views, but plays an important part in the proportions of the overall composition of the three building elements – podium, tower and Y building. The proportionality between these elements is only altered marginally by the proposals and there is no harm to the overall building composition. Significantly, the Y building retains a step down in height from the adjacent Thames House which was one of the key aims of the original design for this site.

8.2.3 The external cladding

It is extremely unusual to have a listed building proposal that removes the external fabric of the building in its entirety and replaces it with new. Historic building philosophy and practice emphasises the importance of retaining historic fabric rather than wholesale replacement. However, with a C20 building of this type, there are significant problems with retaining the existing external envelope. For a start, it is cladding and has no structural relevance to the building. The concrete core is the structure of the building and this has no historic or architectural value at all. Therefore, virtually all the historic and architectural significance of the building fabric is contained within its external cladding, all of which is proposed to be removed and replaced. This aspect of the scheme has raised significant objections from the C20 Society who state (in their response to the first proposal) that they “remain to be convinced that this (replicating the existing cladding) will be possible in a way that does not impact detrimentally on the appearance of the listed building and thus have a negative effect on its significance.”

The existing cladding is original to the building and is of great subtlety and historic interest as one of the first such cladding systems in the UK. The tower and the Y building/podium have subtly different cladding systems. The cladding to the tower is characterised by the external vertical rails in stainless steel with every fifth one being a different dimension and in bronze which was designed to take the window cleaning cradle. This provided an extremely subtle pattern across the façade of the tower. The glazing system was then hung behind this. The concave and convex faces of the building, allied with the single glazing and type of glass, provide extraordinary reflections of sky and water which was apparently an original design intention. It will be important to ensure that any new cladding system does not lose this important reflective quality.

The Y building and podium has a different system without the external mullions and with horizontal bands of glazing and mosaic panels to the spandrels. Both systems have similar glazed elements but there are subtle differences between the two.

The applicants have submitted a Structural Engineer’s Technical report on the state of the existing cladding which shows that there are significant defects in the existing system and that, in their opinion, wholesale replacement is required. Given that the existing cladding is now over 50 years old, it is perhaps not surprising that it now needs replacement. The existing cladding system also has a poor environmental performance with substantial heat loss and gain and a high likelihood of interstitial condensation.

There is a strong evidence base, therefore, to justify the removal and replacement of the existing cladding. While the desire on all parts is to replicate the existing cladding and glazing system as closely as possible, there will inevitably be some difference due to the different technical requirements of the modern systems – for example, the issues of double or triple glazing, the possible need for opening windows and different types of glass to reduce solar gain. It is considered absolutely essential to the success of the restoration to ensure that the new cladding

systems to both the tower and Y building replicate the appearance and materiality of the existing systems as closely as possible. This includes the framing elements, their size and profile, the type of glazing (to ensure the current system's reflective nature is maintained) and the cladding to spandrels and panels. As such, extensive conditions have been attached to any permission requiring full details of cladding to be submitted for approval including inspection of full size bays for approval. Due to the importance of the cladding system to the significance of the listed building, these conditions have been made pre-commencement conditions meaning that no works may start on site until the replacement cladding has been approved.

8.2.4 Changes to the ground plan/public realm

The removal of the car park deck allows for an increase in the amount of landscaped space around the building. The construction of the new basement to the rear will result in the loss of most of the mature trees, though a new planting and landscaping proposal will include replacements and the overall amount of landscaping to the rear and side of the building will be increased, details of both hard and soft landscaping is to be secured by condition. On balance, this is considered to be an enhancement to the setting of the listed building.

The removal of the car park ramp, as mentioned above, is more contentious. It is to be replaced by the new car lift access to the basement car park. A condition is attached requiring further details of this, but there is no reason why this structure could not be a "one-off" design of exceptional quality to justify to some extent the harm of losing the distinctive car park ramp.

For vehicles to gain access to the new car lift a section of ground floor of the building has to be removed to allow for vehicle access from the courtyard. Where there is a current vehicle access under the building, this is in turn proposed to be infilled. Depending on the details of these works, which are conditioned, they are not considered to be harmful.

The distinctive and evocative space within the centre of the podium remains open to the sky and fundamentally unaltered. Some ground level rearrangement to paving and fittings is proposed to rationalize the movement of vehicles and pedestrians, but these will not detract from the quality of the space or the views from it.

8.2.5 Design conclusions

In design terms, it is considered that the proposals do cause some limited harm to the listed building and its setting. The increase in height, loss of existing roof fabric, car park ramp and small stair to the south-west façade are all regrettable. It is considered that these works would cause less than substantial harm to the building within the terms of the guidance in the NPPF. The loss of the cladding system and its replacement would be considered substantial harm were it not for the fact that the cladding system is of considerable age and has significant deficiencies in its environmental performance. Given these factors its replacement can be seen as necessary to maintain the future long life of the asset and as long as the replacement cladding maintains the visual and material integrity of the existing, it is not considered that this amounts to anything more than minor harm. The renovation of the building complex, the removal of the car park deck, the improved public realm and landscaping and the provision of a major cultural facility are all considered to be positive elements of the scheme which constitute public benefits within the terms of the NPPF. It is considered that these public benefits would outweigh the less than substantial harm generated by other aspects of the proposal.

8.3 Residential Amenity

Policy ENV13 of the UDP and S29 of Westminster's City Plan: Strategic Policies aim to safeguard the amenity of residents from the effects of new development with particular regard to overlooking, sense of enclosure and loss of daylight and sunlight. The amended scheme has reduced the extent of development, by reducing the tower from 3 additional storeys to 2 and the Y building from 3 to 1 additional storey. To the front of the building the roof extension to the podium has been removed and a terrace has been put in its place.

Objections have been received in relation to loss of light, increased sense of enclosure and loss of privacy from residents to the west of the site in Millbank Court as a result of the increased height of the buildings. Concerns have also been raised in relation to noise from the newly landscaped and enlarged garden space to the rear, which separates Millbank Court from the Millbank Complex and in relation to increased intensification due to use of the site outside of the current office hours. One objection has been received from the management company/freeholder of Millbank Court in relation to the revised proposals, who maintain their objections.

8.3.1 Sunlight and Daylight

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing the windows of the affected residential properties in Millbank Court. An addendum report has also been undertaken to assess the amendments made to the application. Both assessments indicate that all windows pass the requirements set out by the BRE, the proposals are therefore considered acceptable in terms of light.

8.3.2 Sense of Enclosure

The rear windows within Millbank Court will be most affected by the increase in height of the Y building, which is approximately 27m away, and to a lesser extent by the additional height to the tower, which is set further away (circa 80m). Given the layout of the buildings with the narrowest part of the Y building being closest to Millbank Court, the separation between the buildings and relatively small amount of additional bulk, it is not considered that the additional storey (plus plant room) will have such a significant impact as to justify refusal.

8.3.3 Privacy

There is mutual overlooking between the existing office occupiers and surrounding buildings. The main impact in privacy terms, comes from the change of use rather than from the additional windows from the roof extensions. Again the nearest windows will be in the rear elevation of the Y building which will serve hotel bedrooms. These windows will be partially obscured by the existing and extended stair core, which runs up the full height of the Y building. The hotel rooms are more likely to be in use during morning and evening hours, which is a change to existing activity associated with the predominantly daytime office use. While there are windows already in this elevation which serve the office, a condition is recommended for these windows to be obscured in order to ensure that overlooking between any occupiers of the hotel and residents within Millbank Court are limited. The hotel rooms will maintain an outlook to the north and south, which is considered acceptable. The detail of how the windows will be obscured will need to ensure that this does not have a negative impact on the fabric of the replacement cladding and will be subject to consideration.

In relation to the windows in rear of the main tower, which will be in residential use, given the separation of the tower from the Millbank Court, it is not considered that conditions in relation to obscure glazing are required.

The proposals also include the provision of balconies and a terrace at the base of the tower and above the podium at third floor level. In order to limit overlooking towards Thames House, access is not possible onto the flat roof at the northern end of the site. A condition is recommended to secure this arrangement. A condition is also recommended to ensure that planting within this area does not exceed 0.5m in height to ensure that should anyone use the area they will be readily visible.

8.3.4 Noise and disturbance

There is an existing green space which separates the main Millbank Complex from Millbank Court. The garden is currently accessible by the general public, however it is private land and given its tucked away location is not currently utilised a great deal.

The proposals will increase the size of this open space through the removal of the concrete car park which adjoins Millbank Court. Objections have been received on the grounds of noise and general disturbance as a result of people utilising this space. The nearest windows within Millbank Court are in excess of a storey above the level of the enlarged garden, which currently look down onto the car parking deck. The proposed landscaping scheme includes a fence which makes the majority of the open space into a private garden for the flats within the tower. The hotel is also to have a slightly sunken area of open space located to the north of the Y building. In order to mitigate the impact of noise disturbance to residents of Millbank Court a condition is recommended to limit the opening hours of the open spaces to 10pm daily. Given the design benefits of removing the large car parking decks and the provision of the enlarged open space, and subject to the aforementioned condition the proposals are considered acceptable in terms of noise and disturbance.

8.4 Transportation/Parking

TfL have noted that a draft Travel Plan has been submitted, which is of good quality. They have requested that a subsequent more detailed Travel Plan be secured and funded through a S106 agreement. Westminster Officers do not consider that a formal Travel Plan is required, given sufficient car parking provided on site for the residential part of the development. A condition is recommended to promote riverboat use, which is considered acceptable.

8.4.1 Car Parking

224 parking spaces are to be provided for the 207 flats. The GLA and TfL have commented that this level of parking is excessive and should be reduced. The Highways Planning Manager notes that the Westminster parking standards would allow for 1.5 spaces per dwelling for flats with 3 bedrooms or more and the latest Minor Alterations to the London Plan (MALP) standards would allow for some of the bigger flats to have up to two car parking spaces. 224 car parking spaces is considered to be within the maximum range allowed for the development, but is considered to be acceptable.

Such a large number of spaces are served by only two car lifts down to the basement car park, which may be a little difficult to manage but this is proposed to be mitigated through the use of a valet parking system. There is proposed to be valet parking spaces on the forecourt so that residents can leave their cars off-street to be valet parked. Highways officers are confident that the system can work safely and without causing cars to have to queue on the highway to enter the building, as there are proposed to be seven short stay spaces for vehicles that are waiting to be parked or collected, one of which will be a disabled space. As the cars are to be valet-parked, there is no necessity for disabled parking spaces to be provided within the basement car park. A

condition is recommended for the submission of a Car Park and Lift Management Plan to explain in detail how the valet system will work, including that car parking spaces will be unallocated, maintained for the life of development, how the spaces will cater for at least 20% of vehicles needing to be charged and how the lift maintenance schedule will seek to ensure as little downtime as possible. Subject to such a condition the proposed car parking arrangements are considered acceptable.

No parking is proposed for the non-residential uses, which is considered acceptable.

8.4.2 Cycle Parking

There are proposed to be a total of 419 cycle parking spaces, which is in line with the London Plan (March 2015) standards for long-term cycle parking provision, although the applicant does acknowledge that it falls short of what is required for short-term parking. Only 46 spaces are proposed for short-term parking, whereas the FALP suggests there should be 105. The GLA and TfL have commented on this shortfall. Given that the scheme includes a total reworking of the public realm, an amending condition is recommended to indicate the provision of the additional short stay cycle parking to be provided at street level, where it is most likely to be required in order to ensure that bikes are not chained up to the nearest random immovable object.

8.4.3 Servicing

All servicing is to be provided to and from the site by an existing access off Millbank to the south of the building, this will lead via a ramp down into a new off street servicing bay within the newly excavated basement. The off street servicing is welcomed, however the new lane down to the basement is narrow. It will operate two-way, but can only accommodate one vehicle at a time. A signalised entry system is proposed with a lay-by located off the highway so that any vehicle trying to enter the site while another is leaving, will be able to wait off the highway. This arrangement will require the access point off Millbank to be widened and there will need to be an agreement with TfL to enable such works to be carried out as TfL is the Highway Authority for Millbank.

The applicant has offered a Servicing Management Plan as a condition of any planning permission to ensure, for example, that deliveries are spread across the day and do not all arrive in the morning peak, in order to mitigate any problems of vehicles queueing on Millbank to get into the development. Subject to such a condition which will identify process, storage locations, scheduling of deliveries and staffing, no objection has been raised by the Highways Officer.

The revised proposals no longer service from Thorney Street due to both Highways and Crime prevention reasons. A condition is recommended to ensure that no vehicles enter or exit the site from this side, a condition is also recommended for further details to be submitted of the ground floor elevation. As no servicing is now proposed from the existing access point on Thorney Street, the existing footway crossover should also be returned to standard footway to match the rest of the footway in that part of Thorney Street, which will require a S278, secured by legal agreement.

8.5 Economic Considerations

Objections have been received on the grounds that the loss of office floorspace is unacceptable and contrary to policy, as discussed within section 8.1.1 above the principle of the loss of office floorspace is considered acceptable in this instance.

The Environmental Statement (ES) advises that once completed the proposed development will generate 431 net operational jobs across the site. The conversion from office to residential is likely to result in a net loss of 4,065 jobs, resulting in a minor adverse effect on the labour market, but there is a strong likelihood that existing occupiers will be able to locate and move to suitable alternative local premises. It concludes that the development will have a beneficial economic effect through additional local spending during construction and occupation as well as the social benefits from the provision of additional housing and cultural and leisure facilities, which are welcomed.

8.6 Access

All flats will be fully accessible, designed to Lifetime Homes standards with 10% of the units being wheelchair accessible or easily adaptable.

Vehicular access into the courtyard is to be maintained, providing hotel and residential drop off. Valet parking will be provided for the residential occupiers via allocated spaces in the courtyard. Service vehicles will enter from Millbank and descend to the integrated off-street servicing area at basement level.

The site is well served by public transport with buses running along Millbank and Pimlico Tube station a 10 minute walk away. A condition is recommended to promote the use of the Millennium Pier which is adjacent to the site on the Thames. Should coaches wish to service the site, there is parking on Millbank, which the Highways Planning Manager has confirmed is acceptable. An informative is recommended for the applicant to liaise with London Taxi and Private Hire as to whether a taxi rank can be provided on site at the request of TfL.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Noise & Plant equipment:

The proposals include mechanical plant at basement level and within plant enclosures at roof levels. An updated acoustic report has been submitted with the revised scheme to address some concerns raised by Environmental Health Officer (EHO) to the original proposals in relation to noise and ventilation. The EHO has raised no objection to the revised scheme subject to standard conditions in relation to a post commissioning noise report to be submitted once plant selection has been finalised and to limit noise transfer and internal noise levels. In particular these conditions seek to protect the new residents of the development once complete, who will be the most sensitive in terms of location from noise transfer both within the building and from external sources. Subject to these conditions the proposals are considered acceptable.

A condition has also been recommended in relation to the provision of details of suitable kitchen ventilation for the restaurants/hotel/café/skybar, which is considered acceptable.

8.7.2 Refuse /Recycling

Subject to conditions to secure the waste stores as shown on the plans, no objection has been raised by the Cleansing Officer. A Servicing Management Plan will also detail that Cleansing vehicles will be able to collect waste at the same time as other deliveries taking place from within the Off-Street servicing bay.

8.7.3 Trees

The proposals include radical re-landscaping and extension of the garden to the rear between Millbank Complex and Millbank Court. The proposals include the removal of the majority of the trees within the rear garden save for a London plane which is proposed to be retained. The Arboricultural Officer has raised concerns in relation to the trees which are to be retained (1 to the rear and 3 to the South), due to the impact of the construction works, and raised objection to the loss of a number of good specimens within the rear garden. Concerns are also raised in relation to the lack of soil depth across the site, with only planters providing substrate for plant growth. While the loss of the trees within the rear gardens is regrettable, it is not considered that refusal on these grounds could be sustained given that the site falls outside of a conservation area, Conditions are recommended to secure tree protection, landscaping and planting details to ensure future greening and amenity to the gardens.

The applicant has provided more information in relation to soil depth indicating areas which have a soil depth of more than 1.2m. While not strictly in accordance with policy, in general terms, the overall landscaping approach within the new development is considered to be acceptable, subject to conditions.

8.7.4 Biodiversity

The proposals include the provision of an increased area of open space to the rear and additional greenery on the podium roof, the associated benefits in terms of increased biodiversity are welcomed.

8.7.5 Archaeology

Historic England (Archaeology) recommend an archaeological condition requiring details of a written scheme of archaeological investigation to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines.

8.7.6 Energy and Sustainability:

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable design and inclusive design and architecture.

Policy S39 states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an Energy Statement in support of their application. It is proposed to deliver a 36% improvement in carbon emissions over benchmark, which the GLA consider

acceptable. The development has also been designed to enable future connection to a district heating network, as the scheme is not viable in other terms, it is not considered that a requirement to link the development to a district heat network could be sustained, given the high costs of such works.

The proposals include the use of a Water Source Heat Pump (WSHP) in addition to a Combined Heat and Power system (CHP). Both the GLA and Westminster Sustainability Officers have requested further details in relation to how the proposed WSHP and the CHP systems will function together. A condition is recommended to secure this detail.

London Plan policy requires 20% of car parking spaces in developments to have electric vehicle charging points and it is recommended that this be secured by condition.

The application confirms that both the Hotel and Cultural uses can achieve a BREEAM 'Excellent' rating, which is to be secured by condition.

8.8 London Plan

The GLA have indicated in their Stage 1 referral report that the development is broadly acceptable but issues in relation to the revised scheme include a recommendation for a revised approach to optimise the CHP as a lead heat source; the increase in car parking and reduced cycle parking; and encourage liaison with TfL in relation to London Taxis and Private Hire and changes to the public Highway which should be addressed before stage 2 referral. It is considered that these issues have been addressed elsewhere in this report. Once the City Council has resolved to determine the application, it will be referred back to the Mayor for his decision.

8.9 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.

8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced in May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i. The provision of a cultural facility on a 125 year lease with a peppercorn rent, with the end user to be agreed by the City Council;
- ii. A contribution of £2.5million (index linked) towards the fitting out of the cultural facility;
- iii. The provision of a publically accessible 'Skybar' with no admission fee;
- iv. Costs of all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions, returning the footway on Thorney Street and footway repaving;
- v. Provision of public art to the sum of £100K (index linked);
- vi. Comply with the Council's Code of Construction Practice, to provide a Site Environmental Management Plan and provide a financial contribution of £110,000 (£55,000 per annum based on 2 year demolition / construction period) prior to commencement of demolition to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- vii. Employment and Training Strategy for the construction phase and the operational phase of the development;
- viii. Costs of monitoring the S106 agreement.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

The proposal would attract a payment to the Mayor's Community Infrastructure Levy which could be dealt with by way of an Informative

8.11 Environmental Impact Assessment (EIA)

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In putting forward this recommendation, officers have taken into account the Environmental Statement submitted with the application. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations and that sufficient information has been provided to enable assessment of the environmental impact of the application.

The purpose of the EIA is to predict how environmental conditions may change as a result of the proposed development and to specify any investigative measures. The Environmental Statement (ES) has considered the potential direct, indirect and cumulative impact of the proposal and these are identified as: Adverse (negative); Neutral (neither beneficial nor positive); or Beneficial (positive).

Where adverse or beneficial effects have been identified, these are classified as:

- Negligible – imperceptible effect;
- Minor – slight, very short or highly localised effect;
- Moderate – noticeable effect (by extent duration or magnitude), which is considered a significant change; or
- Major - considerable effect (by extent, duration or magnitude) of more than local scale that may be in breach of recognised acceptability, legislation, policy or standards.

The applicant has submitted a Non-Technical Summary which summarises the impacts, in addition to the detailed assessments and appendices.

The Socio Economic, Ecology, daylight/sunlight, archaeology, built environment, townscape and visual effects are discussed elsewhere within this report (namely sections 8.5, 8.7, 8.3 and 8.2) and are considered to be acceptable.

8.11.1 Refurbishment and Construction

The ES sets out the main phases of development from enabling works to final fit-out. It sets out that an Environmental Management Plan (EMP) and Construction Management Plan (CMP) will be developed with the City Council in order to mitigate against the potentially significant effects of construction. These will be secured by condition and legal agreement.

8.11.2 Traffic and Transport

The ES states that there will be a temporary effect on the road network during construction and refurbishment, however through the use of a CMP the impact will not be significant. Post completion there will be a decrease in traffic as a result of the change of use and there will be no anticipated residual effects.

8.11.3 Noise and Vibration

Again the report indicated that there will be a temporary minor adverse effect as a result of construction traffic; a moderate adverse significant effect from noise from plant and equipment during the refurbishment and construction, but this will only occur for short periods when works are at their noisiest stages. The proposed construction activities are not uncommon in central London and will be managed through a CMP and conditions to limit working hours.

Following completion plant and equipment will be conditioned to operate in line with Westminster noise conditions to ensure no significant impact. No significant degree of change is expected from

traffic. The building will be designed to minimise the impact of environmental noise from sources in the vicinity.

8.11.4 Air Quality

During construction the CMP will again mitigate and manage dust and emissions, which will result in the risk of the effects on receptors being minimised or prevented, resulting in a low risk, negligible effect which is not significant.

Post completion the effect of NO₂ from the Energy Centre plant and road traffic emissions will result in a minor adverse effect, which is not significant. It is not predicted that there will be a significant adverse effect post occupation of the development.

8.11.5 Wind Microclimate

A desk based assessment has been undertaken to predict and analyse the wind environment at the site and surroundings. The assessment has shown that across the site the results are largely suitable for their intended pedestrian use, however there are a number of locations around the site where conditions are worse than their intended use which results in a significant adverse effect. Mitigation measures are recommended in the form of a 2m high balustrade around the perimeter of the terrace at the top of the tower and soft and hard landscaping to incorporate screening to reduce wind speeds within the rear garden. With the inclusion of these mitigation measures, the residual effects are expected to be not significant (negligible to minor adverse), with noticeable improvements to the existing baseline conditions.

8.11.6 Water Resources, Drainage, Flood Risk and ground conditions

There is a moderate risk of contamination as a result of construction. The EMP will outline preventative measures to reduce the release of suspended sediments during construction, protect waters and drainage network from the release of oils and hydrocarbons, reduce water consumption and wastewater generation. Post completion Sustainable Urban Drainage will minimise runoff from the site. Subsequently, no significant effect is expected.

8.11.7 Health and Wellbeing

The direct (housing, access to public services, opportunities for physical activity, air quality, noise and neighbourhood amenity, accessibility and Transport) and indirect (crime reduction, access to healthy food, access to work, social cohesion/community capital, resource minimisation and climate change) influences are not likely to result in a negative outcome on health and wellbeing at the development site or within the surrounding area.

8.11.8 Cumulative Effects

During the refurbishment and construction of the proposed development it is predicted that there will be a moderate temporary benefit to socio-economics generated through employment of construction workers.

Post completion it is predicted that the development will have a major to moderate beneficial permanent socio-economic effect on the Greater London economy and a moderate to major beneficial effect on the ground conditions of the surrounding environment. It would also have no impact to a beneficial effect on the Townscape and Visual Impact, Ground Conditions. The only moderate adverse effect is a due to a cumulate impact on air quality with Abel and Cleland House, due to existing high background No₂ levels. The ES notes that all other disciplines would lead to no significant cumulative effect on completion.

8.12 Other Issues

8.12.1 Basement Excavation

The applicant has provided a structural engineer's report explaining the likely methodology of excavation works. This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

8.12.2 Construction impact

A detailed Site Environmental Management Plan is to be secured by legal agreement and will be monitored by Environmental Health. The Transport Assessment and Environmental Statement (ES) set out a proposed indicative programme of demolition and construction works. The expectation is that the demolition and construction works will take approximately 3 years. In terms of construction vehicles and site access, it is proposed that construction access into the site will be from the south along Millbank and exit to the north. This route means that vehicles will not need to cross oncoming lanes of traffic, minimising any delay on the highway network.

The applicant would have to apply separately for a highways license before any construction equipment such as scaffolding, skips or hoardings can be placed on the road or pavement.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific Site Environmental Management Plan (SEMP). This will be secured and monitored by the Council's Environmental Sciences team under the terms of the S106.

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday (with no excavation work on Saturdays). The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

8.12.3 Re-consultation

An objection has been received that the scheme has been amended to such an extent that it should not have been accepted and a new application made. As the scheme has been reduced in terms of its bulk from the original scheme and a full round of re-consultation has taken place in order to allow for any additional representations to be made, it is considered that the application process has been handled acceptably.

9 BACKGROUND PAPERS

1. Application form
2. Response from Twentieth Century Society, dated 23 September 2015
3. Response from the Council for British Archaeology, dated 11 October 2015
4. Response from Westminster Society, dated 15 September 2015 and 17 February 2016

5. Response from Thorney Island Society, dated 23 September 2015, 25 and 29 February 2016
6. Response from London Borough Of Lambeth, dated 15 December 2015
7. Responses from Designing Out Crime Officer, dated 6 November 2015, 25 February, 17 and 31 March 2016
8. Response from Greater London Authority, dated 8 October 2015 and 17 March 2016
9. Response from Transport For London, dated 22 September 2015
10. Response from Thames Water Utilities Ltd, dated 27 August 2015 and 24 February 2016
11. Response from the National Planning Casework Unit, dated 27 August 2015
12. Response from Historic England, dated 15 October 2015 and 3 March 2016
13. Response from Historic England Archaeology, dated 8 March 2016
14. Response from Environment Agency (Thames Region), dated 10 September 2015 and 4 March 2016
15. Response from Port of London Authority, dated 8 September 2015 and 4 March 2016
16. Response from Arboricultural Officer, dated 9 November 2015 and 17 March 2016
17. Response from Cleansing, dated 12 March 2016
18. Response from Environmental Health, dated 13 October 2015 and 16 March 2016
19. Response from Environmental Health S106 Monitoring Officer, dated 16 March 2016
20. Response from Building Control dated 22 March 2016
21. Response from Highways Planning dated 21 March 2016
22. Letter from the Head Of Regeneration & Community Partnerships, Tate Galleries, dated 6 October 2015
23. Letter from occupier of Flat 23 Millbank Court, 24 John Islip Street, dated 17 September 2015
24. Letter from occupier of 78 Millbank Court, John Islip Street, dated 21 September 2015
25. Letter from occupier of Flat 108, Millbank Court, dated 22 September 2015 ????
26. Letter from occupier of Flat 86-88 Millbank Court, 24 John Islip Street, dated 22 September 2015
27. Letter from occupier of Flat 9 Morland House, Marsham Street, dated 22 September 2015
28. Letter from Paris Smith, Number 1, London Road, dated 23 November 2015
29. Letter from Drew Planning & Development, 86 Calbourne Road, London, dated 23 September 2015
30. Letter from John Islip Street Freehold Ltd, 24 John Islip Street, London, dated 6 October 2015 and 29 March 2016
31. Letter from occupier of 76 Millbank court, John Islip Street, dated 23 September 2015
32. Letter from occupier of 15 Millais House, London, dated 23 September 2015
33. Letter from occupier of 82 Millbank Court, 24 John Islip street, dated 23 September 2015
34. Letter from occupier of 51 Millbank Court, 24 John Islip Street, dated 23 September 2015
35. Letter from occupier of 77 Millbank Court, 24 John Islip Street, dated 23 September 2015
36. Letter from occupier of 94 Millbank Court, John Islip Street, dated 24 September 2015
37. Letter from D2 Planning, Suites 3 & 4 Westbury Court, Church Road, Westbury on Trym, dated 28 September 2015
38. Letter from occupier of Flat 21, Millbank Court, 24 John Islip Street, dated 29 September 2015
39. Letter from occupier of 21-24 Millbank, Millbank Tower, dated 1 October 2015

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

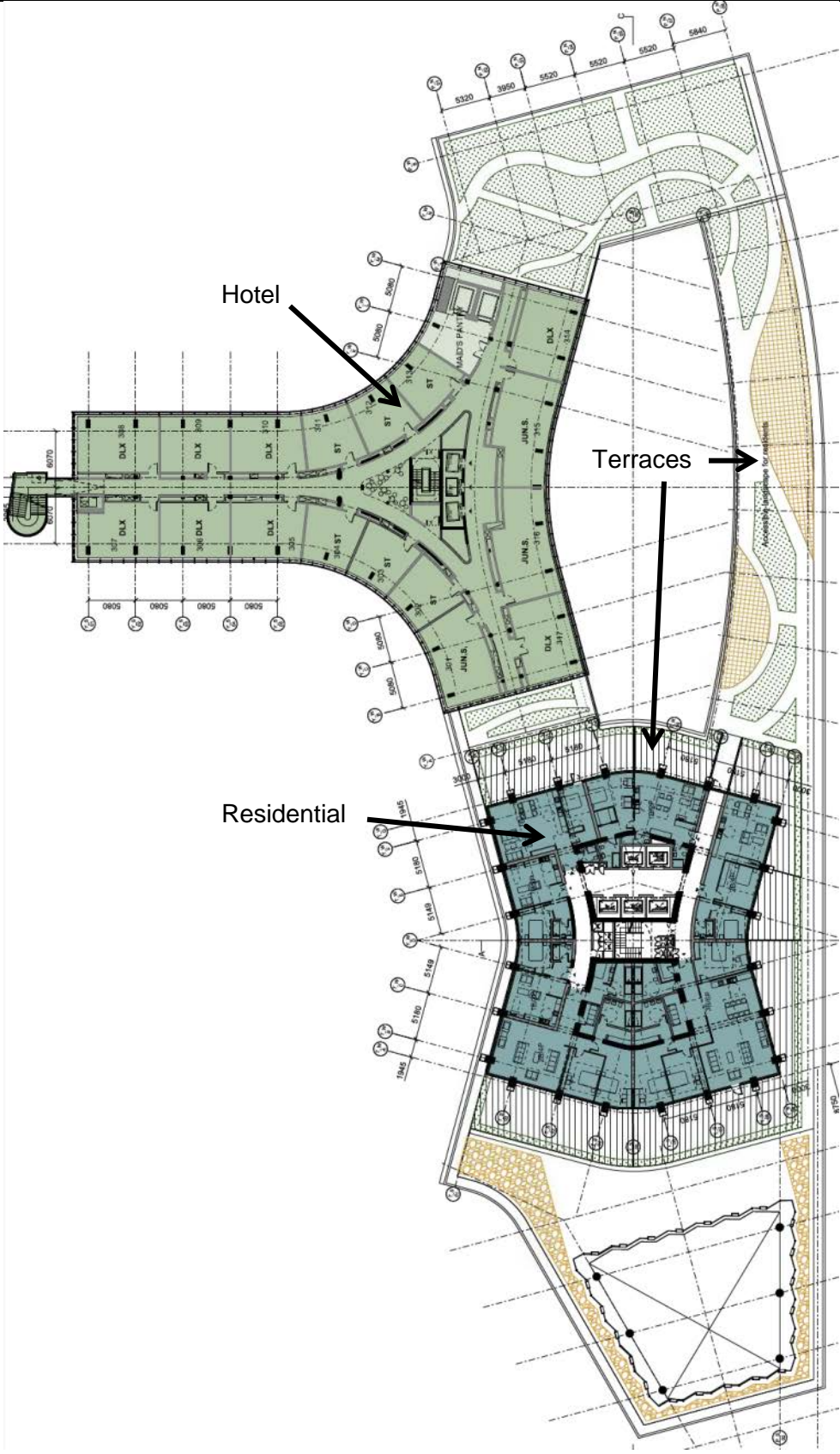
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RUPERT HANDLEY ON 020 7641 2497 OR BY EMAIL AT rhandley@westminster.gov.uk

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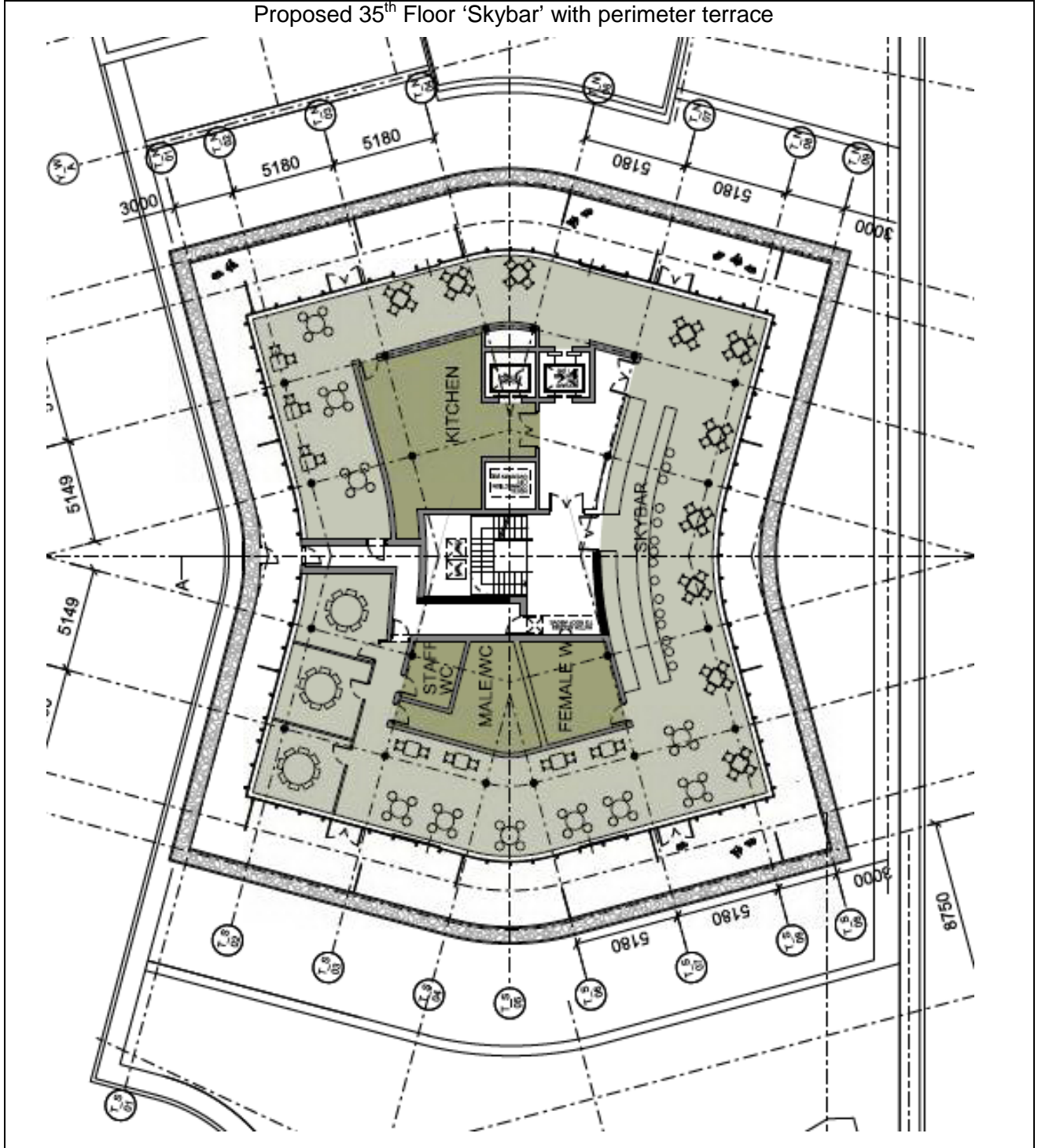
Proposed Ground Floor



Proposed Third Floor



Proposed 35th Floor 'Skybar' with perimeter terrace





DRAFT DECISION LETTER

- Address:** Development Site At Millbank Complex, 25 Millbank, London, SW1P 4QP
- Proposal:** Refurbishment and replacement of facades and erection of 2 additional floors and plant enclosure to both Millbank Tower and 1 additional floor to the Y buildings; excavation of basement levels; demolition of rear car park in association with re-landscaping and reconfiguration of wider site; all in association with the use of the Tower as 207 private residential flats (Class C3) and Skybar (ancillary to adjacent Class C1), the south podium and part of tower as an arts/ cultural facility (Class D1) and the north podium and Y buildings as a 150 bedroom hotel (Class C1) with restaurant, bar and cafe at ground floor level. Use of roof of podium building as a terrace with associated alterations. [EIA Development]
- Plan Nos:** Statement of community involvement; heritage impact assessment dated August 2015 and addendum dated February 2016; façade investigation report by Sandberg; Statement of significance; townscape and visual assessment dated February 2016; Design and access statement dated August 2015 and addendum dated February 2016; transport assessment dated August 2015 and addendum dated February 2016; energy report dated August 2015 and addendum dated February 2016; sustainability report dated August 2015 and addendum dated February 2016; construction management plan dated August 2015 and addendum dated February 2016; planning statement dated August 2015 and addendum dated February 2016; drainage assessment dated August 2015 and addendum dated February 2016; environmental statement non-technical summary dated August 2015 and addendum dated February 2016; environmental statement volume 1 dated August 2015 and addendum dated February 2016; environmental statement volume 2 dated August 2015 and addendum dated February 2016; environmental statement volume 3 dated August 2015 and addendum dated February 2016; File note by Alan Beadle dated 17 March 2016; 1631-G200-P-B3-001 B; 1631-G200-P-B2-001 E; 1631-G200-P-B1-001 F; 1631-G200-P-00-001 E; 1631-G200-P-00-002 E; 1631-G200-P-01-001 F; 1631-G200-P-02-001 F; 1631-G200-P-03-001 D; 1631-G200-P-04-001 D; 1631-G200-P-05-001 B; 1631-G200-P-06-001 B; 1631-G200-P-07-001 B; 1631-G200-P-08-001 D; 1631-G200-P-09-001 B; 1631-G200-P-10-001 A; 1631-G200-P-32-001 C; 1631-G200-P-33-001 D; 1631-G200-P-34-001 D; 1631-G200-P-35-001 D; 1631-G200-P-36-001 A; 1631-G200-S-AA-001 A; 1631-G200-S-AA-002 A; 1631-G200-S-BB-001 A; 1631-G200-S-CC-001 A; 1631-G200-E-N-001 A; 1631-G200-E-E-001 B; 1631-G200-E-S-001 A; 1631-G200-E-W-001 A; 1631-JC20-P-B-100 B; 1631-JC20-P-00-001 B; 1631-JC20-P-01-001 B; 1631-JC20-P-TY-001 B; 1631-JC20-P-RF-001 B; 1631-JC20-EX-E-N-001; 1631-JC20-EX-E-S-001; 1631-JC20-EX-E-E-001; 1631-JC20-EX-E-W-001; 1631-G100-XP-AL-001 P1; 1631-G200-XP-AL-002 P1; 1631-G200-XS-BB-100 P1; 1631-G200-XP-B-001 P1; 1631-G200-XP-MG-001 P1; 1631-G200-XP-00-001 P1; 1631-G200-XP-01-001 P1; 1631-G200-XP-02-001 P1; 1631-G200-XP-03-001 P1; 1631-G200-XP-11-001 P1; 1631-G200-XP-25-001 P1; 1631-G200-XP-31-001 P1; 1631-G200-XP-32-001 P1; 1631-G200-XP-33-001 P1; 1631-G200-XP-RF-001 P1; 1631-G200-ES-AA-001 P1; 1631-G200-ES-BB-001 P1; 1631-G200-ES-CC-001 P1; 1631-G200-EX-E-N-001 P1; 1631-G200-EX-E-E-001 P1; 1631-G200-EX-E-S-001 P1; 1631-G200-EX-E-W-001 P1.
For information only: basement impact assessment dated August 2015 and

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addendum dated February 2016; structural concept report dated August 2015 and addendum dated February 2016;

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 You must 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 residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of the following:

- 1) Provision of targets for river bus use for the different occupiers of the building (which reflect the targets set out within the River Action Plan);
- 2) Measures to encourage river bus use.

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

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2, TRANS 3, TRANS 12 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007.

- 4 Notwithstanding that shown on the approved plans, you must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work until we have approved what you have sent us. You must then carry out the work using the approved materials.
Pre-Commencement Condition.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1,

DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 You must apply to us for approval of a full size (1:1 scale) sample of a typical bay of both the tower and Y building facades. These must be inspected alongside an original, corresponding, bay (to the tower and Y building) either in situ or removed from the building and reconstructed for the purpose. You must not start work until we have approved what you have sent us. You must then carry out the work in accordance with the approved samples. Pre-Commencement Condition.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 You must apply to us for approval of detailed drawings showing the proposed window blinds for the building complex. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work in accordance with the approved details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 7 Notwithstanding that shown on the approved plans, you must apply to us for approval of detailed plans, elevations and x-sections of the new cladding systems for the building complex. Similar details of the existing cladding systems at the same scale must be submitted for comparison purposes. You must not start work until we have approved what you have sent us. You must then carry out the work according to these approved details. Pre-Commencement Condition.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 8 Notwithstanding that shown on the approved plans, you must apply to us for approval of detailed drawings including a plan to show the location on the site of the following parts of the development:

- i) the car lift structure and adjacent cycle store at a scale of 1:50
- ii) any new external doors at a scale of 1:10
- iii) any new gates, railings, boundary walls or balustrades at a scale of 1:10
- iv) the new opening in the ground floor (access to car lift) at a scale of 1:50
- v) the infilled section of the ground floor at a scale of 1:50

vi) the cycle store within the rear garden

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 9 You must not put any satellite or radio antennae or other structures on the roofs of the complex unless they are wholly contained within the approved roof top enclosures. They must not project beyond the top of any enclosure.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development protects the setting of adjacent and nearby conservation areas. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9 (F), DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies unless otherwise indicated on the approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 11 You must apply to us for approval of details of public art including drawings, materials, samples etc and any other supporting documents as appropriate. You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work in accordance with these details and you must install the public art in accordance with the details approved prior to occupation, unless we approve an alternative timeframe in writing.

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: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 12 You must provide the waste store shown on drawing 1631-G200-P-B1-001 F or in accordance with other arrangements as submitted to and approved by the City Council before anyone moves into the buildings. You must clearly mark them and make them available at all times to everyone using the buildings. You must store waste inside the property and only put it outside just before it

is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 13 You must provide each cycle parking space shown on the approved drawings prior to occupation of each phase. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme an additional 59 short stay cycle parking spaces. You must not occupy any part of the site until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To provide cycle parking spaces for people using the development as set out in Table 6.3 of the London Plan adopted March 2015.

- 15 Prior to the occupation of any part of the building an updated Delivery Service Management Plan must be submitted to and approved in writing by the City Council. The updated DSMP will outline clearly the operating procedures for servicing of the proposed site to include details of storage locations, scheduling of deliveries and staffing (to include coach activity). The servicing must thereafter only be operated in accordance with these 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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 16 You must provide a headroom of at least 4.5m (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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

- 17 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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 You must apply to us for approval of details of a Car Park and Lift Management Plan, which should explain in detail how the valet system will work, including that car parking spaces will be unallocated, maintained for the life of development, how the spaces will cater for at least 20% of vehicles needing to be charged and how the lift maintenance schedule will seek to ensure as little downtime as possible. You must not occupy the residential part of the development until we have approved what you have sent us. Thereafter the development shall be managed in accordance with the approved plan.

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 No vehicles shall enter the site from Thorney Street.

Reason:

To avoid blocking the surrounding streets and to protect the environment and safety of people in neighbouring properties as set out in S42 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 20 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless

and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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: Strategic Policies adopted November 2013, 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.

- 21 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

- 22 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria including to residential dwellings within the application site itself, as set out in Condition 20 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 23 (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 cultural or skybar 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 cultural or skybar 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: Strategic Policies adopted November 2013, 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.

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

The design of the separating wall and/or floor 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 & LFM_{ax} 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.

- 25 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the sound insulation will be sufficient to protect residential from break-out of internal activity noise and that the development will comply with the Council's noise criteria set out in Condition 23 and 24 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 26 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 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and

acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 27 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 28 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 commence works to build out the sub-structure of the relevant parts of the development until we have approved these details. You must then carry out the works in accordance with these details and maintain them thereafter.

Reason:

To protect the environment of people in neighbouring properties as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 29 No live or recorded music shall be played in the non residential parts of the building that is audible outside of the premises.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 30 You must not use the Class D1 floorspace hereby approved, until further details of the proposed occupier and operation of the floorspace have been submitted to and approved by us in writing. The further details shall include information on the nature of the Class D1 use, hours of use, numbers of staff and customers/visitors and indicative layout plans for the premises.

The Class D1 use must thereafter operate in accordance with the details approved by us under

this condition.

Reason:

Because this is a residential neighbourhood, we need to prevent use of the property for any unsuitable purposes. This is as set out in S29 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R10AC)

- 31 Customers shall not be permitted within the skybar at 35th floor level outside the following times: between 07.00 and 02.00 (the following day)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 32 The gardens to the west of the 'Y' building and the terrace at 35th floor level of the tower shall not be used outside of the following hours 07:00 and 22:00.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 33 The glass that you put in the end windows in the easternmost elevation of the Y building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 34 You must not use the roof of the Y building, car lift, northern or southern end of the podium (as shown on the approved third floor plan) for sitting out or for any other purpose. You can however use the roofs to escape in an emergency or for maintenance purposes. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 35 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not

start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 36 Notwithstanding the submitted drawings, you must apply to us for approval of detailed drawings (including cross referenced plans to show their location) of a hard and soft landscaping scheme which includes:

- i) The number, size, species and position of trees and shrubs;
- ii) details of wind mitigation measures as set out in section 12.20 (or suitable alternative arrangements) of the Environmental Statement Addendum Non-Technical Summary Volume I;
- iii) details of the planting at the northernmost end of the podium roof (third floor level) which must not exceed 0.5m in height when mature.

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 1 planting season 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 3 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, to make sure that it contributes to the character and appearance of the area, to improve its contribution to biodiversity and to enhance the quality of local environment. This is as set out in S29 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 37 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including:
- o identification of individual responsibilities and key personnel.
 - o induction and personnel awareness of arboricultural matters.
 - o supervision schedule, indicating frequency and methods of site visiting and record keeping
 - o procedures for dealing with variations and incidents.

You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

(b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees,

root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 38 Notwithstanding that shown on the approved plans, you must not put planters, tubs, tables, chairs or adverts on the road or pavement. (C24BA)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

39 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 40 **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, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

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

- 41 Prior to occupation of any part of the building, you must submit for approval in writing by the City Council, in consultation with the GLA details of how the Water Source Heat Pump and Combined Heat and Power systems will work together to optimise efficiencies. This should include of how the building has been designed to minimise pipe lengths as far as possible. The development shall thereafter be carried out in accordance with these approved details and maintained thereafter.

Reason:

To ensure the development achieves carbon reduction through the use of onsite sustainable technologies, in accordance with S40 in Westminster's City Plan: Strategic Policies that we adopted in November 2013.

- 42 The Hotel and Cultural uses shall achieve BREEAM 'excellent' rating of higher (or any such national measure of sustainability for non residential design that replaces that scheme of the same standard). You must not occupy these parts of the building until a copy of a Building Research Establishment (or equivalent independent assessment) Final post Construction Stage Assessment and Certification, confirming that the non-residential building has achieved BREEAM 'Very Good' rating or higher, has been submitted to an approved by us.

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: Strategic Policies adopted November 2013. (R44AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 You are advised that you will need to obtain a license from the Port of London Authority for the provision of a Water Source Heat Pump. Contact details are as follows: 01474 562385 www.pla.co.uk
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 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)
- 5 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)
- 6 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)

- 7 The term 'clearly mark' in condition 12 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 8 You are encouraged to liaise with London Taxi and Private Hire as to whether a taxi rank can be provided on site.
- 9 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)

- 10 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 11 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.

12 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)

13 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.

14 You should ensure that the details you submit to satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on and adjacent to the site will rely heavily on an appropriate means of construction

15 Condition 35 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

- * the order of work on the site, including demolition, site clearance and building work;

- * who will be responsible for protecting the trees on the site;
- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;
- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

- 16 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)

- 17 Waste Comments - Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. You are advised to lease with Thames Water Development Control Department (telephone 0203 577 9998).

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage - 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.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

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 wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling

- 18 In relation to condition 38, you are advised to contact the Port of London Authority in relation to the use of the Thames for construction. www.pla.co.uk; telephone 01474 562385.

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	5-9 Great Newport Street, London, WC2H 7JB		
Proposal	Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible 322 seat theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.		
Agent	Iceni Projects		
On behalf of	Consolidated Development Ltd		
Registered Number	12/03930/FULL and 12/03931/LBC	Date amended/ completed	
Date Application Received	19 April 2012		
Historic Building Grade	Grade II		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Does Committee agree that:

1. Securing 'PW (Peter Wilson) Productions Ltd' as a theatre operator, would offer sufficient reassurance that a theatre will be provided, and balances the loss of the existing D1 floorspace and increase in commercial floorspace without any residential uplift.
2. The offer to provide the theatre at a rent level agreed between the applicant and 'PW (Peter Wilson) Productions Ltd' is sufficient to justify overturning the City Council's normal policy requirements to protect the existing D1 floorspace, and to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial

floorspace.

3. The amendments to the rear elevation (reduction in height and bulk at fourth and fifth floor levels) together with the submission of an addendum Sunlight/ Daylight Report, addresses concerns regarding the impact upon residents in Sandringham Flats.
4. The operating hours of the restaurant and bar detailed in the report and the amended hours of use of the roof top terrace and pool area to 0900 - 2200 hours (as requested by committee) are acceptable despite requests by the applicant to revisit these hours and extend the hours of the restaurant and bar.
5. The applicant's draft legal agreement dated 02 March 2016 is sufficiently robust to secure provision of the replacement theatre fitted-out to shell and core prior to occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to compensate for the loss of the photographer's gallery, and to ensure that the £600,000 being offered is only used to fit out the theatre.
6. Subject to 1 - 5 above, resolve to grant conditional permission subject to the completion of a section 106 legal agreement to secure the following :
 - a) The provision of a replacement theatre fitted out to shell and core prior to the occupation of the hotel and restaurant.
 - b) The placing of £600,000 (index linked to when this was previously agreed by committee in 2014) into an escrow account to be released to a theatre operator to fund the fit out of the theatre.
 - c) To secure the Theatre space to be operated by 'PW (Peter Wilson) Productions Ltd' or another theatre operator with West End experience proposed by the Developer and approved by the Council or a theatre operator determined by a senior representative from the Theatres Trust to have West End experience.
 - d) The theatre space to be used for theatrical performances on at least 320 days a year (further details within the legal agreement).
 - e) To ensure the link between the theatre and restaurant is open before, during and after performances.
 - f) The provision and retention of a publicly accessible curated sculpture gallery within the hotel.
 - g) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £(TBC by Council's Environmental Sciences Team) per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
 - h) s106 monitoring costs.
7. If the agreement has not been completed by 31 July 2016 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 Strategic Director 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 it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

8. Grant conditional listed building consent.

9. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.

2. SUMMARY

The application was considered by Planning Committee on 13 May 2014 where it was deferred to allow the applicants to address the following issues raised by the committee:

1. The committee welcomed the reinstatement of the theatre in principle but noted that failure to secure an acceptable operator was a key issue. Members therefore agreed that, if the City Council were to accept the loss of the existing D1 floorspace and increase in commercial floorspace without any residential uplift, then confirmation of an acceptable operator would be necessary to offer sufficient reassurance that a theatre will be provided.
2. The committee further agreed that the applicant will need to offer the new theatre at peppercorn rent in order to justify overturning the City Council's normal policy requirements to protect the existing D1 floorspace, and to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial floorspace.
3. Members raised concerns regarding the significant proposed increase in the height and bulk of the rear of the building and the detrimental impact upon residents in Sandringham Flats. The committee therefore requested that the height and bulk of the proposed extension be addressed.
4. Members were largely content with the operating hours detailed in the report and did not agree to the extended hours as requested by the applicant in their late representation dated 13 May 2014. The committee requested that the hours of use of the roof top pool be amended to 09:00 – 22:00 hours.
5. Members raised further concerns regarding the detail of the draft S106 agreement produced by the applicant, which the committee unanimously determined to be insufficiently robust as to protect the

interests of the City Council. Members noted that any draft legal agreement must secure provision of the replacement theatre fitted-out to shell and core prior to the occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to compensate for the loss of the photographers gallery and to ensure that the £600,000 being offered is only used to fit out the theatre.

6. The committee also agreed that the applicant must contribute towards S106 construction monitoring costs and pay CiL obligations.

The applicant has sought to address the issues as follows:

1. Theatre operator

The applicant's favoured theatre operator is 'PW (Peter Wilson) Productions Ltd' (A detailed brochure prepared by the theatre operator, and a testimonial letter by Julian Bird of the Society of London Theatre (SOLT) and the UK Theater Association (UKT) is included in the background papers).

The committee is asked to consider whether they agree that securing 'PW Productions Ltd' as a theatre operator, would offer sufficient reassurance that a theatre will be provided, and balances the loss of the existing D1 floorspace and increase in commercial floorspace without any residential uplift.

2. Rent

'PW Productions Ltd' has confirmed that the rent for the theatre space has been agreed in principle with the applicant 'Consolidated Developments' at a level which they consider satisfactory to ensure the viable operation of the theatre (A letter by PW Productions dated 30 March 2016 is included in background papers).

Committee previously resolved that the applicant will need to offer the new theatre at peppercorn rent in order to justify overturning the City Council's normal policy requirements to protect the existing D1 floorspace, and to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial floorspace.

Committee is asked to consider whether the offer to provide the theatre at a rent level agreed between the applicant and 'PW Productions Ltd' is sufficient to justify overturning the City Council's normal policy requirements.

3. Amendments to rear elevation (height and bulk)

The height and bulk of the rear of the building has been reduced by introducing setbacks at fourth and fifth floor levels. The applicant has also submitted a further Sunlight/ Daylight Report which has assessed the impact of the development upon neighbouring properties in accordance with the BRE guidelines: Site Layout Planning for Daylight and Sunlight 2011.

Objections have been received from neighbours and the Covent Garden Community Association following re-consultation on the amended proposals. Objectors are still concerned about the height and bulk of the rear elevation and the impact upon residents within Sandringham Flats in terms of loss of daylight and sunlight.

Daylight

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. Should windows achieve sufficient levels of VSC they are seen as compliant in terms of daylight and no further tests are required.

The applicant's daylight assessment results show that the vast majority of the surrounding residential windows will continue to receive good levels of daylight in accordance with the BRE Guidelines criteria.

The only windows that fail are 3 x windows within block 27 – 41 Sandringham Flats, and 10 x windows within block 1 – 26 Sandringham Flats.

Where there are instances of changes to daylight in excess of the BRE guidelines (3 x windows within block 27 – 41 Sandringham Flats, and 10 x windows within block 1 – 26 Sandringham Flats), these occur where the existing light levels are so low already, that any reduction would show as being high in percentage terms but is unlikely to be noticeable to the occupant. These windows are already obstructed by overhanging balconies. The BRE guide acknowledges that existing windows with balconies above them typically receive less daylight as the balcony cuts out light from the top part of the sky and even a modest obstruction opposite may result in a large relative impact on VSC. The BRE guide goes on to explain that an additional calculation may be carried out assuming the balconies do not exist. If the windows meet the targets on this basis then this confirms that it is the balcony that prevents the targets from being met as opposed to an unreasonable level of obstruction caused by the development. The affected windows pass the VSC test when measured without the overhanging balconies. It is therefore considered that the proposed development satisfies the BRE daylight requirements.

Sunlight

The BRE guidelines states that sunlight availability may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March; and
- receives less than 0.8 times its former sunlight hours during either period; and
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

All neighbouring windows which face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight requirements.

It is considered that the amendments to the rear elevation (reduction in height and bulk at fourth and fifth floor levels), addresses concerns regarding the impact upon residents in Sandringham Flats. The results of the Sunlight/ Daylight Report demonstrates that the development design satisfies all of the requirements set out in the BRE guide: Site Layout Planning for Daylight and Sunlight 2011.

Sense of enclosure

The new setbacks incorporated into the design of the upper floors between fourth and seventh floor levels would also help minimise the apparent increase in bulk of the development.

Given the significant distance between the application site and windows in Sandringham Flats, circa 40 metres, it is not considered that the development would result in any unacceptable sense of enclosure to these properties.

It is considered that the reduction in height and bulk of the rear has addressed the concerns raised by committee.

4. Hours

Committee is asked to consider whether the operating hours of the restaurant and theatre space bar detailed in the report are acceptable despite requests by the applicant to revisit and extend these hours.

Conditions 30 and 32 control hours of the ground floor restaurant, as well as the theatre space and theatre bar on the lower ground floor. Members were largely content with the operating hours detailed in the report and did not agree to the extended hours as previously requested by the applicant.

The applicant wishes to revisit these hours and extend the hours of the restaurant and theatre space/ bar. The applicant argues that the existing premises is not subject to planning control and the current license allows the theatre to remain open to midnight and the existing restaurant (Salvador and Amanda) until 3.30am. The applicant also states that the hours detailed in the report would restrict the operation of the site beyond that which facilitates a commercially viable operation.

The applicant requests, that the restaurant be allowed to open until 0100hrs Thursday to Saturday, and the theatre space and bar until 0200hrs Thursday to Saturday.

Despite this request, it is recommended that the restaurant, and theatre space and bar are subject to the hours detailed in the original report. Granting permission for this new development would give the City Council control over its operation and it is considered that this would help bring about some improvements in amenity terms, i.e. reduction in late night activity, when compared with the existing

situation.

Conditions 30 and 32 are recommended as set out in the original report/ detailed below:

Condition 30: Customers shall not be permitted within the restaurant premises before 0800hrs or after 0000hrs (midnight) Monday to Thursday, or before 0800hrs and 0030hrs Fridays to Sundays.

Condition 32: Customers shall not be permitted within the theatre premises before 0800hrs or after 0000hrs daily.

5. Draft s106

The applicant has produced a draft legal agreement which seeks to secure provision of the replacement theatre fitted-out to shell and core prior to occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to compensate for the loss of the photographer's gallery, and to ensure that the £600,000 being offered is only used to fit out the theatre.

The committee is asked to consider whether they agree the draft legal agreement is sufficiently robust to protect the interests of the city council (The draft legal agreement by Herbert Smith Freehills dated 02 March 2016 is included in the background papers).

6. s106 construction monitoring costs/ CiL obligations.

The committee agreed that the applicant must contribute towards s106 construction monitoring costs and pay CiL obligations. This is accepted by the applicant. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific SEMP, should be secured through a S106 legal agreement.

In summary, committee is asked to consider whether they agree the applicant has satisfactorily addressed the issues, raised by committee on 13 May 2014.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5-9 Great Newport Street, London, WC2H 7JB

5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING RE-CONSULTATION ON AMENDED DRAWINGS (REDUCTION IN HEIGHT AND BULK OF REAR ELEVATION AT 4TH AND 5TH FLOOR LEVELS)

COVENT GARDEN COMMUNITY ASSOCIATION

Raise objections and concerns on a number of issues:

Land use

- Concerns about long term viability of theatre and ability to ensure a minimum of at least 320 operational theatre days a year.
- Absence of fly-tower in replacement theatre will massively impact upon ability of theatre to stage productions and many theatre productions will no longer consider the theatre as a potential viable space.
- Proposals do not outweigh need to provide residential floorspace or a financial contribution to the affordable housing fund.

Amenity

- Adverse impact on daylight and sunlight levels to residents in Sandringham Flats.
- Noise and disturbance from proposed roof top pool, and late night entertainment uses.
- Conditions recommended to control hours and use as follows:
 Restaurant and bar: Closing times no later than 11pm Sunday - Thursday and 12 midnight Fridays – Saturdays.
 Roof top pool: 10pm closing time.
 Bar: Limited to max 100 covers
 Mechanical plant: noise conditions.

Highways

- Conditions recommended to control servicing and deliveries.

Other

- Lack of engagement from the applicant with local residents and stakeholders.

COVENT GARDEN AREA TRUST

No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 192

Total No. of replies: 64

No. of objections: 64

No. in support: 0

66 objections (including a response on behalf of all residents and owners of Sandringham Flats, Charing Cross Road) received on some or all of the following grounds:

Amenity

- Loss of daylight and sunlight to flats, roof terraces and courtyards in Sandringham Flats.

- Overlooking of neighbouring properties.
- Increased noise nuisance from plant machinery.
- Noise nuisance from pool and terrace.
- Noise and disturbance from entertainment uses.
- Impact on amenity from more intensive use not acceptable within stress area.
- Noise and disturbance from prolonged building works.

Land use

- Concerns about lack of contributions towards affordable housing fund.

Other

- Lack of engagement from the applicant and planners with local residents.

6. BACKGROUND PAPERS

ADDITIONAL REPRESENTATIONS RECEIVED SINCE COMMITTEE ON 13 MAY 2014/ RE-CONSULTATION ON AMENDED DRAWINGS

1. Minutes and report of the Director of Planning dated 13 May 2014 (including original background papers/ representations)
2. Letter from 'PW (Peter Wilson) Productions Ltd' dated 30 March 2016
3. Applicant's draft legal agreement by Herbert Smith Freehills dated 02 March 2016
4. Testimonial for Peter Wilson by Julian Bird of the Society of London Theatre (SOLT) and the UK Theatre Association (UKT) dated 19 January 2016
5. Brochure prepared by 'PW (Peter Wilson) Productions Ltd'
6. Letter from Covent Garden Community Association dated 14 January 2015
7. Response from Covent Garden Area Trust, dated 6 January 2015
8. Letter from occupier of 53 Sandringham, Charing Cross Road, dated 29 December 2014
9. Letter from occupier AKA Planning on behalf of residents and owners of Sandringham Flats dated 12 January 2015
10. Letter from occupier of Flat 4, Carpenter Court, 37-41 Pratt Street, dated 12 January 2015
11. Letter from occupier of 104 Sandringham, Charing Cross Road, dated 11 January 2015
12. Letter from occupier of 73 Sandringham, Charing Cross Road, dated 11 January 2015
13. Letter from occupier of 109 Sandringham, Charing Cross Road, dated 11 January 2015
14. Letter from occupier of 44 Sandringham, Charing Cross Road, dated 11 January 2015
15. Letter from occupier of 66 Sandringham, Charing Cross Road, dated 11 January 2015
16. Letter from occupier of 102 Sandringham, Charing Cross Road, dated 11 January 2015
17. Letter from occupier of 76 Sandringham, Charing Cross Road, dated 11 January 2015
18. Letter from occupier of 95 Sandringham, Charing Cross Road, dated 11 January 2015
19. Letter from occupier of 48 Sandringham, Charing Cross Road, dated 11 January 2015
20. Letter from occupier of 69 Sandringham, Charing Cross Road, dated 11 January 2015
21. Letter from occupier of 43 Sandringham, Charing Cross Road, dated 11 January 2015
22. Letter from occupier of 54 Sandringham, Charing Cross Road, dated 11 January 2015
23. Letter from occupier of 93 Sandringham, Charing Cross Road, dated 11 January 2015
24. Letter from occupier of 118 Sandringham, Charing Cross Road, dated 11 January 2015
25. Letter from occupier of 53 Sandringham, Charing Cross Road, dated 11 January 2015
26. Letter from occupier of 74 Sandringham, Charing Cross Road, dated 11 January 2015
27. Letter from occupier of 71 Sandringham, Charing Cross Road, dated 11 January 2015
28. Letter from occupier of 49 Sandringham, Charing Cross Road, dated 11 January 2015
29. Letter from occupier of 103 Sandringham, Charing Cross Road, dated 11 January 2015

30. Letter from occupier of 51 Sandringham, Charing Cross Road, dated 11 January 2015
31. Letter from occupier of 67 Sandringham, Charing Cross Road, dated 11 January 2015
32. Letter from occupier of 77 Sandringham, Charing Cross Road, dated 11 January 2015
33. Letter from occupier of 63 Sandringham, Charing cross road, dated 11 January 2015
34. Letter from occupier of 114 Sandringham, Charing Cross Road, dated 11 January 2015
35. Letter from occupier of 99 Sandringham, Charing Cross Road, dated 11 January 2015
36. Letter from occupier of 75 Sandringham, Charing Cross Road, dated 11 January 2015
37. Letter from occupier of 65 Sandringham, Charing Cross Road, dated 11 January 2015
38. Letter from occupier of 70 Sandringham, Charing Cross Road, dated 11 January 2015
39. Letter from occupier of 68 Sandringham, Charing Cross Road, dated 11 January 2015
40. Letter from occupier of 50 Sandringham, Charing Cross Road, dated 11 January 2015
41. Letter from occupier of 55 Sandringham, Charing Cross Road, dated 11 January 2015
42. Letter from occupier of 59 Sandringham, Charing cross road, dated 11 January 2015
43. Letter from occupier of 115 Sandringham, Charing Cross Road, dated 11 January 2015
44. Letter from occupier of 9 Sandringham, Charing Cross Road, dated 9 January 2015
45. Letter from occupier of 10, Sandringham, Charing Cross Road, dated 9 January 2015
46. Letter from occupier of 4, Sandringham, Charing Cross Road, dated 9 January 2015
47. Letter from occupier of 69 Sandringham, Charing Cross Road, dated 8 January 2015
48. Letter from occupier of 37 Sandringham, Charing Cross Road, dated 8 January 2015
49. Letter from occupier of 10 Sandringham, Charing Cross Road, dated 8 January 2015
50. Letter from occupier of 4 Sandringham, Charing Cross Rd, dated 8 January 2015
51. Letter from occupier of 26 Sandringham, Charing Cross Road, dated 8 January 2015
52. Letter from occupier of 25 Sandringham, Charing Cross Road, dated 8 January 2015
53. Letter from occupier of 40, Sandringham, Charing Cross Road, dated 7 January 2015
54. Letter from occupier of 41, Sandringham, Charing Cross Road, dated 7 January 2015
55. Letter from occupier of 104 Sandringham, Charing Cross Road, dated 7 January 2015
56. Letter from occupier of 32 Sandringham, Charing Cross Road dated 5 January 2015
57. Letter from occupier of 20, Sandringham, Charing Cross Road, dated 7 January 2015
58. Letter from occupier of 62 Sandringham, Charing Cross Road, dated 7 January 2015
59. Letter from occupier of 24 Cranbourn Street, London, dated 6 January 2015
60. Letter from occupier of 32 Sandringham, Charing Cross Road, dated 7 January 2015
61. Letter from occupier of 5 Sandringham, Charing Cross Road, dated 31 December 2014
62. Letter from occupier of 57 Sandringham, Charing Cross Road, dated 31 December 2014
63. Letter from occupier of 5 Sandringham, Charing Cross Road dated 5 January 2015
64. Letter from occupier of 59 sandringham, Charing Cross Road, dated 30 December 2014
65. Letter from occupier of 35 Sandringham Charing Cross Road, dated 30 December 2014
66. Letter from occupier of 74 Sandringham Charing Cross Road, dated 30 December 2014
67. Letter from occupier of 43 Sandringham, Charing Cross Rd, dated 29 December 2014
68. Letter from occupier of 21 Sandringham, Charing Cross Road, dated 2 June 2012
69. Letter from occupier of 76 Sandringham, Charing Cross Rd, dated 28 December 2014
70. Letter from occupier of 88 Sandringham, Charing Cross Rd, dated 27 December 2014
71. Letter from occupier of 58 Sandringham, Charing Cross Rd, dated 26 December 2014

ORIGINAL BACKGROUND PAPERS TO COMMITTEE REPORT OF 13 MAY 2014

1. Application forms
2. Letters from English Heritage (x3) dated 10.09.2012
3. Letter from The Theatres Trust dated 13.09.2012
4. Email from the Council of British Archaeology dated 10.07.2012
5. Letter from the Society for the Protection of Ancient Buildings dated 25.06.2012

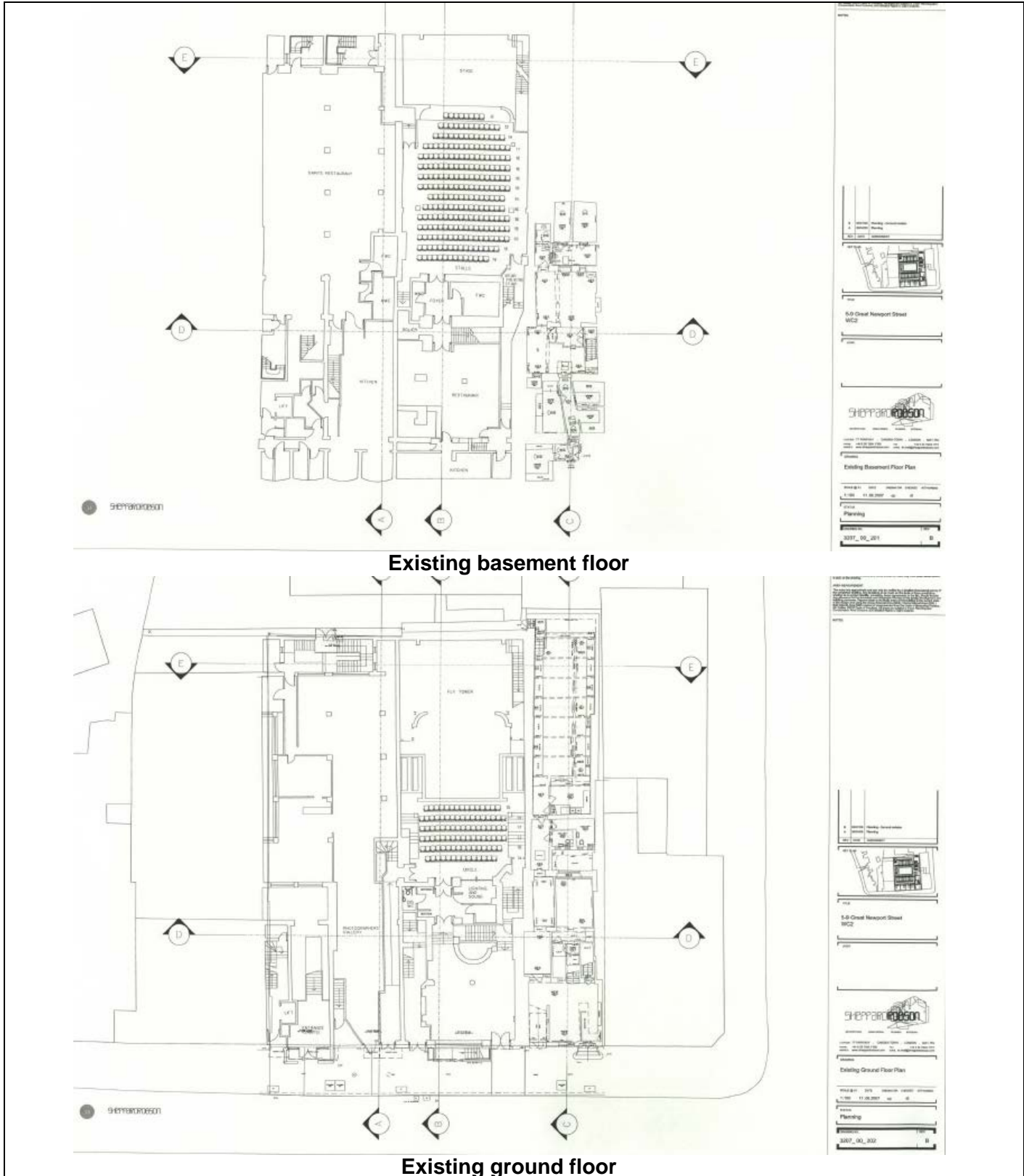
6. Letter from the London Borough of Camden dated 28.06.2012
7. Letter from Covent Garden Community Association dated 19.06.2012
8. Letter from Covent Garden Area Trust dated 19.06.2012
9. Letter from London Underground dated 11.06.2012
10. Memorandum from Building Control dated 14.06.2012
11. Memorandum from Highways Planning Manager dated 29.08.2012
12. Memorandum from Environmental Health dated 29.06.2012
13. Memorandum from Cleansing Manager dated 11.06.2012
14. Letter from the occupier of 35 Sandringham Flats dated 25.07.2012
15. Letter from the occupier of 37 Sandringham Flats dated 24.07.2012
16. Letter from the occupier of 1 Sandringham Flats dated 25.07.2012
17. Letter from occupier of unknown local address dated 21.06.2012
18. Letter from the occupier of 20 Sandringham Flats dated 20.06.2012
19. Letter from the occupier of 25 Sandringham Flats dated 20.06.2012
20. Letter from the occupier of 10 Sandringham Flats dated 19.06.2012
21. Letter from person of unknown address dated 03.06.2012
22. Letter from the occupier of 4 Sandringham Flats dated 12.06.2012
23. Letter from the occupier of 9 Sandringham Flats dated 17.06.2012
24. Letter from the occupier of 54 Sandringham Flats dated 12.06.2012
25. Letter from the occupier of 5 Sandringham Flats dated 13.06.2012
26. Letter from the occupier of 57 Sandringham Flats dated 04.06.2012 and 06.06.2012
27. Letter from the occupier of 21 Sandringham Flats dated 02.06.2012
28. Letters from AKA Planning Consultants on behalf of the residents and owners of Sandringham Flats dated 20.07.2012 and 30.01.2013
29. Letter from The Theatres Trust dated 04.03.2014
30. Letter from London Underground dated 04.02.2014
31. Letter from Covent Garden Community Association dated 11.04.2014
32. Letter from Covent Garden Area Trust dated 04.04.2014
33. Letters from the occupiers of 59 Sandringham Flats dated 17.03.2014 and 15.04.2014
34. Letter from the occupier of 53 Sandringham Flats dated 26.03.2014
35. Letter from the occupier of 88 Sandringham Flats dated 29.03.2014
36. Letter from the occupier of 57 Sandringham Flats dated 31.03.2014
37. Letter from the occupier of 104 Sandringham Flats dated 05.04.2014
38. Letter from the occupier of 51 Sandringham Flats dated 05.04.2014
39. Letter from the occupier of 76 Sandringham Flats dated 06.04.2014
40. Letter from occupier of 36 Trumps Green, Virginia Water dated 11.04.2014
41. Letter from producer at 'SJC Productions Ltd' dated 11.04.2014
42. Letter from stage manager at 'White Shutters', Exlade Street, Checkendon dated 11.04.2014
43. Letter from occupier of 43 Bolton Gardens, Teddington dated 11.04.2014
44. Letter from occupier of 2701 Citylink Apartments, Manchester dated 11.04.2014
45. Letter from York Theatre Royal, St Leonard's Place York dated 11.04.2014
46. Letter from the occupier of 63-73 Riding House Street dated 11.04.2014
47. Letter from the occupier of 48 Sandringham Flats dated 17.04.2014
48. Letters from the occupiers of 40 Sandringham Flats (x4) all dated 20.04.2014
49. Letter from the occupier of 80 Leighton Road, Kentish Town dated 11.04.2014.

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 DAVID DORWARD ON 020 7641 2408 OR BY EMAIL AT ddorward@westminster.gov.uk

7. KEY DRAWINGS



Existing basement floor

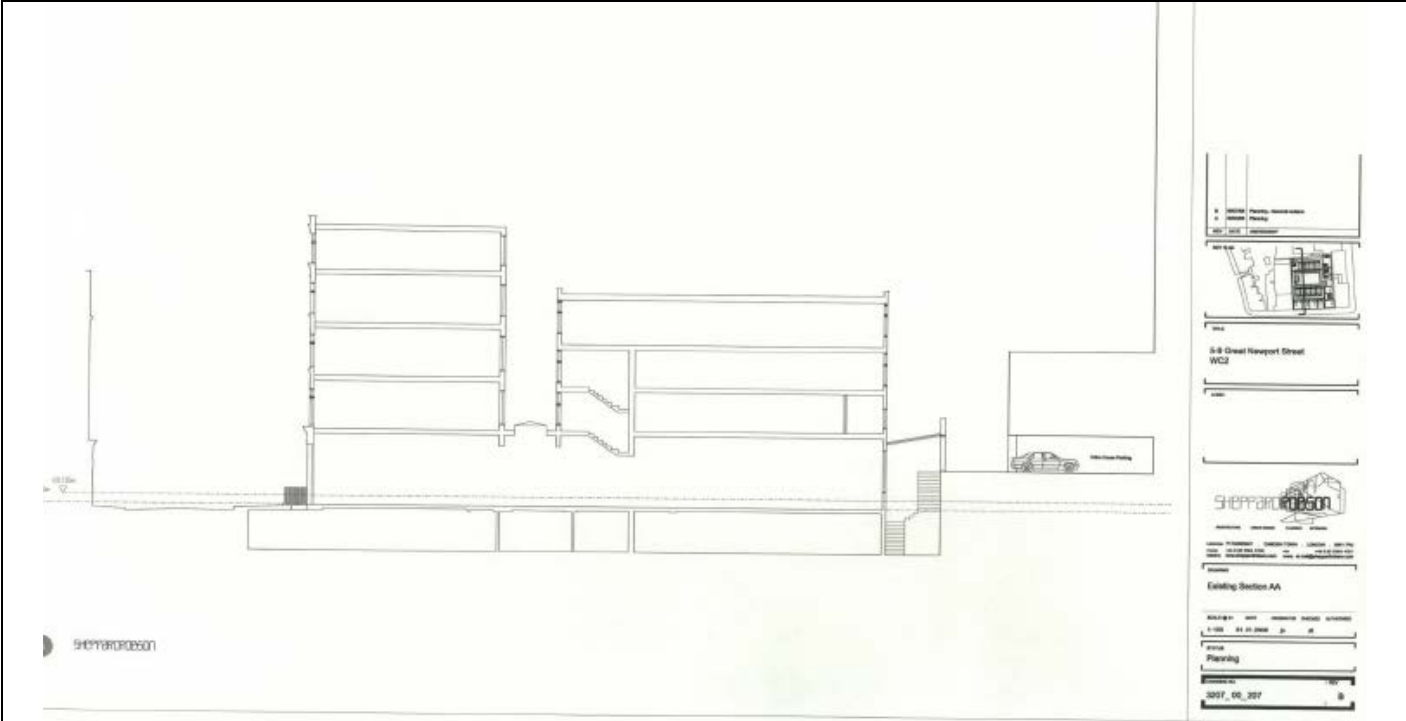
Existing ground floor



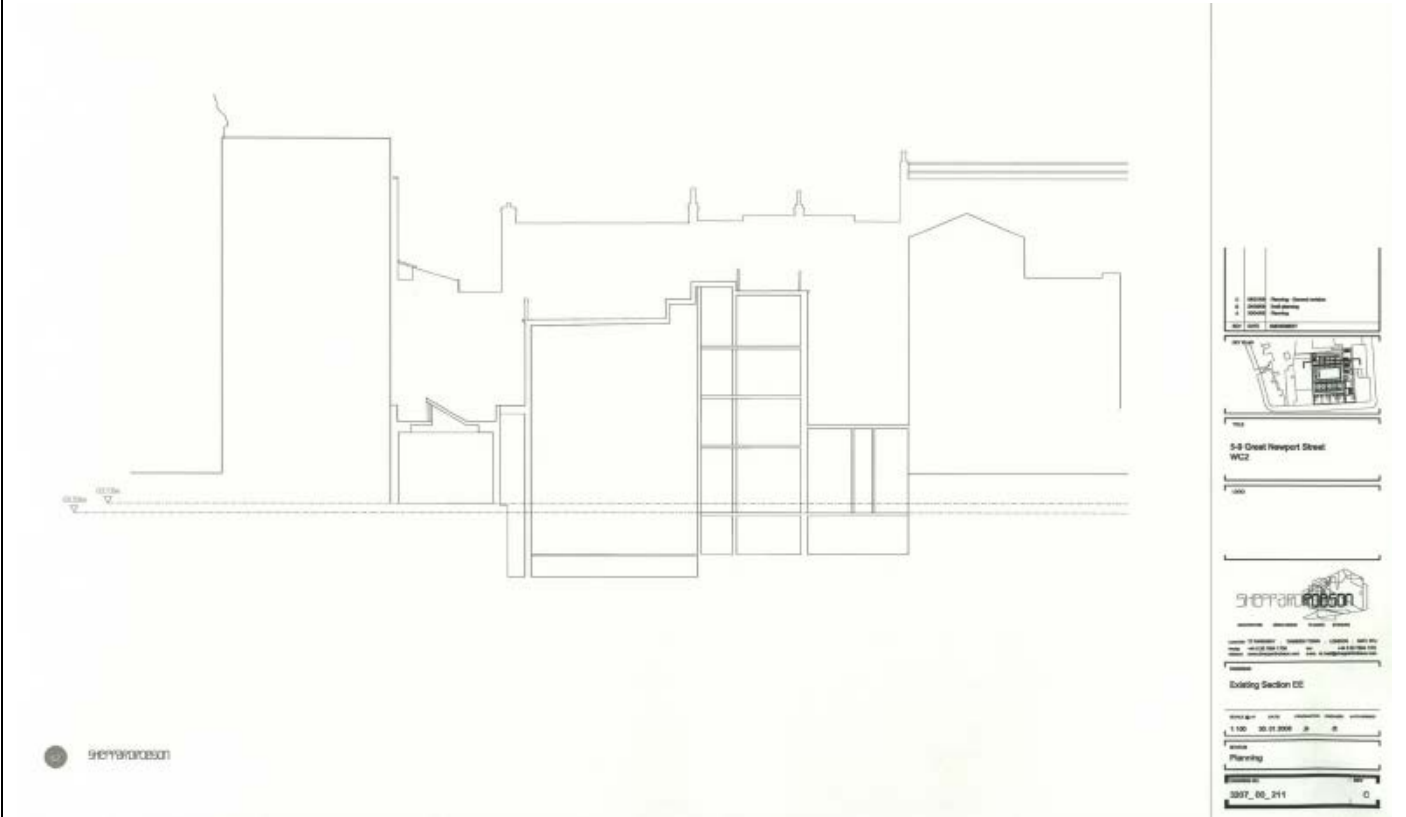
Existing front elevation



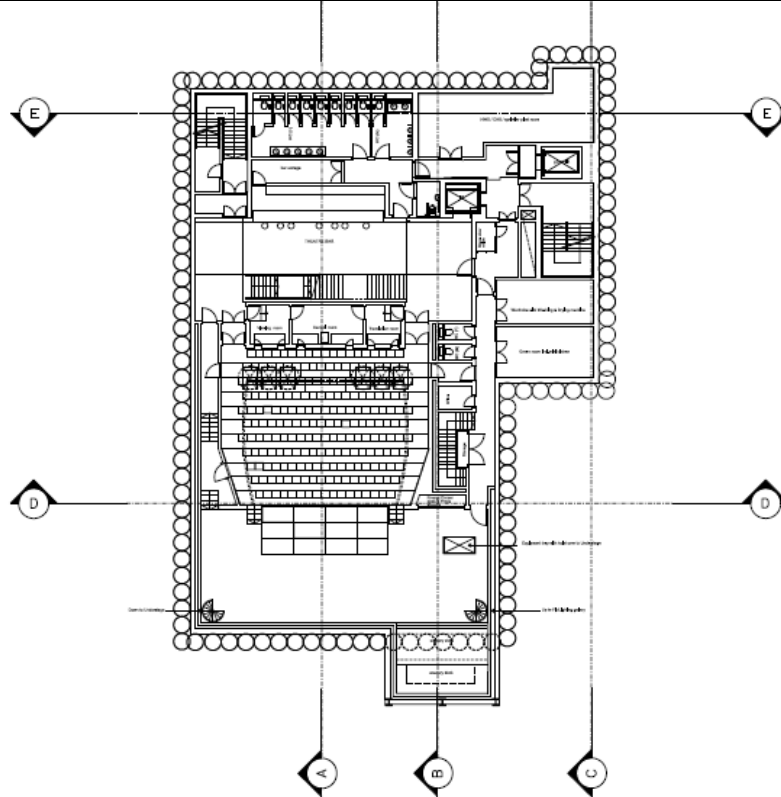
Existing rear elevation



Existing long section AA



Existing cross section EE



Proposed first basement floor

NO.	DESCRIPTION
1	REVISION
2	REVISION
3	REVISION
4	REVISION
5	REVISION
6	REVISION
7	REVISION
8	REVISION
9	REVISION
10	REVISION

5-8 Great Newport Street
WC2

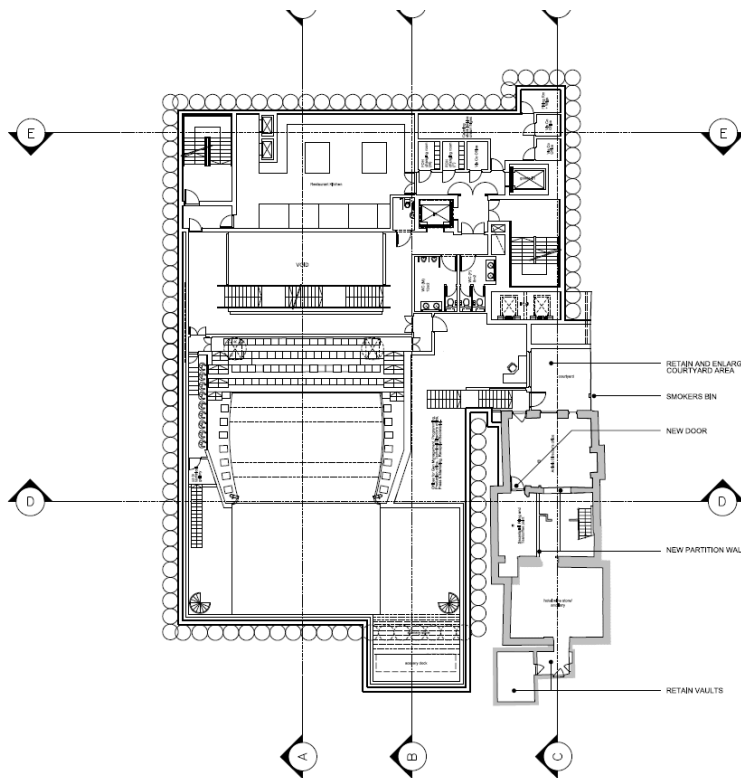
SHEPPARD

Proposed First Basement Floor Plan

1/1/10 20/06/2010

Planning

3207_26_201



Proposed lower ground floor

NO.	DESCRIPTION
1	REVISION
2	REVISION
3	REVISION
4	REVISION
5	REVISION
6	REVISION
7	REVISION
8	REVISION
9	REVISION
10	REVISION

5-8 Great Newport Street
WC2

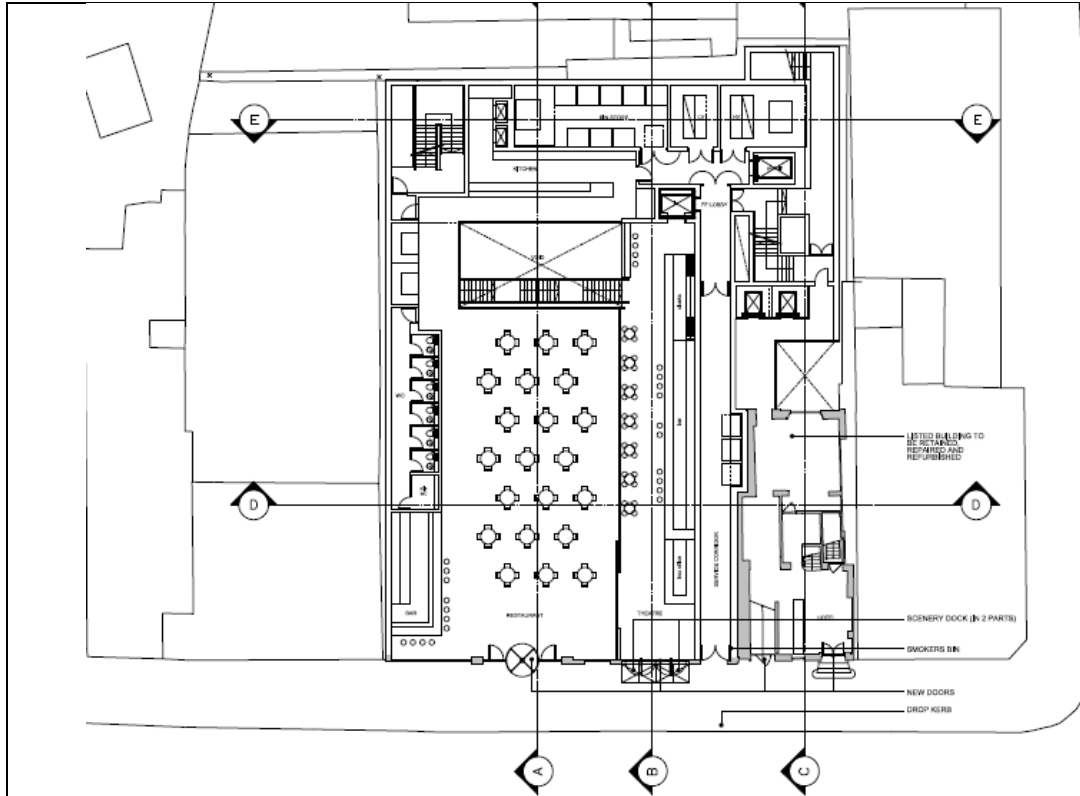
SHEPPARD

Proposed Lower Ground Floor Plan

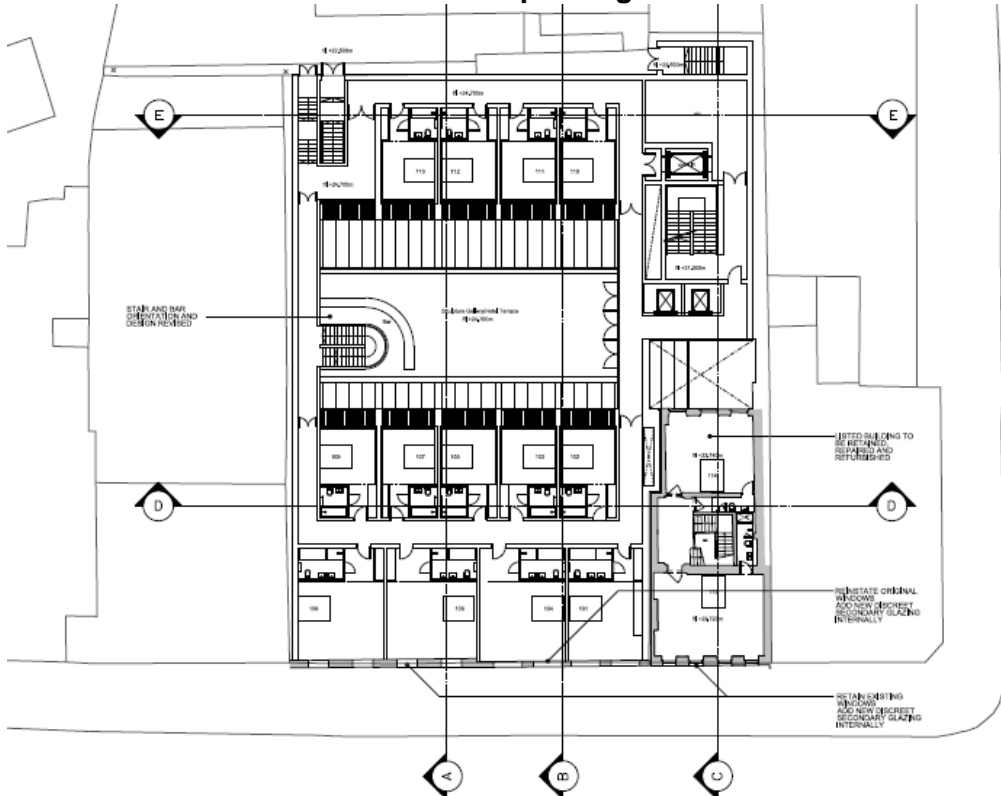
1/1/10 20/06/2010

Planning

3207_26_202



Proposed ground floor



Proposed first floor

REVISIONS

NO.	DATE	DESCRIPTION
1	12/10/2019	ISSUED FOR PERMIT
2	12/10/2019	REVISIONS TO PERMIT
3	12/10/2019	REVISIONS TO PERMIT
4	12/10/2019	REVISIONS TO PERMIT
5	12/10/2019	REVISIONS TO PERMIT
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18	12/10/2019	REVISIONS TO PERMIT
19	12/10/2019	REVISIONS TO PERMIT
20	12/10/2019	REVISIONS TO PERMIT

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541 Great Newport Street
WCC2

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SHEPPARD DESIGN

ARCHITECTS

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PROPOSED GROUND FLOOR PLAN

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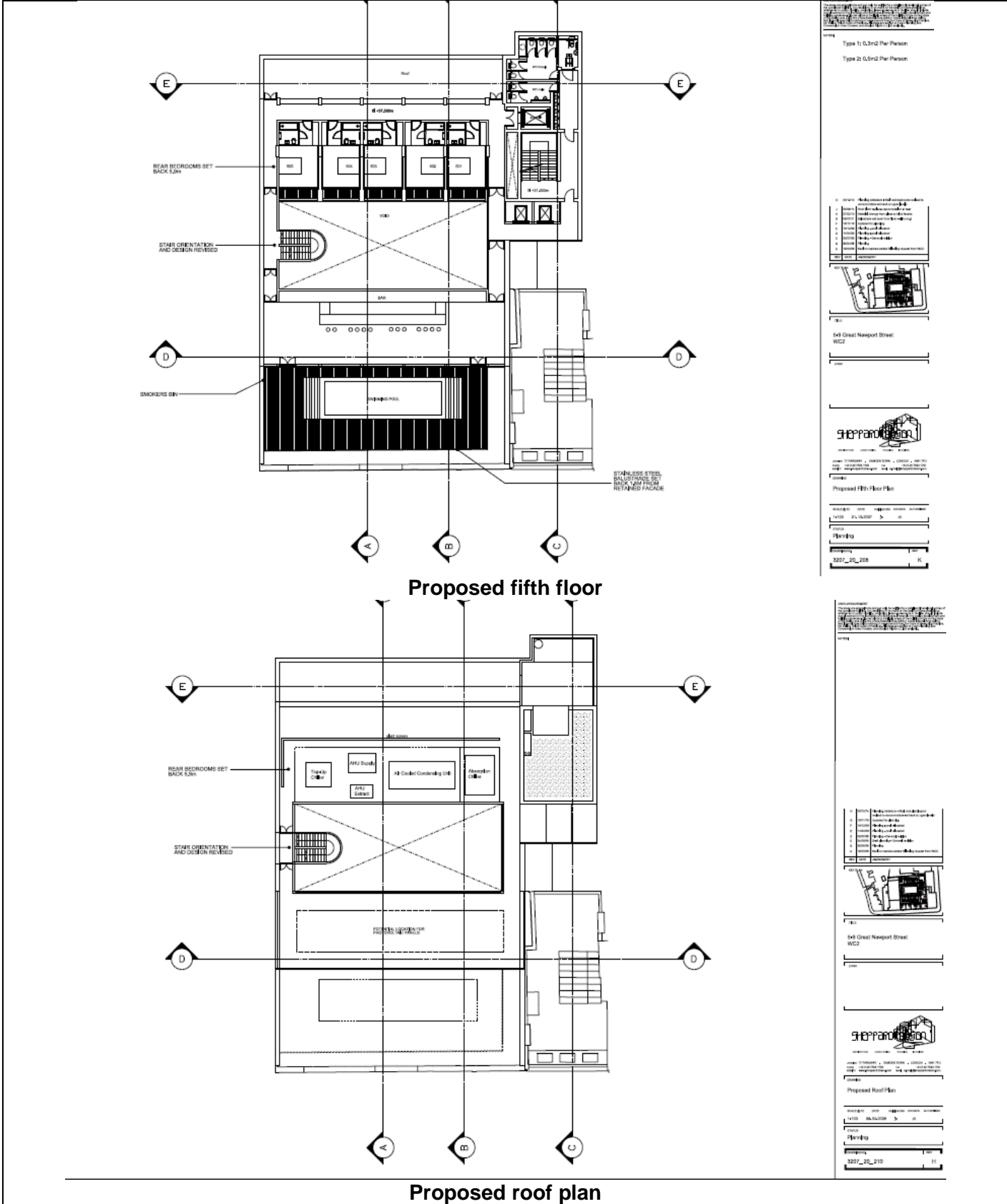
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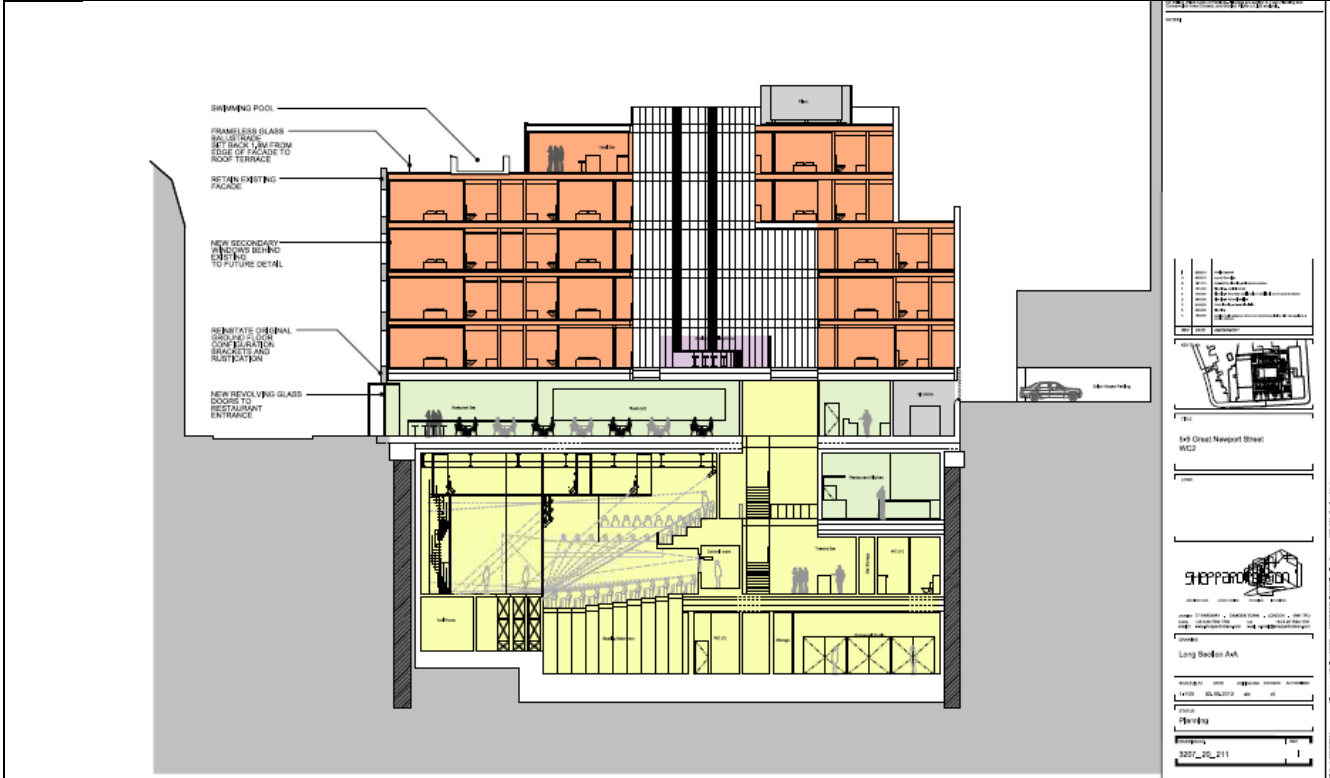
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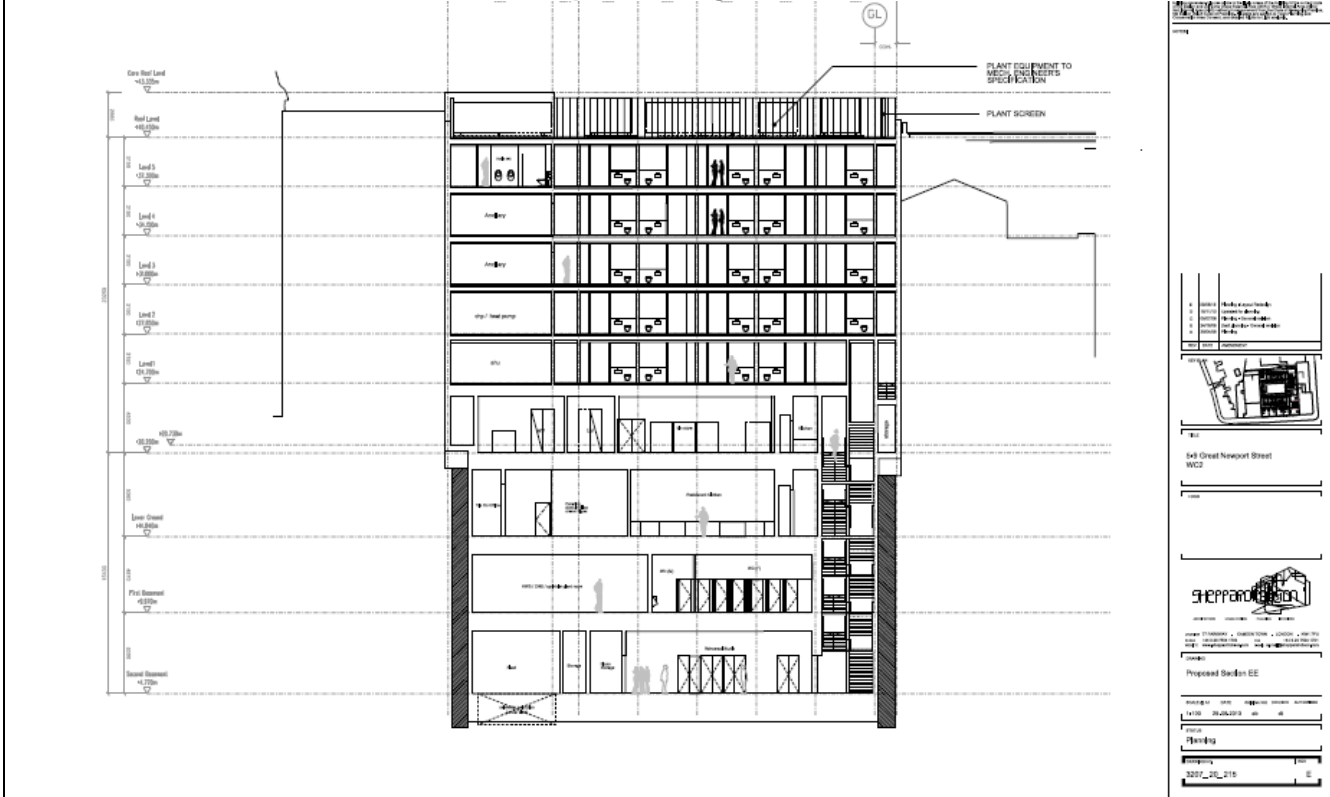
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Proposed long section AA



Existing cross section EE

DRAFT DECISION LETTER

Address: 5-9 Great Newport Street, London, WC2H 7JB

Proposal: Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible 322 seat theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.

Reference: 12/03930/FULL

Plan Nos: Location Plan, 3207_00_207 B, 208 D, 209 B, 210 B, 211 C, 214 A, Existing Front Elevations (unnumbered), 3207_20_101 C, 102 C, 103 C, 104 C, 105 C, 106 C, 107 C, 108 C, 109 D, 110 C, 111 C, 112 C, 113 B, 200 A, 201 E, 202 E, 203 I, 204 G, 205 E, 206 F, 207 E, 208 K, 209 K, 210 H, 211 J, 212 M, 213 M, 214 H, 215 E, 216 N, 218 J, 219 D, 220 C, Design and Access Statement dated April 2012, Design and Access Statement Addendum dated November 2013, Planning Statement dated April 2012, Letter from Turley Associates dated 17.12.2013, Report of Theatre Design Consultant Ian Albery dated 09.09.2013, Letter from Ian Albery dated 16.04.2014, Report of Anne Minors dated July 2012, Letter from Anne Minors dated 09.04.2014, Historic Buildings Architect's Report dated April 2008, Heritage Statement dated April 2012, Archaeological Desktop Assessment dated April 2008, Environmental and Planning Noise Report dated 05.04.2012, Daylight and Sunlight Report dated 23.03.2012, Sustainability and Energy Report dated April 2012, Transport Assessment dated 03.04.2012. For information purposes only - Excavation and Facade Retention Feasibility Report dated April 2008, Structural Engineers Concepts Report dated 30.09.2013, Daylight and Sunlight Study dated 08 December 2014.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: , (a) A schedule of all plant and equipment that formed part of this application; , (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; , (c) Manufacturer

specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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: Strategic Policies adopted November 2013, 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.

- 4 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.

- 5 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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: Strategic Policies adopted November 2013, by contributing to reducing excessive

ambient noise levels.

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 3207_20_203 Rev I. You must clearly mark them and make them available at all times to everyone using the uses hereby approved. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 8 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and,
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy 3C.4 and 'Land for Transport Functions'

Supplementary Planning Guidance.

- 9 **Pre Commencement Condition.** You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work. You must not start any construction work until we have approved what you have sent us. You must then carry out the work according to the approved design and method statement. (C32AB)

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 10 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 11 No works of demolition authorised by this permission shall take place until the applicant has implemented a programme of building recording and analysis of the existing Arts Theatre by person or body approved by the Council as local planning authority. This programme shall be in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority advised by the Theatres Trust. The recording shall then be carried out according to the written scheme and no demolition work shall be carried out until the recording and analysis report has been received and approved by the City Council advised by the Theatres Trust.

Reason:

To ensure that the history of the site is recorded as set out in DES 11 of the 2007 UDP.

- 12 You must apply to us for approval of an operational management plan in relation to the hotel, restaurant and theatre. This should include details to show how you will control the use of the rooftop pool and terrace and how you will prevent customers who are leaving the buildings from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the hotel, restaurant and/or theatre use 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 hotel, restaurant and/or theatre is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 6 and 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 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 must include the following details (where appropriate):
- (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. (C21MB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 14 The restaurant area shall be restricted to the area shown on the approved drawings and shall

contain no more than 100 covers.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 15 No customer, hotel resident or guest shall be permitted onto the rooftop terrace and pool area before 0800 or after 2200 each day.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 2 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 You must apply to us for approval of details of the following parts of the development with detailed drawings at a scale of 1:10 and full size details –

- (i) all new windows and external doors,
- (ii) new canopy over theatre entrance,
- (iii) plant screen at roof level,
- (iv) all new shopfronts,

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set

out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 18 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 19 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 20 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 this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 21 The design and structure of the development shall be of such a standard that it will protect

residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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.

- 22 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site. You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 23 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- All new rooftop balustrades to be made of black painted metal.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 24 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 25 You must apply to us for approval of a Servicing Management Plan, which includes details of how the hotel, restaurant and theatre will be serviced, including details proposing the hours of servicing for each use. You must not occupy the hotel or restaurant until we have approved what you have sent us. Thereafter you must then manage the servicing in accordance with the Servicing Management Plan that we approve, unless we agree an alternative Servicing Management Plan in writing.

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 26 The development shall achieve an 'Outstanding' rating under the BREEAM 2011 New Construction Assessment Scheme (or any such national measure of sustainability for design that replaces that scheme of the same standard).

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 27 The BREEAM assessment required by condition 26 must be completed and certified by the Building Research Establishment and a copy of the certificate detailing the award score for the building shall be submitted to us within 3 months of first occupation. In the event that this fails to meet the proposed 'Outstanding' rating (or equivalent) a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 28 You must not allow more than 120 customers into the hotel bar at first floor level at any one time. The first floor bar area is the part of the property annotated on approved drawing no.

3207_20_204 F as the 'Sculpture Gallery/Hotel Terrace'.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 29 You must not allow a total of more than 100 customers into the hotel bar and terrace at fifth floor level at any one time. The fifth floor bar area and external terrace is the part of the property shown on approved drawing no. 3207_20_208 H.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 30 Customers shall not be permitted within the restaurant premises before 0800hrs or after 0000hrs (midnight) Monday to Thursday, or before 0800hrs and 0030hrs Fridays to Sundays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 31 The first and fifth floor bar areas within the hotel hereby approved shall not be open to customers (other than hotel residents (those staying overnight at the hotel)) between the following times: 0900hrs to 0000hrs (midnight) Monday to Thursday; and 0900hrs to 0030hrs Friday to Sunday.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 32 Customers shall not be permitted within the theatre premises before 0800hrs or after 0000hrs daily.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 6 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to; demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.
- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 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)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
 - 7 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
 - 8 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
 - 9 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
 - 10 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.**
 - 11 Developing this site is likely to damage archaeological remains. Archaeological work must be carried out in line with condition 9 and 10. Please contact English Heritage's Archaeological Officer on 020 7973 3732 to discuss the work which is necessary. (I66AA)
 - 12 You are advised that all illuminated advertisements or high level advertisements require express advertisement consent before they can be displayed. Notwithstanding what is shown on the

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approved drawings this permission does not approve the display of such advertisements.

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

DRAFT DECISION LETTER

Address: 5-9 Great Newport Street, London, WC2H 7JB,

Proposal: Demolition of rear addition to No. 5 Great Newport Street, and internal alterations within listed building at No. 5. Works in association with works at Nos. 6-9 Great Newport Street to carry out partial demolition behind retained front facades, excavation and redevelopment to provide a building comprised of basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to facade, for a new theatre and ancillary facilities at ground floor (part) basement and lower ground floor levels, restaurant (Class A3) on the ground floor and lower ground floors and a 66 bedroom hotel at ground floor (part) and first to sixth floor levels, associated hotel bar and sculpture gallery at part ground floor level.

Plan Nos: Location Plan, 3207_00_207 B, 208 D, 209 B, 210 B, 211 C, 214 A, Existing Front Elevations (unnumbered), 3207_20_101 C, 102 C, 103 C, 104 C, 105 C, 106 C, 107 C, 108 C, 109 D, 110 C, 111 C, 112 C, 113 B, 200 A, 201 E, 202 E, 203 I, 204 G, 205 E, 206 F, 207 E, 208 K, 209 K, 210 H, 211 J, 212 M, 213 M, 214 H, 215 E, 216 N, 218 J, 219 D, 220 C, Design and Access Statement dated April 2012, Design and Access Statement Addendum dated November 2013, Historic Buildings Architect's Report dated April 2008, Heritage Statement dated April 2012, Archaeological Desktop Assessment dated April 2008.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of details of the following parts of the development with detailed drawings at a scale of 1:10 and full size details -

- (i) all new secondary glazing
- (ii) all new doors

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 All existing floorboards are to be retained in situ.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

- 1) A historic paint analysis report and colour samples and drawings annotated to show new decorative schemes for all rooms and the main staircase,
- 2) Details of the scope of paint removal and plasterwork repairs,
- 3) Details of the installation of mechanical and electrical services where they affect historic fabric,
- 4) A method statement and schedule setting out all works of repair and restoration to carpentry, joinery, and plasterwork.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings of the following parts of the development-

- detailed plans showing the route of the kitchen extract ducts through the building and detailed plans, section and elevation of where where they terminate to the external parts of the building
- detailed plans and sections of the glazed roof to the hotel atrium

You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved drawings.

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

4. PLANNING APPLICATIONS

The Strategic Director Built Environment, submitted reports in relation to the following applications for determination by the Sub-Committee, copies of which are included in the register in the custody of the Head of Legal & Democratic Services.

1. 5-9 GREAT NEWPORT STREET, WC2

Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible 322 seat theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (*sui generis*), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.

A late representation was received from Michael Lowndes (13 May 2014).

The Planning Officer presenting the application tabled the following revised recommendation on the planning application draft decision letter (additional/revised wording in red italics):

For Sub-Committee's consideration:

1. In the light of the viability report received, does Sub-Committee agree that the enhanced theatre facilities outweigh the normal policy presumption to protect the existing D1 floorspace, the requirement to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial floorspace? and planning obligations including Crossrail contributions?

2. Subject to 1. above, grant conditional permission subject to the completion of a S106 planning obligation to secure:

a) the provision and retention of a replacement theatre fitted out to shell and core and the potential for the restaurant to be linked to the theatre (the detailed obligations as outlined in the report of the Strategic Director Built Environment).

- b) *the placing of £600,000 into an escrow account to be released to a theatre operator to fund the fit out of the theatre*
- c) *the theatre space to be used for theatrical performances on at least 320 days a year (further details within the legal agreement)*
- d) *to ensure the link between the theatre and restaurant is open before, during and after performances*
- e) *the provision and retention of a publicly accessible curated sculpture gallery within the hotel.*
- f) *S106 monitoring and costs.*

3. *If the agreement has not been completed by 31 July 2014 then:*

a) *The Strategic Director 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 Strategic Director is authorised to determine and issue the decision under Delegated Powers; however, if not*

b) *The Strategic Director shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.*

4. *Grant conditional listed building consent.*

5. *Grant conditional conservation area consent.*

6. *Agree the reasons for granting listed building consent and conservation area consent as set out in Informative 1 of the draft decision letters.*

Additional conditions

- i) You must provide the access and all additional facilities including accessible toilets and theatre seating for people with disabilities as shown on the approved drawings before you use the building.
- ii) {b Pre Commencement Condition}. You must apply to us for approval of detailed drawings of the following parts of the development-
 - detailed plans showing the route of the kitchen extract ducts through the building and detailed plans, section and elevation of where where they terminate to the external parts of the building
 - detailed plans and sections of the glazed roof to the hotel atrium

You must not start work until we have approved what you have

sent us.

You must then carry out the work according to these approved drawings.

- ii) You must not create any additional useable floorspace within the hotel atrium.

Revised Conditions

- 25 You must apply to us for approval of a Servicing Management Plan, which includes details of how the hotel, restaurant and theatre will be serviced, including details proposing the hours of servicing for each use. You must not occupy the hotel or restaurant until we have approved what you have sent us. Thereafter you must then manage the servicing in accordance with the Servicing Management Plan that we approve, unless we agree an alternative Servicing Management Plan in writing.
- 32 Customers shall not be permitted within the theatre premises before 0800hrs or after 0000hrs daily.

RESOLVED: That the application be deferred to allow the applicants to address the following issues raised by the Sub-Committee:

- (1) The Sub-Committee welcomed the reinstatement of the theatre in principle but noted that failure to secure an acceptable operator was a key issue. Members therefore agreed that, if the City Council were to accept the loss of the existing D1 floorspace and increase in commercial floorspace without any residential uplift, then confirmation of an acceptable operator would be necessary to offer sufficient reassurance that a theatre will be provided.
- (2) The Sub-Committee further agreed that the applicant will need to offer the new theatre at peppercorn rent in order to justify overturning the City Council's normal policy requirements set out in (1) above.
- (3) Members raised concerns regarding the significant proposed increase in the height and bulk of the rear of the building and the detrimental impact upon residents in Sandringham Flats. The Sub-Committee therefore requested that the height and bulk of the proposed extension be addressed.
- (4) Members were largely content with the operating hours detailed in the report and did not agree to the extended hours as requested by the applicant in their late representation dated 13 May 2014. The Sub-Committee requested that the hours of use of the roof top pool be amended to 09:00 – 22:00 hours.

- (5) Members raised further concerns regarding the detail of the draft S106 agreement produced by the applicant, which the Sub-Committee unanimously determined to be insufficiently robust as to protect the interests of the City Council. Members noted that any draft legal agreement must secure provision of the replacement theatre fitted-out to shell and core prior to the occupation of the hotel and restaurant, in addition to the provision and retention of a publicly accessible curated sculpture gallery within the hotel to compensate for the loss of the photographers gallery and to ensure that the £600,000 being offered is only used to fit out the theatre.
- (6) The Sub-Committee also agreed that the applicant must contribute towards S106 construction monitoring costs and pay CiL obligations.

2. 1 CHADWICK STREET, SW1

Demolition of existing buildings and erection of two replacement buildings comprising a seven storey building and a five storey building to provide a total of 44 residential units with associated basement for 27 car parking spaces and 55 cycle parking spaces and mechanical plant, together with associated works including landscaping.

An additional representation was received from Fergus Coleman, WCC Head of Affordable and Private Sector Housing (9 May 2014).

A late representation was received on behalf the applicant (9 May 2014).

The Planning Officer presenting the application tabled the following minor changes to recommendation to add an annual fee of £15,000 for Environmental Inspectorate and subject to no new material issues being raised before the expiry of the consultation period.

For Sub-Committee's consideration:

1. Does the Sub-Committee consider that the offer of 2 x 3 bed affordable rent duplex units at £210 per week in Block B is acceptable given the circumstances of the case?

2. Subject to 1. above, and to no new material issues being raised before the expiry of the consultation period, to grant conditional permission subject to a S106 legal agreement to secure the following:

- i) The provision of 2 x 3 bed affordable rent duplex units at £210 per week in Block B to be provided prior to the occupation of the market units;*
- ii) A parking mitigation payment of £17,000 index linked and payable on*

CITY OF WESTMINSTER											
PLANNING APPLICATIONS SUB-COMMITTEE	Date 13 May 2014	Classification For General Release									
Report of Strategic Director Built Environment		Wards involved St James's									
Subject of Report	5-9 Great Newport Street, London, WC2H 7JB										
Proposal	Demolition of Nos. 6-9 Great Newport Street behind retained front facades and demolition of rear addition to No. 5 Great Newport Street. Excavation and redevelopment to provide a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front facade, providing a new auditorium and ancillary services in the form of a new flexible 322 seat theatre space and arts club venue along with rehearsal studio and ancillary facilities including bars at basement level 1 and ground floor level (sui generis), restaurant (Class A3) on the ground floor and part lower ground floors and a 66 bedroom hotel at part ground and first to sixth floor levels (across 5-9 Great Newport Street), associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.										
Agent	Turley Associates										
On behalf of	Consolidated Development Ltd										
Registered Number	12/03930/FULL 12/03931/LBC 12/03935/CAC	TP / PP No	TP/5377								
Date of Application	04.04.2012	Date amended/ completed	17.05.2012								
Category of Application	Major										
Historic Building Grade	Grade II Listed Building										
Conservation Area	Covent Garden										
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone										
Stress Area	Within West End Stress Area										
Current Licensing Position	<p>The Arts Theatre is currently licensed to be open between 09.00 hours to 00.00 hours. Although the sale of alcohol is restricted to 23.30 hours Mondays to Thursdays and 22.30 hours on Sundays.</p> <p>The existing restaurant known as Salvador and Amanda at 8-9 Great Newport Street is licensed to open between the following hours:</p> <table border="0"> <tr> <td>Monday:</td> <td>09.00 to 01.30</td> </tr> <tr> <td>Tuesday to Thursday</td> <td>09.00 to 02.30</td> </tr> <tr> <td>Friday to Saturday:</td> <td>09.00 to 03.30</td> </tr> <tr> <td>Sunday:</td> <td>09.00 to 01.00</td> </tr> </table> <p>The restrictions on the sale of alcohol follows the above times but brought forward by half an hour on each day.</p>			Monday:	09.00 to 01.30	Tuesday to Thursday	09.00 to 02.30	Friday to Saturday:	09.00 to 03.30	Sunday:	09.00 to 01.00
Monday:	09.00 to 01.30										
Tuesday to Thursday	09.00 to 02.30										
Friday to Saturday:	09.00 to 03.30										
Sunday:	09.00 to 01.00										

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1. RECOMMENDATION

For Sub-Committee's consideration:

1. Subject to confirmation of viability, does Sub-Committee agree that the enhanced theatre facilities outweigh the normal policy presumption to protect the existing D1 floorspace, the requirement to provide residential floorspace or a financial contribution to the affordable housing fund in lieu of residential floorspace to address the uplift in commercial floorspace, and planning obligations including Crossrail contributions?
2. Subject to 1. above, grant conditional permission subject to the completion of a S106 planning obligation to secure:
 - a) the provision and retention of a theatre and the potential for the restaurant to be linked to the theatre (the detailed obligations as outlined in the report of the Strategic Director Built Environment).
 - b) the provision and retention of a publicly accessible curated sculpture gallery within the hotel.
 - c) S106 monitoring and costs.
3. If the agreement has not been completed by 31 July 2014 then:
 - a) The Strategic Director 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 Strategic Director is authorised to determine and issue the decision under Delegated Powers; however, if not
 - b) The Strategic Director shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
4. Grant conditional listed building consent.
5. Grant conditional conservation area consent.
6. Agree the reasons for granting listed building consent and conservation area consent as set out in Informative 1 of the draft decision letters.

2. SUMMARY

The application site is comprised of a row of buildings between 5 and 9 Great Newport Street. No. 5 is Grade II listed and the entire site lies within the Covent Garden Conservation Area, the Core Central Activities Zone and the West End Stress Area.

The buildings on the site range from between four and six storeys with basements, and they contain a variety of uses including the Arts Theatre Club (sui generis), the former site of the 'Photographers Gallery' (Class D1), restaurant/bar (mixed A3 and A4), offices and a language school. Permission and consents are sought for the demolition behind the retained facades of 6-9 Great Newport Street and demolition of the rear addition to No. 5 Great Newport Street. It is then proposed to excavate three storeys below 6-9 Great Newport Street and to redevelop the site to provide the following:

- a building comprised of lower basement, basement, lower ground, ground and six upper floors, terraces, roof plant and alterations to front façade;
- provision of a new auditorium and back of house facilities in the form of a new 322 seat theatre space along with rehearsal studio and ancillary bars at ground floor (part) and basement level 1;
- restaurant (Class A3) on the ground floor and part lower ground floor;
- a 66 bedroom hotel at ground floor (part) and first to sixth floor levels, associated hotel bar and sculpture gallery at first floor level and outdoor swimming pool, terrace and bar at fifth floor level.

The key issues for consideration are:

- The acceptability of the proposals in land use terms.
- The quality and long term viability of the proposed replacement theatre.
- The impact of the proposals on the character and appearance of the conservation area and the listed buildings at 4 and 5 Great Newport Street.
- The impact of the external alterations on the amenities of neighbouring residents.
- The impact of the proposed uses on residential amenity and character and function of the conservation area.
- The impact of the servicing arrangements on the surrounding highway network.

Subject to Sub-Committee's views on the acceptability of the proposals in land use terms, and the suitability of the proposed replacement theatre, the applications are considered acceptable in highways, amenity and design terms and are in accordance with City Plan and Unitary Development Plan (UDP) policies.

3. CONSULTATIONS

CONSULTATION RESPONSES TO INITIALLY SUBMITTED SCHEME (MAY 2012)

ENGLISH HERITAGE

No formal objection to the proposals and authority has been given to the local planning authority to determine the applications as they see fit. However, concern has been raised with regard to the extension at the rear in terms of the visual impact they will have on the setting of the rear of the Grade II listed buildings at Nos. 4 and 5 Great Newport Street.

THE THEATRES TRUST

Supports the scheme in principle and welcomes the alterations proposed from the previously withdrawn applications in 2008 and 2009 including increased capacity and further back of house facilities. However, they suggest that a further independent advisory review exercise should be carried out in tandem with theatre professionals to gather further advice on configurations, sightlines and usability. They also suggest that detailed theatre signage should

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also be proposed and/or conditioned.

SAVE LONDON'S THEATRES

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Generally supports the proposal but would ask for conditions securing an archaeological report given the extent of excavation proposed.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Regrets the possible impact on the legibility of the rear of the listed building at No. 5 Great Newport Street, and has concerns about the deep piles alongside the party wall of No. 5.

VICTORIAN SOCIETY

Any response to be reported verbally.

GEORGIAN SOCIETY

Any response to be reported verbally.

20TH CENTURY SOCIETY

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN

Acknowledgement letter received, but no further comments provided.

COVENT GARDEN COMMUNITY ASSOCIATION

Design looks attractive, but concerns raised about daylight and sunlight impact to Sandringham Flats, amenity impact of proposed roof top pool and bar, and concerns about lack of S106 contributions for viability reasons.

COVENT GARDEN AREA TRUST

No comment.

LONDON UNDERGROUND

No objection subject to conditions requiring detailed information (design and method statements) to demonstrate that excavation proposed will not impact upon London Underground tunnels or structures.

BUILDING CONTROL

No objection. Proposed methodology for basement excavation looks acceptable in principle.

HIGHWAYS PLANNING MANAGER

No objection, but concerns raised about on street servicing. A condition requiring a robust Servicing Management Plan or Operational Management Plan will be required.

ENVIRONMENTAL HEALTH

No objection subject to standard conditions and a condition requiring a supplementary acoustic report with regards to mechanical plant proposed.

CLEANSING MANAGER

No objection subject to condition securing the waste and recycling stores as proposed.

ADVERTISEMENT/SITE NOTICE: Yes

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ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
No. Consulted: 201; Total No. of Replies: 17 (from 14 different addresses);

Design:

- Added height will have a major effect on this short and narrow street.
- Development will ruin views.

Amenity:

- Loss of sunlight/daylight to Sandringham Flats.
- Impact of open air pool and bar at roof level on residential amenity.
- Overlooking from roof bar area - threatens enjoyment of private roof gardens on Sandringham Flats.
- Future amenity problems arising from restaurant/bar areas.

Land Use:

- Hotel and restaurant uses not required in this area - no demand.

Other:

- Noise pollution and disturbance during the development.
- Concerns about piling.
- Increase in traffic.

CONSULTATION RESPONSES FROM AMENDED SCHEME - EXTENDED BASEMENT TO FACILITATE LARGER THEATRE SPACE AND OTHER ALTERATIONS

ENGLISH HERITAGE ARCHAEOLOGY

Any response to be reported verbally.

THEATRES TRUST

Supports the scheme and welcomes the enhancements to the theatre space following Theatre Consultant's suggested amendments. Most notably there is now a rehearsal room which has been designed to operate as both a studio theatre or function room with significant income generating opportunities, and will have a wider benefit to the West End as there is a notable shortage of rehearsal spaces in the area. They also advise that an Operational Management Plan should be secured by condition, and a further condition to secure a record of the Arts Theatre both photographically and with plans which are then lodged with the Resources Centre at the Theatres Trust.

LONDON UNDERGROUND

No objection subject to conditions requiring detailed information (design and method statements) to demonstrate that excavation proposed will not impact upon London Underground tunnels or structures.

BUILDING CONTROL

Any response to be reported verbally

COVENT GARDEN AREA TRUST

No comment.

COVENT GARDEN COMMUNITY ASSOCIATION

Revised proposals are an improvement. However, concerns remain regarding lack of consultation with Sandringham Flats residents, mechanical plant has not been specified, servicing and deliveries to hotel should be limited to be between 08.00 and 22.00, conditions should limit use of roof top terrace and pool to 22.00, impact of increased basement excavation has not been assessed, the revised plans do not show where theatre docks doors

will be, and finally concerns are raised about the impact on daylight and sunlight to the occupiers within Sandringham Flats.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 201; Total No. of Replies: 21.

21 objections (from 18 different addresses) received relating to the following:

Design:

- Loss of heritage asset, i.e. demolition of theatre.

Amenity:

- Loss of daylight and sunlight to flats, roof terraces and courtyards all associated with Sandringham Flats.
- Increased noise nuisance from plant machinery.
- Noise nuisance from pool and terrace.
- Impact on amenity from more intensive use not acceptable within stress area.

Theatre:

- History of existing theatre must be protected.
- Concerns that theatre will operate as a cabaret/nightclub venue and a suitable replacement theatre will not be achieved.
- Absence of fly-tower in replacement theatre will massively impact upon ability of theatre to stage productions and many theatre productions will no longer consider the theatre as a potential viable space. It will result in smaller scale theatre such as burlesque, cabaret and music.
- Flexible use of space/auditorium is not compatible with daily theatre use.
- The Arts Theatre has recently acquired rehearsal studio space elsewhere in the building and therefore this benefit is no longer applicable.
- There are enough flexible spaces available in London for conferences, stand up comedy, etc, but not enough small scale viable theatres such as this one.
- The current Arts Theatre offers a valuable resource as a space to show mid scale work and has relationships with many institutions to ensure a diverse and supportive programme of new theatre work.
- The loss of the current theatre would be a tragedy.

Other:

- Obliteration of views.
- Long programme of works will affect quality of life.
- Concerns about impact of basement excavation.
- Do not agree that the current theatre is not viable.

4. BACKGROUND INFORMATION

4.1 The Application Site and Surroundings

The buildings at 5-9 Great Newport Street lie on the north side of the road and occupy a significant part of this side of the road given the streets relatively short length.

The existing buildings at Nos. 6-9 above the theatre are a maze of circulation routes, staircases and access points which have developed organically over time. This has resulted in an unattractive street level frontage comprised of several doorways including fire escape doors, servicing entrances and the various entrances to the commercial uses above.

The site is flanked to the west by No. 10-11 Great Newport Street which was recently granted

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permission to convert from offices to residential flats with a rear extension. To the east beyond the listed building on the site at No. 5, is another listed building at No. 4, which is currently in use as a bar known as 'Verve'.

To the north and west of the site at the rear is a development of housing known as Sandringham Flats. Directly to the north and the rear of the site is a very large 15-16 storey office building known as Orion House which fronts onto West Street.

Great Newport Street itself consists mainly of commercial uses including several food and drink uses at ground floor level with offices or other commercial uses above. There are however, a few residential flats on the upper floors of the buildings directly opposite the site and as stated earlier permission has recently been granted for 15 new flats at 10-11 Great Newport Street. A further nine flats have also recently been approved at 12 Great Newport Street. These permissions are yet to be implemented.

The site is within the Covent Garden Conservation Area and is also within the Core Central Activities Zone and the West End Stress Area.

4.2 Relevant History

On the 16 October 1989 permission was granted in respect of 6-9 Great Newport Street for the demolition of the existing premises and a redevelopment to provide theatre, ground floors retail and offices above. This permission was never implemented.

An application similar to that which is now being considered was submitted in January 2008, but was later withdrawn pending further discussions with English Heritage, theatre groups and other interested parties.

In 2010 an application related to the listed building at No. 5 Great Newport Street was submitted for the use of the ground and first floor as mixed cultural space with offices on the remaining floors. This application was refused on the grounds that it would result in the loss of the gallery/retail use (Photographer's Gallery) which was on site at that time.

5. THE PROPOSAL

The current applications propose the demolition of Nos. 6-9 Great Newport Street behind retained facades to the street. The site would then be redeveloped to provide a replacement 322 seat theatre and ancillary spaces including a large rehearsal/studio space with a capacity of approximately 100. A new restaurant internally linked to the theatre reception space would also be located at ground and part lower ground floor. The remainder of the site would become a 66 bedroom hotel, with its main entrance being via a refurbished No. 5 Great Newport Street. The hotel would then spread across the upper floors across the rest of the site and would include a publicly accessible sculpture gallery within the main hotel bar area at first floor level, and there would be a further bar at fifth floor level, which opens out onto a terrace with a swimming pool in front of the proposed set back roof extension. A detailed financial viability assessment has been carried out which sets out that the costs involved with this proposal make it impossible for the applicants to make any financial contributions to any planning obligations required for a development of this size.

At the time of writing, officers were still waiting for findings of the City Council's independently appointed valuation consultant. Their findings will be reported to Sub-Committee.

6. DETAILED CONSIDERATIONS

6.1 Land Use

6.1.1 Existing land uses

(i) Theatre – Arts Theatre

The existing theatre has operated since 1927 when it was set up as a club for theatre enthusiasts which combined a performance space with drinking and dining facilities. It has continued to operate in a similar manner until the current day and has seating for approximately 320. It has a premises license which covers the sale of alcohol, hot food after 22.00 and the performance of plays, live music, film and recorded music. In planning terms it is considered a sui generis use.

(ii) No. 5 Great Newport Street

Previously this property was occupied by The Photographer's Gallery (Class D1); however, this has since moved to a larger premises at 16-18 Ramilles Street, W1. This space has subsequently been taken over by the Future Gallery at ground and lower ground floor and is used as an events and exhibition space. The upper floors are currently used by a number of small business as office space. An enforcement investigation is currently open into the unauthorised use of this building.

(iii) Avalon Language School and Offices

The language school provides English language courses to students from across the world and it occupies several of the upper floors at Nos. 6-9 Great Newport Street. This was granted a temporary personal permission which expired in September 2008, after which it was conditioned to revert to its previous lawful use as B1 offices. There is also some generic office space across the upper floors much of which is currently vacant.

(iv) Restaurant at No. 9 Great Newport Street

The restaurant at No. 9 is currently open until 02.00 and 03.00 on the weekends, and occupies ground and basement levels.

(v) Retail Unit at 8 Great Newport Street

There is a comic book shop which operates from the ground floor. However, this site was also previously used by the Photographers Gallery. It was their original gallery space prior to their expansion into No. 5 Great Newport Street at which point they occupied two sites on the same street. Whilst a small portion of the site (64m²) was used for retail, this is considered to have been ancillary to the main gallery (D1) use. The Photographers Gallery left Great Newport Street in 2010 and subsequently a comic book shop known as 'Orbital Comics' has moved into No. 8, although there is no record of planning permission being granted for a change of use to Class A1 retail.

6.1.2 Existing and Proposed Land Uses

Land Use	Existing floorspace (m2)	Proposed floorspace (m2)	Change
Theatre (sui generis)	1,684	2,150	+466
Social/Community (D1)	969	0	-969
Restaurant (A3)	536	617	+81
Offices and Language School	986	0	-986
Hotel (C1)	0	4,172 (including 114m2 sculpture gallery)	+4,172
Shared back of house/plant floorspace	-	608	+608
Total	4,155	7,547	+3,392

(The above table is based on assumed lawful uses, not actual uses)

6.1.3 Assessment

Proposed Theatre and Restaurant

The proposed replacement theatre is at the heart of this redevelopment and the judgement of whether the proposed replacement theatre is both acceptable and deliverable is a fundamental consideration.

The applicants are seeking to provide a new 'destination' West End venue which ideally would combine a dining experience alongside a theatre experience. A large part of the ground floor frontage would be given over to the restaurant, with a narrower entrance to the theatre reception and box office than that which the Arts Theatre currently enjoys.

The possible negative impact of this on the visibility/viability of the theatre is being partly addressed through a scheme of highly visible signage akin to the character of West End theatres. A further simple high level painted sign is proposed for the flank wall of the building to increase its presence in the surrounding area. An Informative reminding the applicants that advertisement consent is required for the adverts proposed is recommended.

i) Detailed Theatre Assessment

Several objections have been received from theatre goers and producers alike who regularly visit the current Arts Theatre or who have put on productions at the venue. A common theme amongst these objections is that the current theatre is small scale and provides a unique setting for putting on a certain type of production that would not be feasible at the other larger and more prominent West End venues. It provides an intimate setting and allows for a diverse and supportive range of theatre work, and its loss, as well as its heritage value would be detrimental to London's theatre scene as a whole. A number of objectors have also commented that the new theatre would not have a fly tower, which would prevent a large number of productions from even considering it as a venue.

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Throughout the application there has been some confusion as to whether or not the existing theatre has a fly tower; indeed the Theatres Trusts' comments seem to indicate that there is not one. However, following a site visit it can be confirmed that there is a working fly tower within the existing theatre, which will not be reprovided in the proposed scheme.

Notwithstanding this, the applicants have sought to demonstrate that the lack of a fly tower will not impact upon the viability of the theatre, and that the proposed theatre layout will provide a more flexible and viable space. A 'performance consultant' was also engaged by the applicants to provide detailed advice on the design and specification of the proposed replacement theatre.

Subsequently and further to some concerns being raised by officers, the applicants then appointed a specialist theatre consultant, who advised the applicants to make a number of alterations to their proposals. They have now submitted a final detailed assessment which strongly commends the revised scheme.

In summary, they report that the new theatre can be sustainable and viable without a fly tower because of the small scale nature of the theatre. The design changes include a greater height above the stage of no less than 8.3 metres which will allow for conventional scenery used by smaller scale touring shows.

The revised proposals also now include a large rehearsal studio of 120m² beneath the main auditorium. Such a large rehearsal space is highly sought after in the West End, and the opportunity to let out such a space increases the viability of the new theatre. It is also envisaged that this could operate as a much smaller scale intimate performance space with enough room for approximately 100 seats.

In summary, the applicants consultant details the following points as benefits in the redesign over the existing theatre offer –

- Introduction of 120m² rehearsal studio/additional performance space.
- Improved circulation space particularly upon entering the stalls from the ground floor foyer.
- Improved auditorium seating with better audience/actor relationship.
- Additional dressing room accommodation.
- Increased wardrobe space.
- Staff locker rooms provided
- Improved stage depth.
- Increased height under stage.
- Enlarged stage basement to accommodate storage, and many other ancillary areas.

The Theatres Trust has commented on the revised proposals and is supportive. They state that the revised proposals result in a theatre which is more flexible and capable of offering more to both audiences and performers, but also enables the theatre to potentially generate more revenue and be more sustainable. They also offer support to the improved auditorium design, the studio theatre/rehearsal space, the potential for the restaurant to work in conjunction with the theatre and that the issue of external signage has now been addressed appropriately.

Notwithstanding these revisions concerns have been raised by consultees (including the Theatres Trust) and officers that the flexible nature and design of the proposed theatre may pose a risk that theatre groups would find it difficult or unattractive to put on shows there, and that other non-theatrical uses could be more profitable to the operator. However, following detailed negotiations, a comprehensive legal agreement has been drafted to ensure that the number of operational theatre days every year would be a minimum of 320.

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The Theatres Trust has commented that they are encouraged by this, but have also requested that an Operational Management Plan be requested via a condition, and that they be consulted on this.

On this point alone, the draft legal agreement secures the use of the auditorium for live theatre performances for a minimum of 320 days per year. It also makes provisions for this space along with the studio theatre/rehearsal space to be used for a number of other uses in addition to this.

Therefore, it is not considered necessary to request an Operational Management Plan relating specifically to the theatres operation in addition to what is set out in the legal agreement. This would be an unnecessary duplication. Instead an Operational Management Plan will be required to address the amenity impacts of the application as a whole.

To ensure that a replacement theatre is actually provided following the demolition of the existing one, the draft legal agreement also includes clauses which set out when the phases of the redevelopment need to be carried out by and how these costs are borne out. This includes the following:

- Not to Occupy the Hotel until the Theatre Space has been constructed to Shell & Core
- On completion of the Theatre Space to Shell and Core a sum of £600,000 to be placed in an escrow account (to be administered by the Freeholder's solicitor) for the funding of the Theatre Space fit-out as specified. This sum to be payable to the Theatre Operator on its signing of a contract with fit-out contractors.

City Plan Policy S22 and UDP Policies TACE 5 and TACE 6 protect existing theatres and arts and cultural uses. TACE 6 (B) states that in those very exceptional circumstances where it is necessary to redevelop a theatre, a suitable replacement will be required to be provided within a stated period.

The theatre in its current state continues to showcase small to medium scale productions and alongside the cocktail bar, which operates from its front lounge/foyer area, it appears to remain a viable operation. Therefore, whilst it is not considered that the redevelopment of the theatre is strictly necessary, it is evident that the current theatre does require substantial investment to bring it up to a decent standard.

Policy TACE 6 goes on to state that a replacement theatre should improve accessibility, visibility, performance and operational areas, provide front and back of house facilities and provide rehearsal space. The applicants have put forward a proposal which they believe meets these objectives, and which can only be achieved through the demolition of the existing theatre and the provision of a completely new facility.

The replacement theatre would of course be subject to appropriate conditions to control capacity, hours of operation, and appropriate sound proofing arrangements, given the proximity of possible new residential accommodation along Great Newport Street.

ii) Detailed Restaurant Assessment

The applicants intend to include a sliding or removable partition between the theatre reception/bar and the restaurant, which can be pulled back prior to and during performances to enhance the feeling of a destination space and to link the operation of the restaurant and theatre.

However, at this stage the applicants do not have a operator on board for either the restaurant or the theatre and therefore as the restaurant could feasibly be managed and run by a



separate operator to the theatre, it is considered necessary to build this part of the proposal into the legal agreement.

This would state that the moveable partition between the restaurant and the entrance to the theatre space on the ground floor would be retracted and kept open for a period of 90 minutes in advance of the start of all live theatre evening and matinee performances and for a further period of 45 minutes following curtain down.

The restaurant itself would occupy 617m². As this is over 500m² and within the designated West End Stress Area UDP Policy TACE 10 will apply. This policy states that enlarged restaurants such as this would only be acceptable in exceptional circumstances.

Given that the existing restaurant (which is to be lost as a result of the proposed redevelopment) is also over 500m² this policy can be applied with a degree of flexibility given that the increase in A3 floorspace only amounts to 81m².

In addition to the minor increase in size, the existing restaurant is not subject to any planning conditions or controls. Granting permission for a new restaurant would allow the City Council to impose conditions on capacity and opening hours which would give the City Council control over its operation and potentially reduce any adverse effects on residential amenity when compared with the existing. Furthermore, the proposed restaurants' link with the replacement theatre would enhance the viability of the theatre which itself makes an important contribution to Central London activity.

With suitable conditions in place the proposed restaurant is considered to comply with Policy TACE 10 and S24 and is considered acceptable.

Loss of Offices and Language School

There are no current planning policies to protect Class B1 office accommodation. The Language School is also seen as a commercial use and the loss of this alongside regular office floorspace is considered acceptable in land use terms.

Loss of Class D1 Social/Community floorspace

The buildings at No. 5 and No. 8 Great Newport Street housed the 'Photographer's Gallery', which is classed as a social and community use (Class D1). Under City Plan Policy 'S34 Social and Community Infrastructure' it is expected that all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs. In this instance the applicant has argued that as the 'Photographer's Gallery' has successfully relocated to a larger premises within Westminster at Ramilies Street, W1, the aspirations of this policy have been met. Furthermore, they also argue that only a small proportion of the floorspace occupied by the Photographer's Gallery was actual gallery space (198m² of 969m²), and the rest was offices, storage, a small cafe and ancillary retail space.

This latter argument is not persuasive, as gallery uses often have ancillary spaces for storage, offices, etc. However, the fact that the Photographers Gallery has relocated within Westminster is undeniable and whilst the Ramiles Street site does not form part of this application it is recognised that the Class D1 occupier has vacated this site.

Notwithstanding this however, the lawful use remains Class D1 and it must be demonstrated that no other alternative social/community user wishes to use the site. The applicants have not provided evidence to show if the site has been marketed for social/community use.

Instead, in an attempt to address the loss of social/community floorspace on the site, the

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applicants are proposing a curated sculpture gallery at first floor level within the proposed hotel. This would be publicly accessible and visible from within the hotel bar area. The applicants have suggested that they would afford a local art institute opportunities to display works.

Notwithstanding this, it is considered that the loss of the Class D1 social/community floorspace from this site is contrary to City Plan Policies S21 and S34 and UDP Policy SOC 1 (D), and the views of the Sub-Committee are sought on this matter in light of the other benefits of the scheme.

Proposed Hotel and Sculpture Gallery

Policy S23 in the City Plan states that new hotels will be directed to areas included the Core Central Activities Zone, in which this site is located, and should be directed towards streets which do not have a predominantly residential character.

Currently Great Newport Street has a strong commercial character, although planning permission has recently been granted for nine new residential units at 12 Great Newport Street and 15 new residential units at 10-11 Great Newport Street. These permissions are yet to be implemented.

UDP Policy TACE 2 states that planning permission for new hotels within the CAZ will be granted where there are no adverse environmental and traffic effects and there are adequate facilities for the setting down and picking up of visitors by coaches and for taxi's serving the hotel.

Although no designated areas for picking up and setting down visitors are proposed, the Highways Planning Manager is satisfied that the proposed hotel can be accommodated in this location without any significant adverse impacts on the local highways network. The hotel is a mid ranged size hotel with 66 bedrooms, which is unlikely to receive visitors on coaches, and the frequency of taxi drops off and pickups is unlikely to cause an adverse impact on the highway.

Furthermore, given the high PTAL rating (6b) of the site and its proximity with several bus routes along Charing Cross Road, London Underground stations at Leicester Square and Covent Garden and the mainline station at Charing Cross, a hotel of this size in this location is considered acceptable in land use terms. A further analysis of the impact of the hotel on local residential amenity is contained with the amenity and transportation sections later in this report.

6.1.4 Mixed use policies

The proposals result in an uplift of commercial floorspace of 2784m² on site. As the site falls within the CAZ UDP Policy CENT 3 applies. This states that where appropriate and practical, increases in commercial floorspace will require the equivalent provision of self-contained residential accommodation on site, and where this is not practical it should be provided offsite. Following this the cascade approach of this policy then states that other uses which contribute to the CAZ should be provided instead and failing that a financial contribution to the City Council's affordable housing fund should be sought.

The applicants have set out a case as to why residential on site would not be practical or suitable. They cite the following reasons –

- The retained facades place constraints on access to the buildings.
- The design constraints of the listed building, particularly in terms of providing additional cores.

- Given the location there would be a lack of good quality external amenity space.
- Several units would be single aspect due to the buildings orientation.

Whilst some of these points have some validity, it is perhaps more pertinent to note that the provision of an enhanced and viable theatre is fundamental to the success of these proposals, and the provision of several residential units in close proximity and/or directly above the new theatre may bring these uses into conflict, which in turn may impact upon the long term viability of the theatre. It is therefore accepted that it would not be practical to provide residential onsite.

The applicants have also stated that they do not have any buildings in the proximity of the site which could be used to provide 2,784m² of residential floorspace.

The provision of an enhanced theatre space could be considered to go some way to addressing the part of the policy which states that other uses which contribute to the CAZ should be provided. However, given that the replacement theatre is required by other City Plan/UDP policies this is not considered to fully meet the policy requirements and therefore a payment in-lieu to the affordable housing fund would be required.

This has been calculated at £4,006,361.

The applicants have provided a viability report which they say demonstrates that the extremely high costs of building the theatre and the development as a whole do not allow them to make a financial contribution.

The findings of the City Council appointed viability consultant are not yet available but will be reported verbally to Sub-Committee.

6.1.5 Conclusion

The proposed theatre, restaurant and hotel are, on their own merits, considered acceptable uses, however, Sub-Committee's views are sought as to whether the provision of an enhanced theatre space outweighs the items which are contrary to policy; namely the loss of D1 floorspace and the failure to provide any onsite residential floorspace (or a payment in-lieu) given the uplift in commercial floorspace.

6.2 Townscape and Design

6.2.1 Existing Buildings

No. 5 Great Newport Street is Grade II listed and was originally conceived as a late 17th century terraced house. It is comprised of three storeys, mansard roof and basement. It has been successively refronted during its history, most recently in the 1950s when the current black polished tile frontage with metal casement windows were added. The rear was altered and extended in the 1980s. Its interior whilst altered does retain features of historic interest, most notably the original staircase, historic chimneypieces, cornicing, panelling, architraves and the original plan form on the upper storeys.

No. 6-7 Great Newport Street is a five storey unlisted building constructed in 1895. The front elevation is red brick and can loosely said to be in a Queen Anne Revival style. The neighbouring building at 8-9 Great Newport Street is also five storeys. It was built in c.1900 and is also of red brick. Although its facade is relatively plain it does contain some stone banding and window lintels, and makes a positive contribution to the street and the surrounding conservation area.

The rear parts of these building have been subject to significant levels of alteration over their

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histories. Consequently they are of little architectural merit.

6.2.2 Demolition and Façade retention

The applications propose to demolish the unlisted building at Nos. 6, 7, 8 and 9 Great Newport Street behind their retained façades. In the light of the information provided by the applicants about the buildings and the lack of an adopted Conservation Area Audit for the Covent Garden Conservation Area it is considered that the key contribution of these buildings is their front façades. In applying Policy DES 9 of the UDP, and the guidance of the NPPF to the current proposal, the degree of demolition proposed (with the Great Newport Street facades retained) is considered acceptable.

6.2.3 Height and Bulk

The application proposes to increase the height of the rebuilt buildings by one storey to the front portion of the site when compared with the existing. Following negotiations with officers this extra storey has been pushed back to the point where it is only partially visible from street level. The flank wall has also now been redesigned to be constructed of brick rather than glass. These elements of the scheme are now considered acceptable in design terms.

The most contentious element of the proposals is the significant increase in height and bulk to the rear of the site. The existing rear additions at Nos. 5, 6, 7, 8 and 9 Great Newport Street are all of limited quality, have suffered a number of unsympathetic additions, and are poorly maintained. They also vary in height from four storeys to the rear of Nos. 8 and 9, to two and three storeys at the rear of Nos. 5, 6 and 7. Therefore the full potential of the site is not utilised by the buildings in their current form.

The proposed extensions will comprise a block rising to six storeys (ground plus five) across the majority of the site. However, the site's context includes a 15 to 16 storey office tower known as Orion House to the north and Meridian House to the east which is comprised of six storeys, the rear facade of which faces the application site but contains no windows. Views across the site are therefore very limited because of its surroundings and the rear of this city block is completely enclosed.

It is acknowledged that the extensions and increased bulk will be visible in private views from the upper floor windows and communal terraces at Sandringham Flats. However, given the context of the surroundings, and that the existing unlisted buildings' rear extensions do not positively contribute to the character and appearance of the conservation area, it is not considered that refusal could be sustained on the grounds that the proposal would have a detrimental impact on the character and appearance of the conservation area.

6.2.4 Detailed design, Shopfronts and Signage

The detailed design of the development is clearly modern with a largely glazed atrium and lift shaft set well back towards the middle of the site. The proposed roof extension is also modern with a largely glazed front facade.

Notwithstanding this, these elements are all mostly invisible from the street, and there are only limited private views onto the site. Given that the facades are being retained it is considered that along with standard conditions requiring details of the proposed shopfronts and other architectural details, the proposals are considered acceptable in design terms.

It is proposed to mark the entrance to the theatre with a canopy. Fascia and canopy signage and a high level painted sign are also proposed. Whilst the architectural details of the canopy will be secured through a condition, any high level signage or illuminated advertisements will require express advertisement consent. A suitable informative advising the applicants of this

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is recommended.

6.2.5 Listed building alterations

The work to remove the existing extension to the rear of the listed building at No. 5 Great Newport Street is acceptable. This is a modern addition to the building which was erected in the 1980s and is of no heritage value.

Concerns have been raised by both English Heritage and the Society for the Protection of Ancient Buildings with regard to the impact that the development will have on the setting of the rear of this listed building and the neighbouring listed building at No. 4 Great Newport Street.

The proposed alterations and extensions on land to the rear of the listed buildings (Nos. 4 and 5 Great Newport Street) will affect their setting, but noting that the context includes a tower block, the proximity of the new building is not so close to the listed buildings as to harm their setting. While it would be desirable not to have such a large development so close to the listed buildings and for its detailed design to be less stridently modern, in its current form the development is considered neutral in heritage asset terms with regard to its impact on the listed buildings.

The internal alterations to the building to facilitate its use as a hotel are not contentious and will maintain the special interest of the listed building.

Subject to conditions requiring specific detailed drawings and a method statement detailing the restoration proposed, the applications are acceptable in historic building terms.

6.2.6 Archaeology

It is noted that the sites falls within an Area of Special Archaeological Importance as defined by Westminster UDP known as 'Lundenwic and Thorney Island'.

The applicants have acknowledged this and have submitted an Archaeological Desktop Assessment of the site, particularly given that it is proposed to excavate three storeys below ground level.

The submitted report indicates that there is a high potential for Saxon and post-medieval remains to be found on this site. English Heritage Archaeology has been consulted and any feedback received will be reported verbally to Sub-Committee.

In any event, given the conclusions of the submitted desktop assessment it is considered prudent to impose conditions requiring method statements and a written scheme of investigation to be carried out in relation to the necessary archaeological work.

6.2.7 Design conclusions

In conclusion therefore, it is considered that the proposal is considered to have a neutral affect on the character and appearance of the unlisted buildings, the setting of the listed buildings and the surrounding conservation area and will maintain the special interest of the listed building. Therefore the proposals are considered acceptable in design terms and adhere to City Plan Policies S25 and S28 and UDP Policies DES 1, DES 5, DES 6, DES 9 and DES 10.

6.3 Amenity

6.3.1 Daylight and Sunlight and Sense of Enclosure

Policy ENV13 seeks to protect existing premises, particularly residential, from a material loss

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of daylight and sunlight as a result of new development.

Objectors are concerned about the potential loss of daylight and sunlight as a result of the proposed increase in height and bulk particularly to the rear of the site and the impact upon residents within Sandringham Flats.

These windows have views across the site, although they are not directly behind the application site and are instead to the side and some distance away from the nearest part of the development. The applicants have undertaken a daylight assessment in accordance with the Building Research Establishment (BRE) guidelines. The windows included in the assessment are those in Sandringham Flats and also across the road at 16-18 Great Newport Street which contains residential properties on the upper floors. The report concludes that there will be no additional material impact on daylight and sunlight received by the majority of residential windows. Where there are instances of changes to daylight in excess of the BRE guidelines, these occur where the existing light levels are so low already, that any reduction would show as being high in percentage terms but would not be noticeable to the occupant.

The increase in bulk arising from the extensions at the rear is fairly significant. However, given the significant distance to the windows within Sandringham Flats, it is not considered that there would be an unacceptable increase in the sense of enclosure to habitable rooms as a result of this proposal.

Despite the objections received on these grounds, for the above reasons it is not considered that they can be upheld as sustainable reasons for refusal.

Orion House, the large office block to the rear of the site would have its daylight levels compromised at lower levels and its external terrace at approximately third floor level would also be significantly overshadowed by the proposed increase in bulk. However, the occupants of commercial buildings are not afforded the same protection to their amenities as residential occupiers and a reason for refusal could not be sustained on these grounds.

6.3.2 Impact of hotel

Several objections have been received with regards to the proposed roof top pool and associated terrace on the hotel. Further to initial objections to this part of the scheme the pool has been relocated from the very top of the building so that it sits in front of the proposed set back roof extension. This would shield those residents in Sandringham Flats from any overlooking from this terrace and would also mitigate most of the noise associated with the use of the pool and terrace. Notwithstanding this there are residential properties opposite the site on Great Newport Street and permission has recently been granted for residential flats next door at Nos. 10-11.

Therefore it is considered necessary and reasonable to impose conditions relating to the use of the pool and external terrace, particularly in relation to its hours of use. The site is located within the West End Stress Area and given the proximity of residential properties, hours of 09.00 – 23.00 are considered acceptable.

The hotel itself is mid range in size with 66 bedrooms, and is unlikely to cause an adverse impact on residential amenity subject to conditions controlling the roof terrace, other bar areas and opening hours to non-hotel residents.

Subject to these conditions the proposed hotel use can be considered acceptable in amenity terms.

6.3.3 Impact of theatre

The proposed theatre replaces a theatre of a similar size. The only intensification of this use is the introduction of the rehearsal/studio space which if used for performances could attract up to 100 visitors. This is only a small increase and given that these performances could not take place at the same time as performances in the main auditorium this is not considered to cause an unacceptable intensification of the use.

Furthermore, any restrictions on this additional space could affect the long term viability of the theatre.

6.3.4 Impact of restaurant

As set out in the assessment of the proposed land uses earlier in the report, it is considered that the proposed restaurant is likely to bring about some improvements in amenity terms. This is because the existing restaurant is not subject to any planning control or conditions and the City Council as the local planning authority are now able to impose conditions on the new restaurant. These conditions will limit the number of covers to 100 and will set a terminal hour of midnight Monday-Thursday and 00.30 on Fridays, Saturday and Sundays. Furthermore, an Operational Management Plan will be conditioned to ensure that access and egress to the restaurant is managed to mitigate any disturbance to local residential amenity.

6.4 Transportation/Servicing/Parking

The Highways Planning Manager is satisfied that the proposal will not have a significant impact on on-street parking in the local area due to the high level of public transport accessibility and its location within a controlled parking zone.

However, concerns have been raised with regards to the servicing and objectors have raised some concerns that proposed uses and will result in increased pressure being placed on existing highways network and parking in the area. City Plan Policy S42 and UDP Policy TRANS 20 both require adequate off street servicing provision, but in this instance it is proposed to service the development from on street. This is likely to interrupt pedestrian flows and therefore the servicing will need to be carefully managed. This will need to include details on how the arrival of vehicles will be managed to ensure that Great Newport Street is not congested by numerous servicing vehicles arriving at similar times.

It is considered that this can be adequately dealt with a detailed and robust Servicing Management Plan and it is not considered that the servicing of the site from on street could be sustained as a reason for refusal.

No cycle parking is proposed across the site. However, given the unusual nature of the site and its layout it is clear that there are no obvious locations for accessible cycle storage at ground floor level.

The proposals also make reference to a new 'dropped kerb' to the front of the hotel. The purpose of this is unclear, but in any event it is unlikely that the Highway Authority would install a dropped kerb in this location given that it is not a crossing point.

6.5 Economic Considerations

The economic benefits of the scheme are welcomed; the application is subject to a viability assessment as outlined elsewhere in this report.

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6.6 Other UDP/Westminster Policy Considerations

None relevant.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 Planning Obligations

A financial Viability Assessment has been submitted which sets out the case as to why the costs of this proposal are so prohibitive that planning obligations in the form of financial contributions would render the scheme unviable. Previously the City Council has appointed independent viability consultants to assess this, and they have twice before concurred with the applicants consultants.

Given the length of time this application has been in planning, a further instruction has been given to independent consultants to assess the schemes current costs given current market conditions. This report is not available at the time of writing but will be reported to Sub-Committee.

If it were possible for the applicants to provide planning obligations they would be expected to provide the following given the uplift in commercial floorspace of 2,784m² -

- The equivalent in residential floorspace on site or offsite or a payment in-lieu to the City Council's affordable housing fund of £4,006,361
- Public realm contribution of £186,528
- Crossrail contribution of £261,782

The S106 legal agreement should secure arrangements with regards to the proposed replacement theatre, restaurant and gallery space within the hotel. These can be summarised as follows -

- Occupation of the hotel only on the completion of the theatre to shell and core.
- Occupation of the restaurant only on the completion of the fit out of the theatre to accommodate performance.
- The setting aside of £600,000 (index-linked) to fund the fit out of the theatre including the seating.
- The use of the theatre space for theatrical performances for a minimum of 320 days a year.
- Securing the link between the restaurant and the theatre at ground floor level.
- The securing of a sculpture gallery within the hotel which will be open to the public.
- Monitoring costs

6.9 Environmental Assessment Including Sustainability and Biodiversity Issues

The proposal will achieve a BREEAM rating of 'Outstanding' which would be achieved by the inclusion of Combined Heat and Power (CHP) into the redevelopment and some minor energy efficiency savings equating to 6%. Overall this would equate to carbon savings of in excess of 40% over Part L of the Building Regulations. Whilst no on site renewable technologies are proposed, given the large carbon savings generated through the CHP it is considered that the proposal is acceptable in sustainability terms.

Conditions ensuring that the proposed development meets BREEAM 'Outstanding' are recommended.

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6.10 Conclusion

It is considered that the proposal is considered acceptable in design, amenity, transportation and sustainability. However, the loss of D1 floorspace amounting to over 900m², and the lack of on site residential provision or a payment-in-lieu would ordinarily be considered unacceptable in land use policy terms.

The suitable replacement of a theatre on this site is of utmost importance in terms of providing arts/cultural facilities in Westminster in the context of adopted Policies TACE 5, TACE 6 and S22. This is supported by the Theatres Trust. Officers also consider that the proposed replacement theatre would offer an enhanced facility over the existing theatre. Therefore, the Sub-Committee's views are sought as to whether the provision of this new theatre and its ancillary parts outweigh those aspects of the scheme which are not policy compliant.

BACKGROUND PAPERS

CONSULTATION COMMENTS ON ORIGINAL SCHEME

1. Application forms
2. Letters from English Heritage (x3) dated 10.09.2012
3. Letter from The Theatres Trust dated 13.09.2012
4. Email from the Council of British Archaeology dated 10.07.2012
5. Letter from the Society for the Protection of Ancient Buildings dated 25.06.2012
6. Letter from the London Borough of Camden dated 28.06.2012
7. Letter from Covent Garden Community Association dated 19.06.2012
8. Letter from Covent Garden Area Trust dated 19.06.2012
9. Letter from London Underground dated 11.06.2012
10. Memorandum from Building Control dated 14.06.2012
11. Memorandum from Highways Planning Manager dated 29.08.2012
12. Memorandum from Environmental Health dated 29.06.2012
13. Memorandum from Cleansing Manager dated 11.06.2012
14. Letter from the occupier of 35 Sandringham Flats dated 25.07.2012
15. Letter from the occupier of 37 Sandringham Flats dated 24.07.2012
16. Letter from the occupier of 1 Sandringham Flats dated 25.07.2012
17. Letter from occupier of unknown local address dated 21.06.2012
18. Letter from the occupier of 20 Sandringham Flats dated 20.06.2012
19. Letter from the occupier of 25 Sandringham Flats dated 20.06.2012
20. Letter from the occupier of 10 Sandringham Flats dated 19.06.2012
21. Letter from person of unknown address dated 03.06.2012
22. Letter from the occupier of 4 Sandringham Flats dated 12.06.2012
23. Letter from the occupier of 9 Sandringham Flats dated 17.06.2012
24. Letter from the occupier of 54 Sandringham Flats dated 12.06.2012
25. Letter from the occupier of 5 Sandringham Flats dated 13.06.2012
26. Letter from the occupier of 57 Sandringham Flats dated 04.06.2012 and 06.06.2012
27. Letter from the occupier of 21 Sandringham Flats dated 02.06.2012
28. Letters from AKA Planning Consultants on behalf of the residents and owners of Sandringham Flats dated 20.07.2012 and 30.01.2013

CONSULTATION COMMENTS ON REVISED SCHEME

1. Letter from The Theatres Trust dated 04.03.2014
2. Letter from London Underground dated 04.02.2014
3. Letter from Covent Garden Community Association dated 11.04.2014

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4. Letter from Covent Garden Area Trust dated 04.04.2014
5. Letters from the occupiers of 59 Sandringham Flats dated 17.03.2014 and 15.04.2014
6. Letter from the occupier of 53 Sandringham Flats dated 26.03.2014
7. Letter from the occupier of 88 Sandringham Flats dated 29.03.2014
8. Letter from the occupier of 57 Sandringham Flats dated 31.03.2014
9. Letter from the occupier of 104 Sandringham Flats dated 05.04.2014
10. Letter from the occupier of 51 Sandringham Flats dated 05.04.2014
11. Letter from the occupier of 76 Sandringham Flats dated 06.04.2014
12. Letter from occupier of 36 Trumps Green, Virginia Water dated 11.04.2014
13. Letter from producer at 'SJC Productions Ltd' dated 11.04.2014
14. Letter from stage manager at 'White Shutters', Exlade Street, Checkendon dated 11.04.2014
15. Letter from occupier of 43 Bolton Gardens, Teddington dated 11.04.2014
16. Letter from occupier of 2701 Citylink Apartments, Manchester dated 11.04.2014
17. Letter from York Theatre Royal, St Leonard's Place York dated 11.04.2014
18. Letter from the occupier of 63-73 Riding House Street dated 11.04.2014
19. Letter from the occupier of 48 Sandringham Flats dated 17.04.2014
20. Letters from the occupiers of 40 Sandringham Flats (x4) all dated 20.04.2014
21. Letter from the occupier of 80 Leighton Road, Kentish Town dated 11.04.2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOHN OSBORN ON 020 7641 4208 OR BY E-MAIL – josborn@westminster.gov.uk

Agenda Item 6

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And Shelton Street, London, WC2		
Proposal	Demolition and redevelopment of site in buildings ranging from five storeys to seven storeys (excluding roof top plant enclosures), including facade retention of 30-35 Drury Lane, 2 Dryden Street, 4-10 Dryden Street and 12 Dryden Street, in buildings to provide retail and restaurant/cafe uses at ground and basement level (Class A1/A3), 68 residential units (Class C3), cycle parking, basement car parking, associated landscaping works.		
Agent	Miss Rachel Crick		
On behalf of	Helical Bar Plc		
Registered Number	15/07560/FULL	Date amended/ completed	6 August 2015
Date Application Received	6 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. a payment of £3,490,000 towards the City Council's affordable housing fund; ii. the applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £50,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers; iii. unallocated parking; iv. free lifetime (25 years) car club membership for residents of the development; v. costs of monitoring the S106 agreement; vi. all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving; vii. Employment and Training Strategy for the construction phase and the operational phase of the development. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p>
--

a) The Director of Planning shall consider whether it will be possible or 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 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 a rectangular, north-east / south-west orientated city block set between Drury Lane, Dryden Street, Arne Street and the pedestrian section of Shelton Street. The boundary of the Covent Garden Conservation Area passes roughly through the middle of the site, the southern half of which is within the Conservation Area. The northern half of the site is outside of the Conservation Area, but forms the immediate setting to it. The properties are in use as retail at ground floor level fronting Drury Lane and Dryden Street and offices elsewhere.

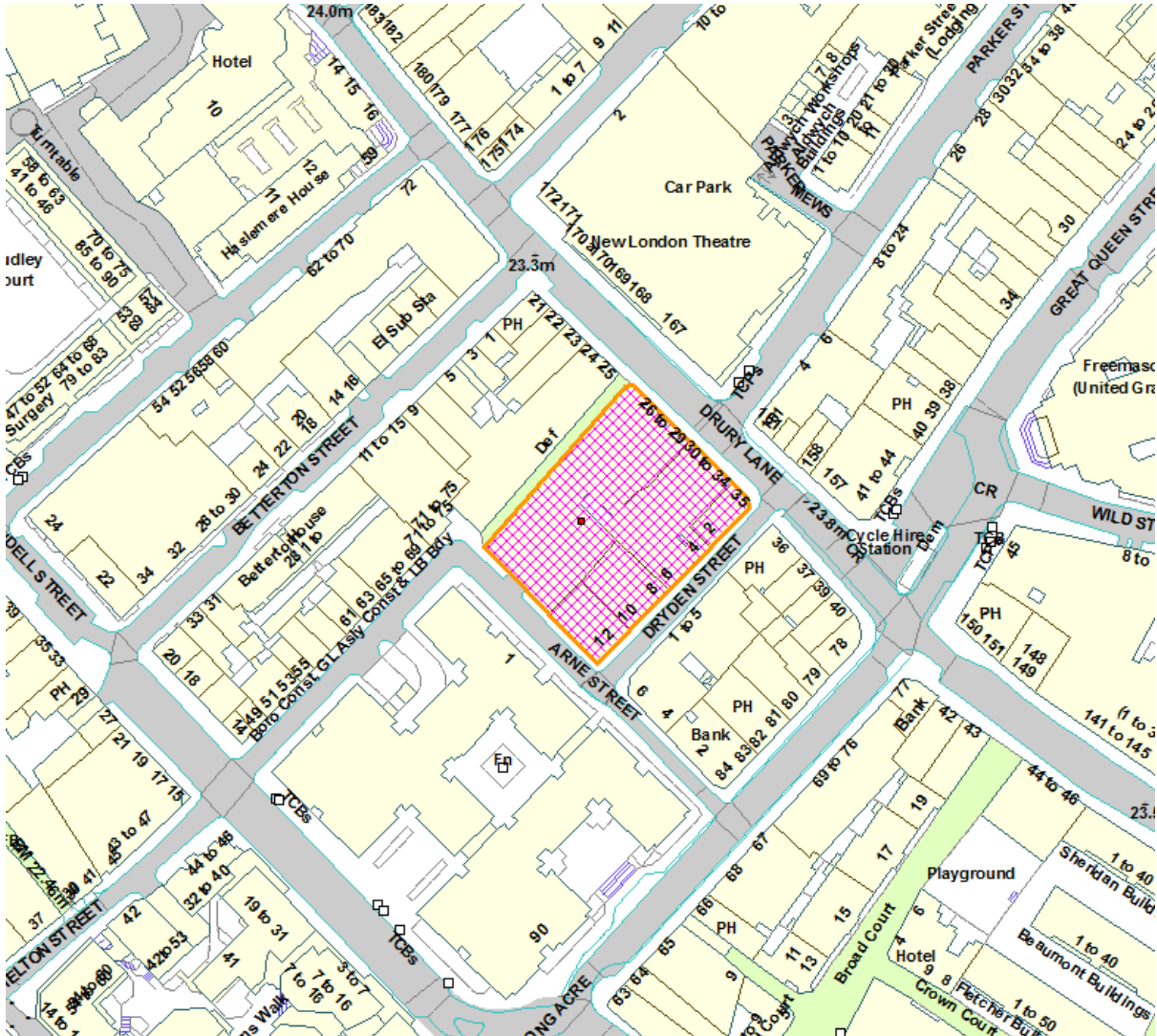
Planning permission is sought for the demolition and redevelopment of site in buildings ranging from 5 storeys to 7 storeys (excluding roof top plant enclosures), including facade retention of 30-35 Drury Lane, 2 Dryden Street, 4-10 Dryden Street and 12 Dryden Street, in buildings to provide retail and restaurant/cafe uses at ground and basement level (Class A1/A3), 68 residential units (Class C3), cycle parking and basement car parking. The proposals were revised during the course of the application and further consultation was carried out.

The key issues are:

- The acceptability of the proposals in land use terms including the affordable housing offer;
- The impact of the proposals on the character and appearance of the Covent Garden Conservation Area and the surrounding area;
- The impact of the proposals on the surrounding highway network;
- The impact of the proposals on the amenity of neighbouring residents.

Whilst the proposed development does not provide the full amount of affordable housing for viability reasons, the applicant's viability report has been reviewed by an independent expert appointed by the Council whose conclusions have been accepted by the applicant. The proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and would comply with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



26-29 Drury Lane (above) & 2-12 Dryden Street (below)





26-29 Drury Lane (above) & 12 Dryden Street (below)



5. CONSULTATIONS

Ward Councillors for St James's

No response received.

London Borough of Camden

No response received.

Historic England

There are no clear heritage benefits to the demolition and replacement of 12 Dryden Street which outweigh the harm and the proposals do not meet the tests as set out in NPPF.

26-29 Drury Lane which is to be demolished, although outside of the Covent Garden Conservation Area, is considered to make a modest contribution to the streetscape of Drury Lane and the setting of the adjacent conservation area. The proposed replacement building at 26-29 Drury Lane is of a bold contemporary design and it is queried how the white stone will weather in time. Further revisions to this building should be sought to enable a more harmonious relationship with the neighbouring buildings, potentially incorporating brick reveals, as proposed to 10 Dryden Street

Whilst the roof extensions proposed to 30-35 Drury Lane and 2 Dryden Street are more subtle in terms of their detailing, the roof extension at 4-10 Dryden Street raises concerns in terms of its treatment and scale to the new floor below it.

The Greater London Archaeological Advisory Service (GLAAS)

No objection subject to conditions.

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

Joint objection received on the following grounds:

Design

- In principle, the demolitions are unacceptable and the proposed additional storeys undermine the traditional proportions and hierarchy which characterise the historic elevations which are typical of this part of the Covent Garden Conservation Area. The proposed new building undermines the retained historic elevations. The proposed height and massing undermines the scale of the historic Mercer's Estates and the traditional brick build.
- Insufficient evidence has been submitted to justify the demolition of 12 Dryden Street, 26-29 Drury Lane and the partial demolition of 30-35 Drury Lane and 2-10 Dryden Street.
- The proposed development would result in the loss of 12 Dryden Street which makes a positive contribution to the character and appearance of the Covent Garden Conservation Area without offering substantial public benefit which outweighs the harm caused to the conservation area, designated as a heritage asset.
- The excessive scale and external design of the proposed 12 Dryden Street building and the 26-29 Drury Lane would substantially harm the character, appearance and significant of the Covent Garden Conservation Area.

- The proposed addition of an attic storey and mansard storey at 30-35 Drury Lane and 2-10 Dryden Street with their excessive scale and design would harm the architectural and historic interest and significance of the surviving, original street-elevations, the character and appearance of the Covent Garden Conservation Area and the setting of the listed building at 36-40 Drury Lane.
- The response goes onto further emphasize the need for the proposals to be assessed against the NPPF, the City Council's relevant design and conservation policies and make comment in support of other representations received from Historic England and Paul Velluet, on behalf of The Mercers's Company.
- The amenity societies were not made aware of the public exhibition and therefore did not attend. However, it has come to light that the exhibition did not provide proposed elevations and therefore the responses received to the exhibition may not be a true and accurate representation of peoples opinions.
- Views - With the out of character bulk, scale and design, the proposed development harms the view of Drury Lane, one of the most historic streets in London

Land Use

- Whilst it is acknowledged that housing is a priority, Westminster Council policy (UDP 10.14 states that 'to ensure that where development is appropriate it is conceived as an integral part of its context'). The proposals fail to meet this policy;
- No affordable housing proposed, and a diverse community of residents maintain Covent Garden vibrancy;
- Loss of office accommodation, which are home to many small and local businesses;
- The proposals should be assessed in accordance with the Cabinet Statement which applies weight to certain parts of the emerging mixed use policy as of 1st September 2015, despite the application being submitted prior to 1st September 2015, which seeks to protect the conversion of office accommodation to residential accommodation.

Servicing

- Servicing of the development will be difficult given the narrowness of Arne Street, Shelton Street and Dryden Street and this will be exacerbated by the recently approved mixed use development at 90 Long Acre;
- Servicing and deliveries would result in increased noise and disturbance to existing residents.

Highways Planning - Development Planning

Objection on the grounds that the proposal does not provide enough off-street car parking; that some of the parking provided is shown to be on an 'allocated' basis; electric charging points are not shown on the plans; there is not enough cycle parking provided for all the flats even with the reliance on folding bikes; and that there is a shortfall in the provision of cycle parking for the retail uses. Concerns also raised with regards to the servicing of the site.

Major Redevelopments & Infrastructure

No objections subject to a contribution towards the Environmental Inspectorate.

Environmental Health

No objections subject to conditions. Concern raised with regards to the internal layout of some of the units, where the bedroom accommodation do not have independent access other than from living rooms/ kitchens.

Arboricultural Officer

No objection, comment raised that planting could be provided in the inner courtyard.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 106

Total No. of replies: 7

No. of objections: 7

No. in support: 0

Seven objections received on behalf of local residents, business operators and from/and on behalf of The Mercers' Company, as freeholders of the site on the following grounds:

Land Use

- The existing office accommodation provides a range of offices and makes a significant contribution to the economy and contributes to the mix of uses and vitality of the area;
- The loss of office accommodation is unacceptable in policy terms and should be assessed against the current Cabinet Statement which applies weight to certain parts of the emerging mixed use policy as of 1st September 2015, despite the application being submitted prior to 1st September 2015.
- A residential led scheme does not meet the need of the Covent Garden Area and results in the loss of much needed office accommodation;
- The lack of any affordable housing on site is unacceptable and results in a single tenure development which fails to contribute to the character of the area;
- The proposed retail units should be useful shops such as newsagents etc;
- Chain stores in the area are outpricing smaller, independent shops;

Design

- The loss of some of the buildings on the site will have a negative impact upon the heritage of the area and historic neighbourhoods;
- The proposals undermine the character of Covent Garden when compared to St Martin's Courtyard, The Donmar Building and Mercer's Yard which have been sympathetic developments.

On behalf of The Mercer's, Company, a review of the documentation submitted with the application/ and of the proposals, complete with accompanying photographs have been submitted, prepared by Paul Velluet. In summary the report concludes:

- The proposals do not reflect the other successful schemes where The Mercer's Company has been freeholder such as St Martin's Courtyard, The Donmar Building and Mercer's Yard which have been sympathetic developments and included elements of affordable housing.

- The application/ supporting documentation seriously underestimates the particular architectural and historic interest and significance of the buildings on the application site and the contribution made by those on the south-eastern half of the site upon the character and appearance of the Covent Garden Conservation Area and those on the north-western part of the site upon the setting of the Seven Dials Conservation Area, within The London Borough of Camden;
- The application/ supporting documentation fails to provide evidence to justify the complete demolition of 12 Dryden Street and 26-29 Drury Lane and the substantial demolition of 2-10 Dryden Street and 30-35 Drury Lane behind the retained facades against the relevant legislation and policy;
- The proposals would result in the loss of 12 Dryden Street which is considered to make a positive contribution to the character, appearance and significance of the Covent Garden Conservation Area without offering substantial public benefits that outweigh the substantial harm affected to the conservation area as a heritage asset.
- The excessive scale and external design of the proposed new building on the site of 12 Dryden Street would substantially harm the character, appearance and significance of the Covent Garden Conservation Area. In relation to 26-29 Drury Lane, by virtue of the excessive height and scale and insensitive design, the proposals would substantially harm the character, appearance and significance of the Covent Garden Conservation Area and the setting of the Seven Dials Conservation Area;
- The proposed addition of both an attic storey and a further mansard storey above the retained façade of 30-35 Drury Lane and 2-10 Dryden Street and their excessive scale and design, would substantially harm the particular architectural and historic interest and significance of the surviving, original street elevations, their contribution to the character, appearance and significance of the Covent Garden Area and the setting of the listed building at 36-40 Drury Lane.

Amenity

- Objection to the increased in height of any of the buildings;
- The proposals will have an impact upon surrounding properties, notably 1-5 Dryden Street in terms of daylight and sunlight
- The proposed increase in height would result in overbearing building to the surrounding streets.

Car parking

- The under provision of car parking will add to on-street car parking demands;
- The provision of car parking is unnecessary in this location.

Other:

- Construction traffic and impact upon neighbouring properties;
- Lack of public consultation;
- An occupier of 8-10 Dryden Street had no knowledge of the proposals and weren't made aware of the proposals by the developer.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

CONSULTATION FURTHER TO THE RECEIPT OF AMENDED PLANS:

Historic England

In general, Historic England welcomes the proposed revisions which, whilst still not ameliorating the impact of the proposed development upon the special character and appearance of the area, have sought to actively address concerns raised and as a result reduce the extension of harm.

The retention of the 12 Dryden Street building is welcomed, concern is still raised with regards to the additional scale and massing of the additional storeys proposed to this building and that the fourth and fifth storey extensions to Dryden Street be reduced to a single storey only and set back.

The revised shop fronts and the colour proposed to the new building at 26-29 Dryden Street is welcomed. It is recommended, as per previous comments, that cladding alongside the brick window reveals be adopted on the 26-29 Drury Lane building.

The changes to the upper floor windows of 30-35 Drury Lane and 2 Dryden Street are an improvement. However the visual impact of these extensions appear unresolved and it should be explored if they could be set back and reduced in height, with hipped roof to the corner treatment of the mansard.

The proposals should therefore be assessed against Para 132 of the NPPF which requires that any harm to a designated heritage asset required a clear and convincing justification.

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

Continued objection to the proposals received, as stated within the original objection letter of 2015. The revisions are minor and fall short of addressing the previous objection.

Land use:

- The application is anti-growth result in the loss of employment;
- The substantial demolition of the buildings only leads to a small amount of up-lift in floorspace;
- The existing businesses are viable;
- The size of the new units will favour larger retailers;

Design:

- The revised proposals remain highly unsympathetic to the character, including the architectural design and scale of the area;
- The proposals do not relate satisfactorily to the surrounding area;
- the proposals fail to improve or maintain (enhance or preserve) the conservation area;
- The proposals fail to protect the heritage of the area and cause harm by altering the scale, increasing the massing, demolishing buildings that contribute to the character of the conservation area and adversely affecting user diversity;
- The applicant fails to put forward acceptable reasons for demolishing the historic building and retaining only the facade of 2-10 and 12 Dryden Street and 30-35 Drury Lane;

- The proposed demolition of interior of 12 Dryden Street is unacceptable; the robust cast iron columns are highly visible from the street
- There appears to be no public benefit of the demolition proposals;
- 26-29 Drury Lane should be retained as it compliments the conservation area
- The replacement building at 26-29 Drury Lane is a great loss and the suggestion that the the detailing is taken from the New London Theatre is an unfortunate remark given the poor state of that façade;
- The detailed 'curtain' design of the replacement building at 26-29 Drury Lane is likely to go unnoticed as a link/ nod to 'theatreland';
- The massing of this scheme should not be taken into context with the approved redevelopment of 90 Long Acre;

Servicing:

- Poor servicing arrangements

Highways Planning Manager

No objection to the provision of 31 car parking spaces for the 68 flats, provided this is on an 'unallocated' basis and that lifetime car club membership for all the flats is secured. Some concern is raised with regards to access to the car lifts for the basement parking on Arne Street. No objection to overarching principles of the Servicing Management Plan. Concerns raised to the storage of waste for the retail units. The plans do not show the adequate amount of space for the proposed cycle parking despite the annotated stating that 120 spaces can be provided. Doors are proposed onto highway which is unacceptable.

Environmental Health

Maintains objections to internal layouts.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 106

Total No. of replies: 7

No. of objections: 7

No. in support: 0

Seven further objections received on behalf of local residents, business operators and from/and on behalf of The Mercers' Company, as freeholders of the site, maintaining their previous objections however raising new objections on the following grounds:

Land use

- The existing building offers a great working environment for the existing offices;
- The amendments do not address the loss of existing offices;
- Loss of office accommodation should be assessed against current 'office-to residential' Council policy as set out in the Cabinet Members statement;
- Legal opinion provided on behalf of The Mercer's Company with regards to the assessment of the application in terms of the Council's stance on office to residential proposals;
- The proposed retail units will do nothing to serve the residents of Covent Garden;

- The amendments do not address the issue of the size of the retail units which are large and not characteristic of Covent Garden;
- Objection on the grounds of intensification of A3 units;
- Commercial land values are closer to residential land values at the moment which the applicant should take into consideration;
- The amendments do not address the absence of affordable housing, which fails to contribute to a sustainable and balanced community;
- Unaffordable residential flats will contribute nothing to those who work in Covent Garden.

Design

- The interiors to the buildings are special and add to the heritage assets of Covent Garden;
- Demolition of heritage assets is unacceptable, one objection refers specifically to the demolition behind the retained façade of 12 Dryden Street
- The extension to 12 Dryden Street is harmful to the heritage asset;
- The revised design for the replacement building at 26-29 Drury Lane does not address the concerns regarding the demolition of this attractive building and in terms of the replacement building is excessive in height and scale and has an insensitive design which is harmful to visual amenity and the surrounding conservation area..
- The redevelopment of the site is completely out of character with the existing buildings, the Covent Garden conservation area and surrounding local area;

On behalf of The Mercer's Company, a review of the revised documentation submitted with the application/ and of the revised proposals, complete with accompanying photographs have been submitted, prepared by Paul Velluet. In summary the report concludes:

- The revised application/documentation seriously underestimates the particular architectural and historic interest and significance of the buildings on the application site and the contribution made by those on the south-eastern half of the site upon the character and appearance of the Covent Garden Conservation Area and those on the north-western part of the site upon the setting of the Seven Dials Conservation Area, within The London Borough of Camden;
- The revised application/documentation fails to provide evidence to justify the complete demolition behind the retained facades of 2-10 Dryden Street, No. 12 Dryden Street and 30-35 Drury Lane against the relevant legislation and policy;
- The revised application/documentation relating to 2-10 Dryden Street and 30-35 Drury Lane by virtue of the extent of the proposed works of demolition and the scale and design of the proposed works, would substantially harm the architectural and historic integrity of the properties which, as designated heritage assets, make a positive contribution to the Covent Garden Conservation Area and would therefore harm the character, appearance and significance of the Covent Garden Conservation Area and the setting of the Seven Dials Conservation Area and the listed buildings of 36-40 Drury Lane;
- The revised application/documentation relating to the proposals at 26-29 Drury Lane and on Arne Street, by virtue of the excessive height and scale and insensitive design would substantially harm the character, appearance and

significance of the Covent Garden Conservation Area and the setting of the Seven Dials Conservation Area and the listed buildings of 36-40 Drury Lane;

- The proposed demolition and redevelopment of the front and rear of 26-29 Drury Lane, although substantially altered, would result in the loss of a property of character and interest that offers generous scope for effective conversion and refurbishment;
- The proposals would result in the loss of sound business accommodation capable of continuing beneficial use, of a scale and character appropriate to Covent Garden.

Highways

- Impact of servicing upon the area, when taken with the redevelopment proposals of 90 Long Acre;
- Although the provision of unallocated parking is welcomed, this will not overcome the under provision of carparking;
- Car parking not needed given the proximity of the NCP car park to the development

Other

- Impact of construction traffic; especially upon the rehearsal space of Donmar Studios
- Criticism has been made that the revisions to the scheme should have been considered as a fresh application, rather than as amendments during the course of the application;
- The freeholder of the site was not notified of the proposed amendments;
- Loss of employment from existing offices;
- Lack of detailed responses from the representatives at the public exhibition.

An objection has been received from The Mercers' Company on the grounds firstly they were notified on the original proposals as the freeholders of the property and that they were not made aware of the revisions to the scheme. The consultation undertaken by the City Council is to write the 'owner/occupier' of properties, as the City Council do not know the names of every the freeholder and that freeholders/landlords should be told of the consultation letters. The applicant completed the correct certificates on the application form also. In terms of the re-consultation, records show that all original neighbours and those that responded to the application were notified of the amendments, and the agents for The Mercers' Company have confirmed that they are in receipt of the Council's letter.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located in the City of Westminster, within the St James Ward. The site is located within the Covent Garden area within the West End. The site is bound by Drury Lane to the east, Dryden Street to the south, Arne Street to the west and Shelton Street to the north (which at this location is a pedestrian alleyway connecting Drury Lane to Arne Street. The London Borough of Camden bounds the site to the north and east.

The site comprises 0.19 hectares, and forms three existing buildings which are in a mix of office and retail uses. A summary of the existing buildings is provided below:

30-35 Drury Lane and 2-6 Dryden Street

This building was built in the middle of the nineteenth century by the Mercers Company. At present, the building provides four retail units at ground floor along the Drury Lane frontage, all of which fall within the A1 use class. These existing retail units total 561 sqm GIA. On the Dryden Street frontage and upper floors across the site approximately 1,842 sqm GIA of floorspace is provided as Class B1 office space. Recent planning applications relating to this building relate to various shopfront and signage applications.

26-29 Drury Lane

This building was originally built in c.1915, and following extensive bomb damage in World War Two was subject to substantial repair and extensions. The building is currently occupied and equates to approximately 4,690 sqm GIA. The building is currently in Class B1 use. The main function of the building relates to back of house office and administration, and as part of a wider estate rationalisation strategy it is understood that the facilities provided at Drury Lane are intended to relocate to the Kings College London Aldwych campus.

8-12 Dryden Street

This building dates back to the middle of the nineteenth century, and has subsequently been substantially altered externally and internally for light industrial and then for office use. The building is currently occupied by a mix of multi-let employment spaces which provide a total of 1,901 sqm GIA.

Further discussion of the existing site/buildings are given in the design section of this report – part 8.2.

Current access to the retail units is provided via Drury Lane, with the office entrances being located on Drury Lane and Arne Street. An existing servicing entrance is located on Arne Street. The Shelton Street passageway provides a relatively inactive street frontage and is route between Drury Lane and Arne Street.

The site is within the Core Central Activities Zone; within the Special West End Retail Policy Area; within the designated West End Stress Area; partly within the designated Covent Garden Conservation Area (only the southern part of the site is within the Conservation Area, i.e. No's. 30-35 Drury Lane and the Dryden Street properties, No's. 26-29 Drury Lane is excluded); and within the Special Cultural Area.

The Seven Dials Conservation Area wraps around the north and west of the site and is located within the London Borough of Camden.

There are no statutorily listed buildings within the curtilage of the site. The closest listed building to the site is 36-40 Drury Lane, which is located to the south of the application site.

6.2 Recent Relevant History

Planning permission has been granted for minor works including plant, satellite dishes, replacement windows and advertisements.

7. THE PROPOSAL

The application proposes the complete redevelopment of the site, to provide retail (Class A1/A3) and residential lobbies / ancillary uses to the ground floors, and 68 flats to the upper floors.

The proposals are a combination of façade retention and complete redevelopment and are based around three cores, but externally presenting five new buildings arranged around a private central gated courtyard. All facades within the conservation area are proposed to be retained with new buildings constructed behind. These would include altering / extending the retained facades upwards. For a more complete description of the works please refer to the design section of this report.

It should be noted that revisions to the proposals have been made during the course of the application. These changes were primarily design-led amendments and included the retention of 12 Dryden Street facade with a new extension above and designs changes to facades including changes to windows to the link extension between 30-35 Drury Lane and 2 Dryden Street; the third floor of 4-10 Dryden Street with a set back mansard roof; the fourth floor level of 26-29 Drury Lane with a set back mansard roof; shopfront alterations and changes to materials. The application was re-advertised to all surrounding neighbours and consultees. Objections have been received on the grounds that these amendments were so significant that they shouldn't have been accepted and that a fresh application should have been made. Given that the amendments were considered to be of a lesser impact/ harmful in the context of the original and overall proposals, it was not considered necessary to request a fresh application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The buildings are currently in office use (Class B1) and retail accommodation at ground floor level. The existing and proposed land uses can be summarised as follows:

Use	Existing (m2)	Proposed (m2)	Change (+ or -m2)
Office (Class B1)	8,618	0	-8,618
Residential	0	9,413	+9,413
Retail (A1 and A3)	878	1,770	+892
Total (m2)	9,496	11,184	+1,687

(Applicant's calculations)

Loss of office use

Objections have been received on the grounds that the loss of office accommodation, in particular the unique existing office accommodation, which adds to the character of Covent Garden is unacceptable and harms the vitality and viability of the area. Comment is also made that the application must be assessed in accordance with the Cabinet Statement which states that weight is to be attributed to parts of the Council's emerging office to residential/ mixed use policy.

The proposal will result in a substantial reduction in office floorspace. The application was submitted prior to the application of the office protection approach which came into effect on 1st September. The Cabinet Statements of 18 March 2015 and 22 July 2015 are clear and states that this approach will take effect from all applications submitted after on or after 1st September 2015. The reduction in office floorspace is therefore considered acceptable in land use terms, in line with the National Planning Policy Framework (NPPF) and Policy S47 of the City Plan which seeks to secure development that improves the economic, social and environmental conditions in the City.

Residential use

Policy S14 of Westminster's City Plan: Strategic Policies and H3 of the UDP seek to maximise the amount of land or buildings in residential use. Policy H3 states that inside the CAZ, proposals to convert buildings in office use into permanent housing will be generally acceptable. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized.

The introduction of residential use on the site is acceptable in principle. The applicant proposes 68 residential units of which only 13 are family sized (19%) which falls short of the Council's policy of 33%. Whilst the site is in a busy location in the heart of Covent Garden, the lack of family sized accommodation is considered regrettable.

Forty one of the units are to be dual aspect. All the units proposed exceed the minimum size standards set out in the national space standards.

All habitable rooms within the proposed scheme have been assessed for Average Daylight Factor (ADF). All bar one habitable room on the first floor of the proposed development will meet or exceeding the ADF levels suggested in the BRE guidelines. Given the central London location the standards of internal daylight achieved is considered acceptable.

Policy H8 of the UDP relates to the provision of homes for long term needs. The City Council will expect all new housing units to meet the Lifetime Homes Standard. The applicant has confirmed that all of the units will meet the Lifetime Homes Standards and that 10% will be designed to be easily adaptable to meet the needs of a wheelchair user.

Policy H10 of the UDP relates to gardens and community facilities in relation to housing developments. Policy H10 (A) states that as part of housing developments the City Council will normally expect the provision of amenity space. Nineteen flats will benefit from private amenity spaces in the form of balconies or terraces. The proposed flats at fourth, fifth and sixth floors have larger terraces. At ground floor level there is an internal

courtyard. Whilst this is the entrance to the proposed flats it is also proposed to be amenity space for the remaining flats with a landscaped area.

Policy SOC 6 of the UDP requires children's play space and facilities to be provided as part of new housing developments which include 25 or more family sized units. The applicant has not proposed any outdoor play/amenity area for the proposed 13 family sized units. Whilst regrettable, it is not considered reasonable to request this within the ground floor internal courtyard.

Policy H10 (B) of the UDP requires the provision of a community facility as part of a housing development of 50 or more units. No community facilities are being proposed as part of the development. It is considered that the development does offer some benefit to the wider community from the improved street environment and the provision of residential accommodation in Covent Garden.

In the absence of site specific projects, under the new Community Infrastructure Levy Regulations (2010 as amended) the Council cannot currently collect money for educational, social and community facilities (please refer to Section 6.10 'Planning Obligations' below).

Affordable Housing

Objections to the application have been made on the grounds that the development does not provide for any affordable housing (as detailed in the originally submitted application) and that affordable housing ultimately results in different tenures of accommodation which add to the vibrancy of the area and that without a range of housing supply, there is a missed opportunity.

The new residential floorspace triggers a requirement for the provision of affordable housing under Policy H4 of the UDP and Policy S16 of Westminster's City Plan. Policy S16 of the City Plan requires that, in developments proposing housing of either 10 or more additional units or more than 1,000m² of additional residential floorspace, affordable housing should be provided.

Policy S16 requires affordable housing to be provided on-site but where this is not practicable or viable, cascade options allow for it to be provided off-site in the vicinity or possibly beyond the vicinity. The supporting text to this policy notes that financial contributions in lieu of affordable housing provision is an option the Council will only accept if the cascade options have been thoroughly explored and proved impracticable or unfeasible.

The applicant argues that providing affordable housing on site will make their development unviable. The Council's independent consultants, LSH accept this position and confirm that this cannot be accommodated within the current scheme due to an insufficient identified surplus and lack of Registered Provider demand for the equivalent number of on-site affordable units the scheme could viably provide (which is estimated at 1-2 units). The applicant also confirmed that they do not own another available site within the vicinity or within Westminster and is therefore unable to pursue an off-site solution. The applicant originally put forward a case that developing this site would not be viable if they were liable for any affordable housing payment. LSH assessed the applicant's viability case and disagreed with this approach and confirmed that the development would

still be viable with a contribution. Further to lengthy discussions regarding site and build costs a number of assumptions made by the applicant have been accepted. On this basis, LSH consider that the scheme can viably afford to make an affordable housing contribution of £3.49million. This is considered to be the maximum reasonable amount of affordable housing contribution that the development can support and is considered acceptable given the circumstances of the case. The applicant has agreed to make this financial contribution which can be secured through a S106 legal agreement. To note, a policy compliant financial contribution would be £11.2million.

Retail

The proposal provides 1,770m² of retail floorspace at basement and ground floor level, an increase of 892m². The proposals provide for the retail floorspace at 30-35 Drury Lane and 8 Dryden Street to be Class A1, whilst the floorspace at 26-29 Drury Lane and at 10-12 Dryden Street is proposed for a mix of retail (Class A1) or restaurant (Class A3) use. This is almost an equal divide of floorspace and is considered acceptable. The restaurant uses will not exceed 500m².

The site falls within the West End Special Retail Policy Area. Policy S7 of the City Plan relates to the West End Special Retail Policy Area and seeks to prioritise improved retail space; appropriate retail growth; improved pedestrian environment; and development of oasis areas of rest, including seating areas and A3 café and restaurant uses where appropriate.

Policy SS4 of the UDP relates to new retail floorspace in the CAZ and states that development schemes in areas that would benefit from more shops or services must include an appropriate number of shop type premises at street level. Policy SS5 relates to non-A1 town centre uses at basement, ground and first floor level within the CAZ and states that they will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

Policies TACE 8 and TACE 9 relate to restaurant/cafe uses within the CAZ and West End Stress Area with a gross floorspace of up to 150m² and between 150m² and 500m² respectively. These policies aim to ensure that restaurant and bar uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area.

Whilst there are existing retail units on the site, these are smaller units such as a clothes shop, sandwich bar and a newsagent. There is existing retail floorspace on part of the Drury Lane and Dryden Street frontages however none within the majority of the Dryden Street frontage or within the Arne Street and Shelton Street frontages. The substantial increase in retail floorspace and the introduction of active street frontages with shopfronts to all street elevations will enhance the character and vitality of the area.

Objections have been received on the grounds that the retail units are excessive in size and not characteristic to Covent Garden. Whilst this is acknowledged, given the increase in retail floorspace and that the plans indicate that the large A1 retail unit could be divided into smaller unit should a future occupier wish, with minimal disruption and adequate waste stores provided as a result of this application, the proposals are considered

acceptable. It is recommended that a condition to ensure that the A1 retail is not used as a food retail unit is attached.

There are residential premises immediately surrounding the application site and should permission be granted conditions are recommended to limit the hours of opening of any A3 uses to between 08.00 and midnight to protect the amenity of both existing and future residents.

As part of an application for a restaurant use the City Council requires the applicant to submit details of ventilation and ducting equipment required, in order to ensure that the proposal would not result in a smell/cooking odour or noise and vibration nuisance. The applicant has made provision for full height kitchen extract ducts from the retail units, and it is recommended that full details of plant serving the retail/restaurant uses be secured by condition.

In terms of servicing, whilst it would be desirable for the retail units to be serviced off-street, the applicant argues that this can not be done without comprising the proposed carparking facilities at basement level and that given the floorspace of the retail accommodation proposed when compared to the existing, which is currently serviced on-street, the impact will be minimal. The applicant contends that the proposed servicing trips would increase approximately by 4 in comparison to the existing situation (given the existing number of retail units, compared with the three proposed). Whilst this may be the case, the proposals would be dependent on the future occupier. The Servicing Management Plan submitted with the application is considered to contain a number of sound overarching principles on minimising the impact of servicing on the highway, however it is considered that a more detailed plan be secured by condition.

Accordingly, the proposals are acceptable in land use terms.

8.2 Townscape and Design

The Site / Assessment of Significance

The application site is a complete city block, bounded by Drury Lane to the east, Dryden Street to the south, Arne Street to the west, and the alley section of Shelton Street to the north. The city boundary with Camden follows the northern and eastern boundaries of the site.

The southern half of the site is within the Covent Garden Conservation Area, whilst the northern half of the site is outside of it. The Camden Seven Dials Conservation Area follows the city / borough boundary on the northern / eastern boundaries of the site. No formal response has been received from the London Borough of Camden.

None of the buildings on the site are listed, nor are they considered to be of a listable degree of architectural or historic significance. All of those within the conservation area make a positive contribution to it and are therefore, despite the absence of a Conservation Area Audit, considered to be 'unlisted buildings of merit'. Behind their facades they are significantly altered and of no real merit. The buildings outside of the conservation area are considered to have some, but quite limited architectural merit, and a very small degree of historic significance. They are not considered to be worthy of inclusion within the Conservation Area.

Opposite the site across Dryden Street is a Grade II listed building, nos. 36 to 40 Drury Lane (formerly The Marlborough Public House). The site falls within its townscape setting in terms of the building's primary significance as a London public house surrounded by development of a similar scale and type.

The site currently consists of four buildings or groups of buildings, all of which are attached in a continuous block with two shared lightwells and no private or public amenity spaces.

- **26-29 Drury Lane.** Architecturally two buildings dating from 1915 but now conjoined internally as one. The property fronts onto Drury Lane and a short stretch of Shelton Street, but with a more utilitarian 20th century warehouse character forming the larger part onto Shelton Street and Arne Street. Originally warehouses and showrooms for seed merchants, now offices used by Kings College. Outside of the conservation area, and with a low level of individual architectural and historic significance. Proposed for complete demolition and redevelopment.
- **30-35 Drury Lane and 2 Dryden Street.** Fronting Drury Lane and Dryden Street, these are the main public face of the application site, are within the conservation area (CA) and date from the 1890s. Originally showrooms, warehousing and offices, and now offices. Of a medium but not special level of individual architectural or historic significance, and makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.
- **4-10 Dryden Street.** Fronting Dryden Street, these former houses / shops also of the 1890s, are now offices and are within the conservation area. Of a medium but not special level of individual architectural or historic significance, and makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.
- **12 Dryden Street.** Fronting Dryden Street and forming its corner with Arne Street. A former chapel dating from 1841, converted to a warehouse in the late 19th century, now offices and within the conservation area. Of a medium but not special level of individual architectural or historic significance, and makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.

Legislation, policy and guidance

When determining applications affecting the setting of a listed building, or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area.

Sections 7 and 12 of the NPPF require that great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 133 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 134 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits; 'less than substantial' should not be confused with 'acceptable'.

Together the above statutory and national policy basis equates to a strong presumption against harm, which may only be permitted if the harm caused would be significantly and

demonstrably outweighed by public benefits which could only be achieved through allowing that harm.

Locally, UDP Policies DES 1 (urban design / conservation principles), DES 4 (infill development), DES 5 (alterations and extensions), DES 6 (roof alterations / extensions), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of the application proposals, whilst S26 and S28 of the City Plan provide the strategic basis for the application.

No Conservation Area Audit has been carried out for Covent Garden. Relevant guidance exists within the council's 'Design Matters in Westminster' SPG (2001), and 'Development and Demolition in Conservation Areas' SPG (1996).

The Covent Garden Area Trust has published their own 'Environmental Study' which is given material weight by the council in determining relevant applications. The current version is mostly related to public realm measures and is generally focused upon the core piazza and surrounding streets. It does not give guidance of any real relevance to this scheme. Similarly the Seven Dials Trust has published and is currently reviewing their own 'Renaissance Study' although the current version does not include the assessment of buildings within the City of Westminster's area. Whilst the merits of this document are noted, it is not a statutory planning document and has not been adopted by either the City Council or the London Borough of Camden, and should be given no weight with regards to this current scheme.

The Proposal

Nos. 26-29 Drury Lane (outside of the conservation area) would be demolished completely, and replaced with two new buildings. The new building forming the corner of Drury Lane and Shelton Street would be a bold modern design faced with a black artificial stone cladding shaped to mimic the folds of theatre curtains, and with a set-back dark metal mansard roof forming the top fifth floor. The new building towards the rear, forming the corner of Arne Street and Shelton Street, would rise to seven storeys (23.5m high from pavement) and would be built of a dark brown brick arranged in vertical piers, with inset warehouse style windows. It would have a modern design, reminiscent of Covent Garden warehouses.

Nos. 30 to 35 Drury Lane and 2 Dryden Street would be extended upwards with a new attic storey, similar to that which exists historically to the adjacent listed building to the south of the site, with a further mansard storey added above that. The attic storey would be generally consistent with the architectural character of the existing elevation, being built of brick with stone details. The new mansard would have a generally traditional character, and would include dormers behind a parapet. No other alterations are proposed to this façade.

Nos. 4 to 10 Dryden Street would be extended upwards with a new traditionally designed mansard storey behind the existing parapet, and a further upper mansard set back from the edge of the lower mansard in a more modern style.

No. 12 Dryden Street, the former chapel / warehouse, would be extended upwards in brick by two-storeys, sheer apart from a slight set-back on both the Dryden Street and Arne

Street elevations. The new storeys would reflect but not copy the appearance of the building below.

Heritage impacts and design merit overall

Objections have been received regarding the loss of the existing buildings, including from the local amenity groups and the freeholders of the site who consider that they are of good architectural and historic merit, including internally. Historic England has not however objected, and considers the principle of demolition and redevelopment behind retained facades to be acceptable.

The buildings which are proposed for demolition are all outside of the conservation area and their exclusion from it is considered to remain correct. They are not harmful to the character of the area but they have only a low level of individual architectural or historical merit which has been notably diminished by modern alterations and substantial post-war rebuilds. It must also be noted that demolition outside of a conservation area does not in itself require planning permission. For these reasons the extent of complete demolition proposed is considered to be acceptable in principle, subject to the comparative architectural merits and townscape impacts of their proposed replacements.

The buildings proposed for redevelopment behind their retained facades make a positive contribution to the conservation area, but they are not of a listable quality. What limited internal features which might remain are quite dispersed amongst extensive modern interventions, meaning that there is no cohesive internal architectural character of sufficient significance to be described as 'special'. It should also be noted that, being unlisted, internal alterations can not be controlled through the planning process. Whilst the loss of these rearward parts of the buildings is regrettable, it is considered to be acceptable in principle subject to how the retained facades are treated.

The proposal to retain long lengths of façade on three sides of the block means that the façade retention approach works well because it means that all public facades within the conservation area would remain historic, rather than exposing modern flanks or rear elevations to public view.

The received objections also make reference to the proposed new designs, both of the new facades outside of the conservation area, and the alterations / extensions proposed for the retained facades. Historic England has not objected on this basis, and considers the proposals to cause a low level of harm which it recommends is balanced against the public benefits of the scheme.

The architectural design of new and altered facades has developed considerably during the course of the application and is now overall considered to be acceptable in design, conservation and townscape terms. Elements of harm would be caused, but these are minor. The proposals include a good attention to detail which would create a high degree of architectural quality whilst also remaining a generally simple and subtle set of designs. The mix of different building designs is particularly welcomed, it avoids excessive bulk and reflects the fine-grained pattern of development which is important to both the Covent Garden and the adjacent Seven Dials conservation areas.

The new buildings to the north of the site are considered to be good designs in their own rights. The new building fronting Arne Street and Shelton Street, effectively to the rear of

the site, would be a good re-interpretation of the simple brick aesthetics of Covent Garden warehouses: a substantial brick building with regularly arranged windows and a distinct vertical emphasis. It would be taller than the existing building on the site and in the surrounding areas.

The proposed black reconstituted stone building fronting Drury Lane and Shelton Street would be a significant departure in character for the area, presenting a very individual and bold character which would contrast with the generally modest, brick characteristics of Drury Lane. The dark tone of the façade would however sit comfortably with the tonality of adjacent buildings and the surrounding area, and would resist adverse weathering or staining. The 'theatre curtain' relief of the façade material returns some local context or reference to what might otherwise be considered an irrelevant material to the local area. The set-back mansard of the top storey moderates the height of the new building, and presents an elevation which is generally consistent with the scale of Drury Lane.

All of the facades proposed for retention are proposed to be extended upwards. Across most of the site this would be by only a single storey, but in places by two (no.12 Dryden St). As amended during the course of the application, the manner in which this would be done is now considered to be generally acceptable and should overall preserve the way in which the buildings contribute positively towards the character and appearance of the conservation area.

Within this, some elements of harm would be caused, as identified by the submitted objections and by Historic England, such as the scale of additional storeys proposed to be added onto 12 Dryden Street, but in other respects the proposals would integrate well with the character of the retained facades. The attic storey to Drury Lane, which can be further improved through the recommended amending condition, and the new mansards would respect the scale and character of the façades below, and the upper mansard to Dryden Street in particular would not be visible from the public realm due to the tight viewing angles possible within the street. Whilst visible from other buildings, this is considered to be acceptable in the context of the wider development.

The height of the development in places would be as much as seven storeys, and overall would represent an increase upon the existing, as highlighted by the objections received from local amenity groups, including with respect to the setting of the Seven Dials Conservation Area.

The increase in height would represent a low level of harm to the character and appearance of the Covent Garden CA and to the setting of the adjacent Seven Dials CA. This is only low due to the manner in which the increase in scale is moderated by a very varied set of rooflines and characteristics, which prevents an excessive bulk from being introduced – the varied heights, characteristics and proportions reflect the hugely varied characteristics of the surrounding conservation areas, and continues the fine-grained pattern of development characteristic of both conservation areas.

No harm would be caused to the setting of the adjacent listed building of 36-40 Drury Lane, because the contribution which setting makes to its significance would not be altered as a result of the new development. It would remain a central city context, and the scale, bulk and proportions of the proposals would not detract from the prominence of the listed building in views around the area.

Conclusion

The received objections have been considered and given weight, both with regards to the loss of the existing buildings (both entirely outside of the CA and behind retained facades within the CA) and with regards to the proposed new designs.

Some of the submitted objections suggest that the level of harm which the proposals would cause would be substantial therefore triggering paragraph 133 of the NPPF which requires that the public benefits required to outweigh the harm be proportionately 'substantial'. In that respect they are quite right that substantial harm, where it is found, can only be approved in the most exceptional of circumstances. However, it is considered that the proposals here would cause no more than a low degree of harm, and that this is well within the bracket of 'less than substantial', as recognised by Historic England and should therefore be assessed in accordance with paragraph 134 of the NPPF. As set out above, and having regard to the requirements of Sections 66 and 72 of the Act, it is considered that no harm would be caused to the setting of the adjacent listed buildings, and that the less than substantial harm caused to the character and appearance of the Covent Garden Conservation Area, and the setting of the Seven Dials Conservation Area, through the loss of the existing buildings and the alterations / extensions proposed to the retained facades would be significantly and demonstrably outweighed by the benefits of securing a positive regeneration of the site and locality for both new retail and residential uses.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Sunlight and Daylight

The existing buildings have differing heights between three and four storeys, with some rooftop structures. The proposed buildings will increase the height, mass and bulk on the site, especially with regards to the proposed Shelton Street and Arne Street buildings. The surrounding streets are narrow. Dryden Street is approximately 5.5m wide and Shelton Street and Arne Street are approximately 8.5m wide.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultants Delva Patman Redler LLP have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties in 158-159 Drury Lane, 36 Drury Lane, 23 Drury Lane, 22 Drury Lane, 1-5 Dryden Street, Betterton House 17-29 Betterton Street (which has external walkways to the entrances to the flat on the rear elevation – overlooking the application site), 1, 3 and 5

Betterton Street and 63 Shelton Street. The report also assesses New London Theatre House.

The recommendation in the BRE guide is that reductions of over 20% of existing daylight levels are likely to be noticeable. Of the 71 rooms tested, the daylight report shows that a number of rooms (20 in total) within 36 Drury Lane, 1-5 Dryden Street; Betterton House, 3 and 5 Betterton Street will experience some transgressions outside the BRE guidelines.

In terms of 1-5 Dryden Street the 4 rooms which are affected will see a percentage difference when compared to existing levels of between 22.40% and 39.1%. Two of these rooms will experience losses only marginally above the BRE guidelines and the other losses relate to bedroom windows on the first and second floor. Given the rooms to which the breaches occur and the level of the breach above the BRE guidelines, the proposals considered acceptable.

Betterton House to the north west of the site comprises ground and three upper floors and is all in residential use. The report indicates that these rooms are living rooms. It should be noted that the front doors to these flats are on the rear elevation of the building facing south-west and there are walkways/balconies that overhang each floor. Every room tested (14 in total) will experience some losses, however 10 of the 14 rooms breach BRE guidelines with losses of between 21.38% and 87.32% VSC. 4 of these 10 rooms however experience losses only just above the BRE guidelines.

Whilst the daylight losses to these properties are regrettable, on balance, given that Betterton House is taller than the properties opposite it on Shelton Street and therefore experiences an unusual open aspect given its urban location which arguably allows greater levels of daylight; the overall impact of the development in terms of daylight is considered acceptable.

There are very minor breaches above BRE guidelines to a third floor living room at 36 Drury Lane, to a first floor and third floor bedroom window at 5 Betterton Street and to kitchen windows at first, second and third floors of 3 Betterton Street and whilst technically the losses are greater than the BRE guidelines, the proposals are considered acceptable given this urban location.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

Of the properties assessed (56 rooms in total), there are 8 rooms, all within Betterton House which experience loss of sunlight in excess of BRE guidelines.

Whilst the percentage levels change is high to the rooms affected, the actual changes/perceptible difference to the existing and retained APSH are in fact much smaller.

Whilst the sunlight losses to flats in Betterton Houses are regrettable, on balance, given that Betterton House is taller than the properties opposite it on Shelton Street and therefore experiences an unusual open aspect given its urban location which arguably allows greater levels of sunlight; the overall impact of the development in terms of sunlight is considered acceptable. It should be noted that if the assessment was carried out with the removal of the existing walkways to these properties, the assessment shows the proposals would comply with the BRE guidelines.

Sense of Enclosure

The proposals are considered of a sufficient distance away from the properties opposite the site to the north-east given the width of Drury Lane. These properties include the New London Theatre, retail units at ground floor level, office accommodation at 161 Drury Lane and residential accommodation at upper levels of 158 and 159 Drury Lane.

The proposed height increases to the buildings to Dryden Street, of a bulkier two storey extension in the form of mansard roofs are not considered to have an impact upon the flats on the upper floors of 1-5 Dryden Street (which are on the corner of Arne Street) in terms of sense of enclosure. Whilst Dryden Street is a fairly narrow road, this is typical of street arrangements within Covent Garden and the relationship of the proposals to the properties opposite the site is considered acceptable.

The proposed new building at 12 Dryden Street, with its increase in height of a part fourth/part fifth floor extension, raise no issues with regards to sense of enclosure to the existing office accommodation, to the south-west, at 90 Long Acre (or should the recent permission granted to redevelop this site be implemented, to the future occupiers of the commercial/ residential properties).

The redeveloped properties to Shelton Street (cornering Arne Street) rise in height by three storeys. Directly to the north-west of the site is a two storey building on Shelton Street which is in commercial use. Given the narrowness of the passageway of Shelton Street and that the application site is already significantly taller than these properties, it is unlikely that these properties would experience any difference with regards to enclosure. Although the occupiers of the upper floor flats of 1-5 Betterton Street will experience the increase in height of the Shelton Street buildings, given the distances between the properties, there will be little feeling of enclosure. Further to the west of Shelton Street, the buildings generally comprises buildings of ground and three upper floors (property 65-75 Shelton Street only has two upper floors but is the same height as neighbouring buildings). Whilst the application building will rise in height as a result of the proposals, when compared to the size of the existing office building of 90 Long Acre which is directly opposite these affected properties, the proposals are likely to have any impact in terms of enclosure.

Privacy

Objections have been received from the freeholder of 1-5 Dryden Street (The Donmar Warehouse rehearsal space and upper floor flats) opposite the site on the grounds that

the proposals residential units will overlook the flats in the upper levels of this property (which are sited on the corner of Dryden Street and Arne Street).

Dryden Street is narrow. The existing office occupiers can already look into windows of the The Donmar Warehouse and to the Dryden Street elevation of the residential properties. Whilst the proposed residential use will result in increased activity with a degree of mutual overlooking between the existing and new residents, this relationship is considered to be acceptable. It should be noted that some of the proposed windows on the Dryden Street elevation are to serve bedrooms and bathrooms and are likely to be treated by the future occupants with measures to prevent overlooking into their properties.

To Dryden Street, at ground to third floor level there are no balconies proposed to the residential units. At fourth floor level there is a narrow terrace proposed and at fifth floor level there is a larger terrace proposed. The terraces are to be set back from the building edge and given that it is a street width apart, albeit narrow, it is not considered that the proposal could reasonably be refused on overlooking/loss of privacy grounds.

It is proposed that there is one balcony on floors one to four, on the Arne Street and Shelton Street elevations. These balconies are small (although providing valuable amenity space) and are not considered to result in any significant overlooking to adjacent properties. The terraces proposed at roof level, overlooking Arne Street and Shelton Street are not considered to result in any detrimental overlooking to neighbouring properties given the limited residential properties and the distances involved.

Noise from balconies/ terraces

In terms of noise from the balconies/ terrace, given the size of the balconies/ terraces and the distance of the terraces away from neighbouring properties, it is not considered that these would create substantial levels of noise to warrant refusal.

Accordingly, the proposals are considered acceptable in amenity terms.

8.4 Transportation/Parking

The applicant has submitted a Transport Assessment in support of their application.

Car Parking

Policy TRANS 23 of the UDP sets out the Council's policy on off-street parking for residential development which is based on a maximum standard of one off-street parking space per residential unit of two bedrooms or less; and 1.5 off-street parking spaces per residential unit of three bedrooms or more. The City Council encourages the provision of parking up to the maximum standard. Objections have been received to the scheme on the grounds that not enough car parking has been provided and, that in this instance no car parking should be provided.

The proposed development provides 31 car parking spaces for 68 residential units. This is the equivalent of 0.45 car parking spaces per unit.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an

unacceptable level of deficiency. The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 74%. However TRANS23 includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 61%. However, the daytime parking survey indicates that parking occupancy of ResPark bays within a 200m radius of the site is 77%.

Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the St James's Ward is 32% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy.

With the provision of 31 car parking spaces on an unallocated basis (as proposed by the applicant, although originally it was proposed that the parking be on an 'allocated basis'), the proposed development will not add to existing on-street parking stress overall and therefore is considered to be consistent with TRANS23. The applicant has proposed lifetime car club membership, and this along with parking on an unallocated basis are considered the most appropriate mechanisms in which to reduce on-street parking stress and these are to be secured via legal agreement.

Car Park – Access, Lifts and Layout

The basement car parking is accessed via two car lifts from Arne Street, which directly abut the highway. The use of two car lifts for the number of car parking spaces proposed is welcomed and it is noted that all vehicles are able to enter and exit the site in forward gear.

The applicant indicates that 1 car lift cycle time is 84 seconds between first being used by a vehicle, to when it would return to street level and be ready to be used again. The applicant argues that given the two lifts, the lift cycle time, number of car parking spaces and trip generation calculations, queuing on the highway (Arne Street) would be rare. While this is agreed, given the highway layout of Arne Street, any vehicle that is required to wait on the highway for a down lift, would block other vehicles from passing. This is likely to result in localised congestion on occasion on Arne Street, but in this instance is not a reason for refusal. The Highways Planning Manager comments that a vehicle exiting the car lift is not provided with sufficient visibility splays to pedestrians or that pedestrians would not see vehicles exiting the car park. Given the size of the development, the likely use of the car park and that Arne Street and Shelton Street are relatively quiet roads within the bustle of Covent Garden it is not considered that visibility splays, which would undermine the appearance of the building, are required.

Cycle Parking – Residential uses

The London Plan policy 6.9 requires 1 cycle parking space for a 1 bedroom residential unit and 2 spaces per residential unit of 2 or more bedrooms. There are 28, studio/ 1-bedroom units and 40, 2 or more bedroom units proposed. The proposals therefore generate a requirement of a minimum of 108 cycle parking spaces. The applicant proposes 120 cycle parking spaces at ground and basement level in a stacker arrangement and this is considered acceptable.

Cycle Parking – Non-residential uses

The London Plan policy 6.9 requires 1 cycle parking space per 175m² of retail uses. The proposed retail floorspace would require a minimum of 11 cycle parking spaces. The submitted drawings indicate cycle parking storage, accessed from Arne Street, for the retail units. The applicant proposes 12 spaces, some of which are in a stacker arrangement and this again is considered acceptable.

Doors

The proposed drawings indicate the doors to the substation on Arne Street would open outwards the public highway. Whilst generally this is considered to potential cause an obstruction, contrary to TRANS3 and the Highways Act (s153), given that these doors are for a substation which will be rarely used, this in this instance is acceptable.

Servicing

As detailed in the retail section of part 8.1 of this report.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Level access is proposed into each of the uses at ground floor level. Lift lobbies, corridors and thresholds will comply with the Disability Discrimination Act.

8.7 Other UDP/Westminster Policy Considerations**Noise**

Policy ENV 6 of the UDP states that the City Council will require residential developments to provide adequate protection from existing background noise and noise from within the development itself. The need to insulate the new residential units to a high standard has been identified by the applicant with the supporting application documents and is proposed to be done through acoustic treatment of the facades and with the aid of mechanical ventilation of the residential units. Given that the site is located in an area of high noise pollution it is recommended that details of sound insulation measures be secured by condition.

The applicant has not yet provided details with regards to the sound insulation proposed between the commercial uses and residential uses. To ensure compliance with the Council's standard conditions regarding internal noise levels, a supplementary acoustic report is required by condition.

Plant

Plant is proposed in the basement and within three plant enclosures at main roof level and an acoustic report identifying the proposed plant has been submitted. This demonstrates that the proposals will comply with the City Council's standard noise conditions. Conditions to secure the installation of the enclosures and the use of night time set back modes are recommended.

With regards to the proposed CHP and extract equipment for the retail units, conditions are recommended to secure full details and a supplementary acoustic report to confirm compliance with the Council's standard noise condition.

Refuse /Recycling

Internal waste stores are shown on the proposed drawings for both the residential and retail uses, except the retail unit marked as 01 on the plans. The waste areas for all the other uses are considered acceptable and it is recommended that a condition to secure a revised plan to ensure that retail unit 01 has internal storage for waste is attached. Whilst the plans shows waste storage for the retail units (except unit 01), it is unclear how or where this retail waste will be collected from and the Highways Planning Manager requests a condition to secure further details on this is required including a suitable holding location at ground floor level, to ensure waste is not left unnecessarily on the highway awaiting collection.

Trees/ Landscaping

There are no existing trees or landscaping on the site. The proposals show that the internal courtyard at ground floor level is to be landscaped and that sedum roofs are proposed to the main roof area. Details of this are to be secured by condition. Whilst it is regrettable that there is minimal landscaping, given the urban nature of this development block and compared to what is existing, it is considered unreasonable to request anything further.

Sustainability & Biodiversity

Energy Strategy

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable design and inclusive design and architecture.

Policy S39 states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an Energy Statement in support of their application. The proposed development includes enhanced passive design measures which seek to reduce heat losses and provision of high quality double glazed windows to improve thermal performance. A communal CHP-led heating system is proposed. It is also proposed that photovoltaic cells are installed to some areas of the roof. It is proposed to

deliver a 38% improvement in carbon emissions based on the current Part L Building Regulations (2013).

London Plan policy requires 20% of car parking spaces in developments to have electric vehicle charging points and it is recommended that this be secured by condition.

Sedum roofs are proposed to two areas of the roof and this is welcomed.

8.8 London Plan

This application raises no strategic issues.

8.9 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.

8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council is due to adopt its own Community Infrastructure Levy on the 1st May 2016. In the interim period, the City Council has issued interim guidance on how to ensure

its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- a payment of £3.49million towards the City Council's affordable housing fund;
- the applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £50,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers
- unallocated parking;
- free lifetime (25 years) car club membership for residents of the development
- costs of monitoring the S106 agreement.
- all highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
- employment and Training Strategy for the construction phase and the operational phase of the development.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

8.11 Environmental Impact Assessment

It is considered that whilst the proposal is an 'urban development project', it does not meet the size threshold specified in Category 10b Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015, is not located in a sensitive area as defined in the Regulations and as such it is not likely to have significant effects on the environment. The proposals were therefore not required to be accompanied by an Environmental Impact Assessment.

8.12 Other Issues

Basement

It is proposed that the depth of the existing basement is lowered by 1.8m to allow for the provision of residential car parking, better accommodation for the retail floorspaces/storage areas and for adequate plant rooms. Building Control officers have assessed the structural methodology statement, which has been revised as part of the amended scheme which now seeks to retain the façade of 12 Dryden Street, and no objections are raised to the methodology proposed.

Construction impact

A Construction Traffic Management Plan has been submitted with the application, which sets out the potential impact of the proposed development on the area. This document sets out the logistical requirements in a broad sense as the applicant has not yet formally appointed a building contractor. The report notes the presence of the approved development next door at 90 Long Acre, and that a full construction consultation would take place with local business, residents and parties as necessary to discuss and advise on the redevelopment process. The document has been considered by officers and the programme of work appears acceptable. It is however recommended that an updated CMP be secured by condition once a contractor has been appointed.

Should permission be granted it will be the responsibility of Highways Licensing to manage the development and ensure that they are implemented in accordance with their Construction Contracts, which will need to be agreed in consultation with the Council Highways Licensing team prior to commencement.

With regard to the impact in terms of noise and disruption of the works during construction, a standard condition to control hours of building work is recommended which includes specific restrictions for basement excavation work which can only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays.

Other

Objections to the application have been made on the grounds that as a result of the loss of the office accommodation as discussed, the proposals result in the loss of employment. It is argued that those who are currently tenants within the existing building will find other suitable premises should they wish and therefore it is not considered that this application can be refused on this basis.

9. BACKGROUND PAPERS

1. Application form
2. Schedule of Bedroom Sizes
3. Response from Historic England (Listed Builds/Con Areas/ Archaeology), dated 9 September 2015, 22 March 2016 and 17 March 2016
4. Response from Covent Garden Area Trust/ Covent Garden Community Association and The Seven Dials Trust, dated 29 September 2015 and 24 March 2016.
5. Memorandum from Arboricultural Officer dated 21 September 2015
6. Response from Highways Planning dated 8 October 2015 and 8 March 2016
7. Memorandums from Environmental Health dated 22 October 2015, 11 March 2015 and 16 March 2016,
8. Letters from occupier of 26-28 Neal Street dated 5 August 2015 and 18 March 2015
9. Letter from occupier of 4 Lockhart Street, London, dated 21 August 2015
10. Letter from occupier of 32 The Dene, Wembley, dated 10 September 2015
11. Letter from occupier of Flat 3, 80 Long Acre, dated 4 September 2015 and 19 March 2015.
12. Letter from occupier 32 The Dene, Wembley dated 10 September 2015
13. Letter from The Mercer's Company dated 22 September 2015 and 22 March 2016.
14. Letter from Deloitte on behalf of The Mercer's Company dated 22 September 2015 and 18 March 2016

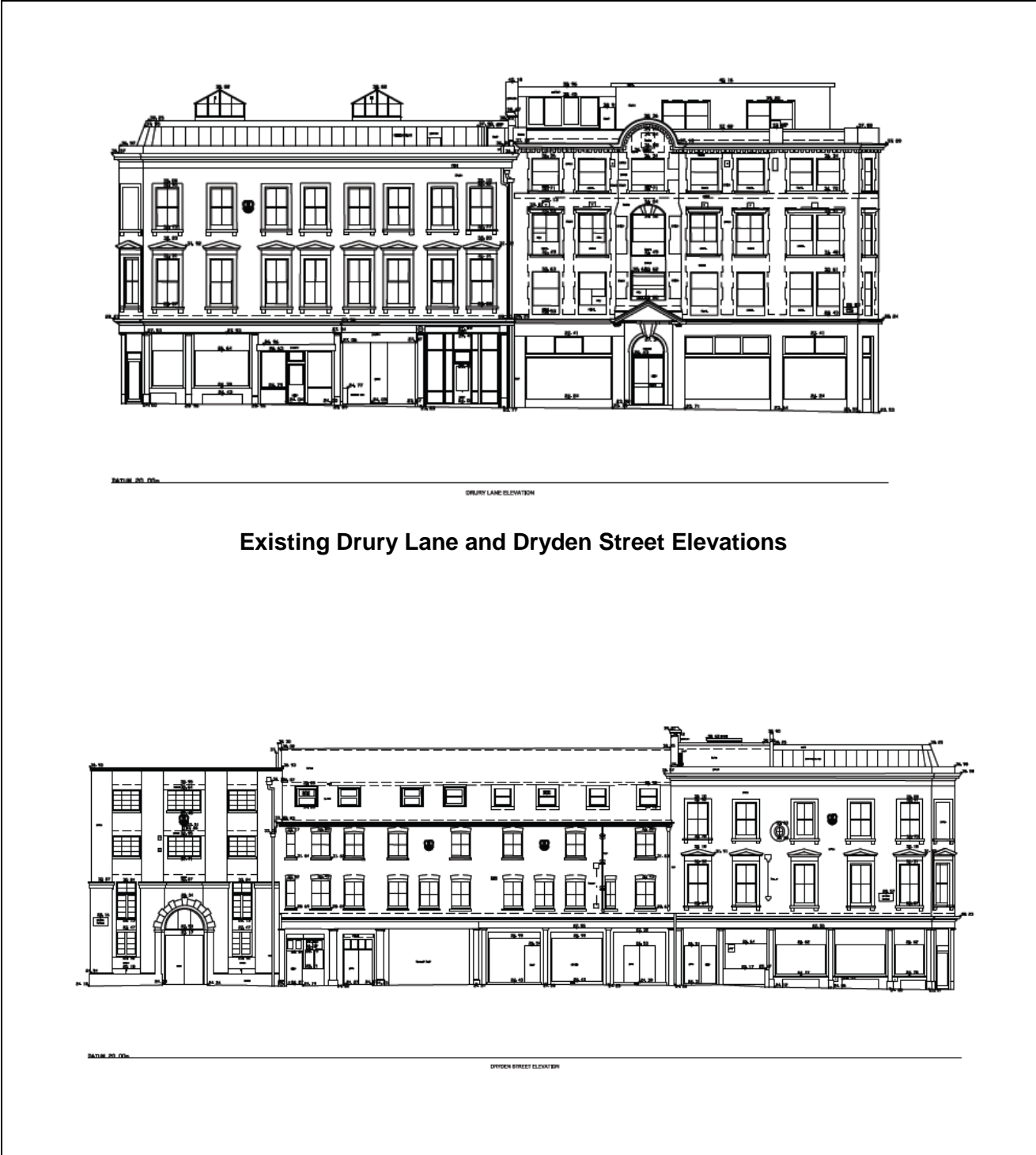
15. Letter from occupier of 8-10 Dryden Street dated 9 October 2015.
16. Letter from occupier of 2-6 & 8-10 Dryden St, Covent Garden, dated 24 February 2016
17. Letter on behalf of The Mercer's Company dated 22 March 2016
18. Letter on behalf of operator of Unit 4, 30-35 Drury Lane dated 23 March 2016
19. Email on behalf of Donmar Warehouse dated 24 March 2016

Selected relevant drawings

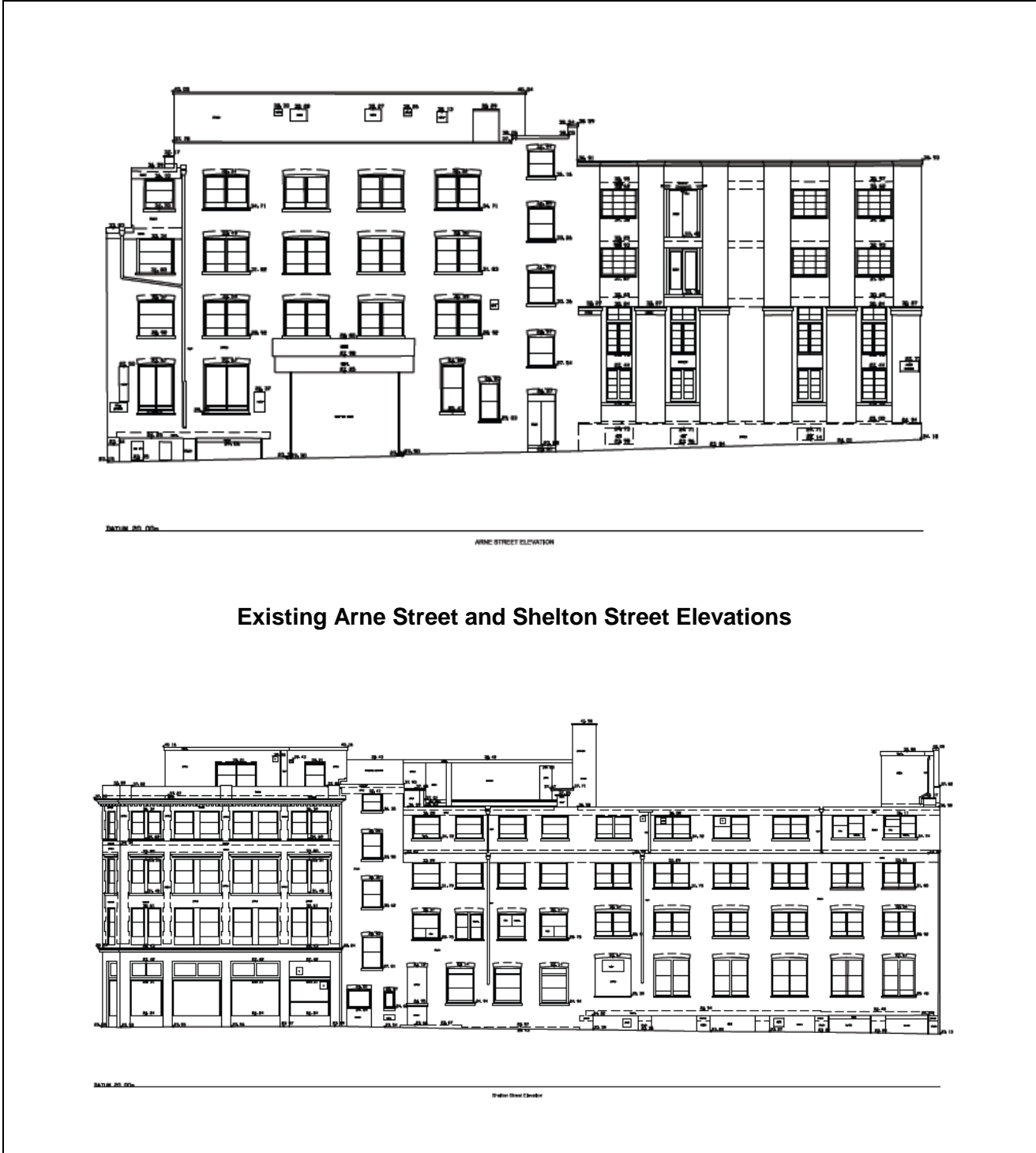
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT northplanningteam@westminster.gov.uk

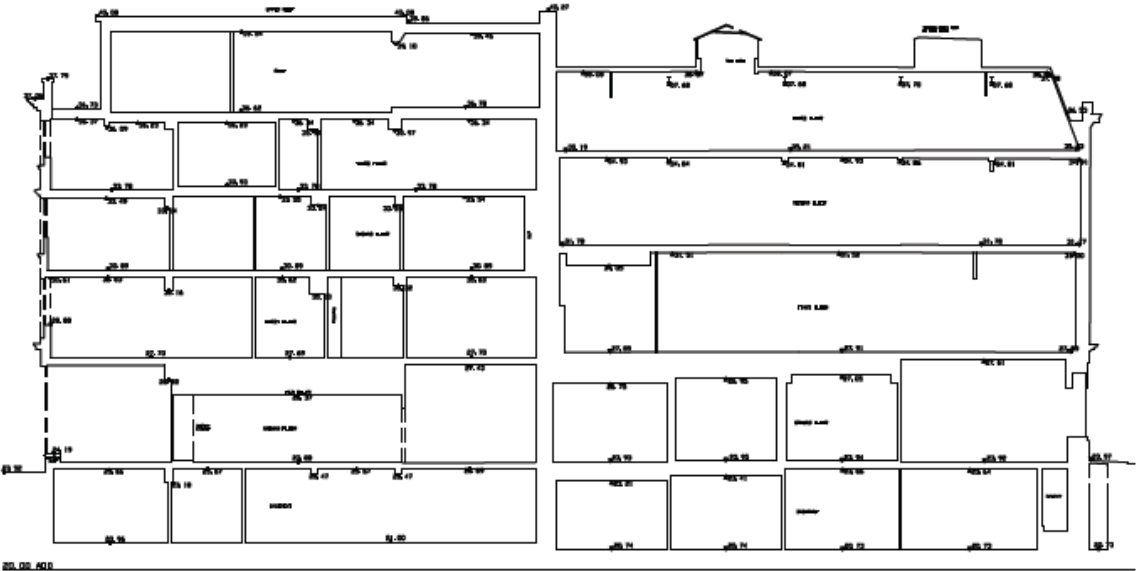
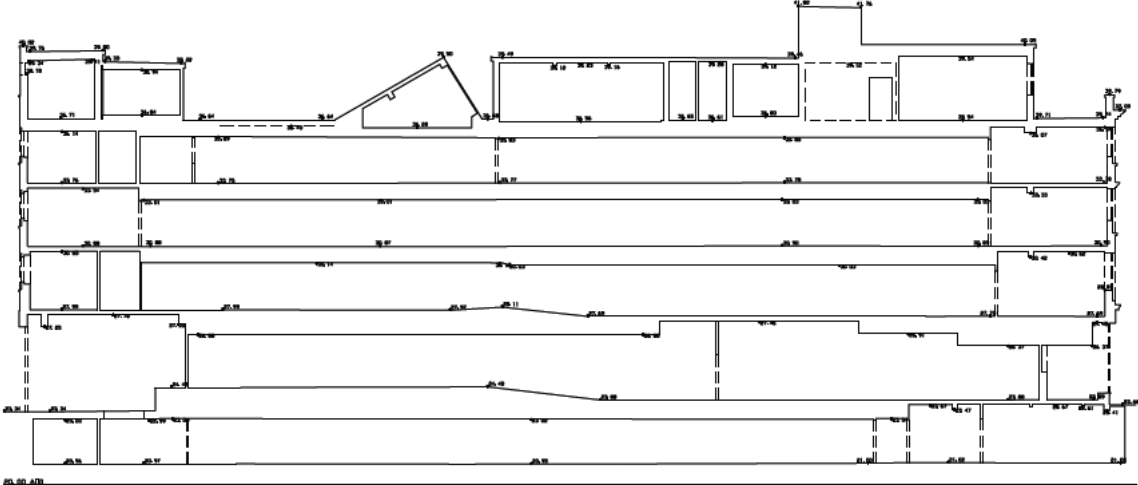
10. KEY DRAWINGS



Existing Drury Lane and Dryden Street Elevations

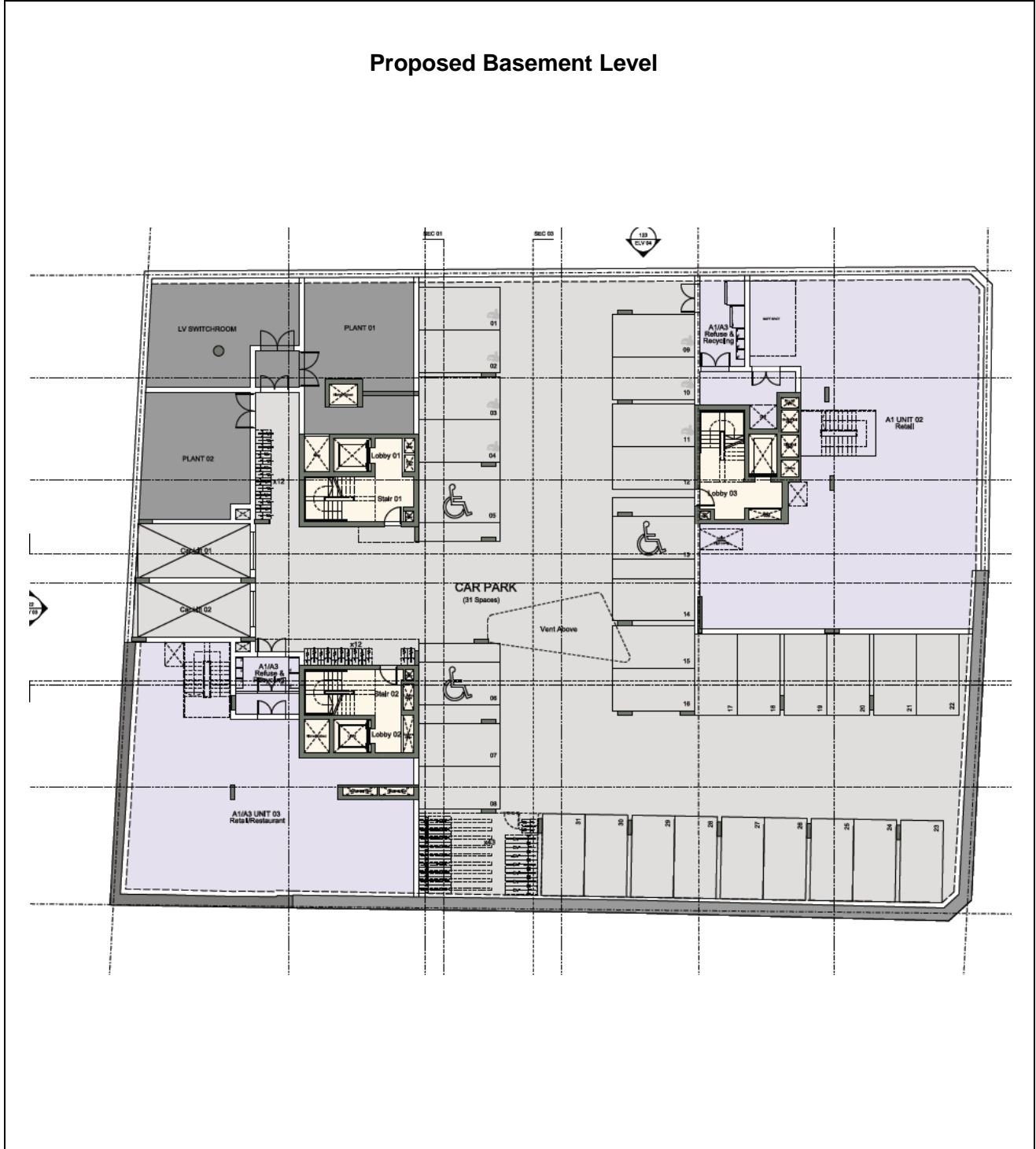


Existing Sections

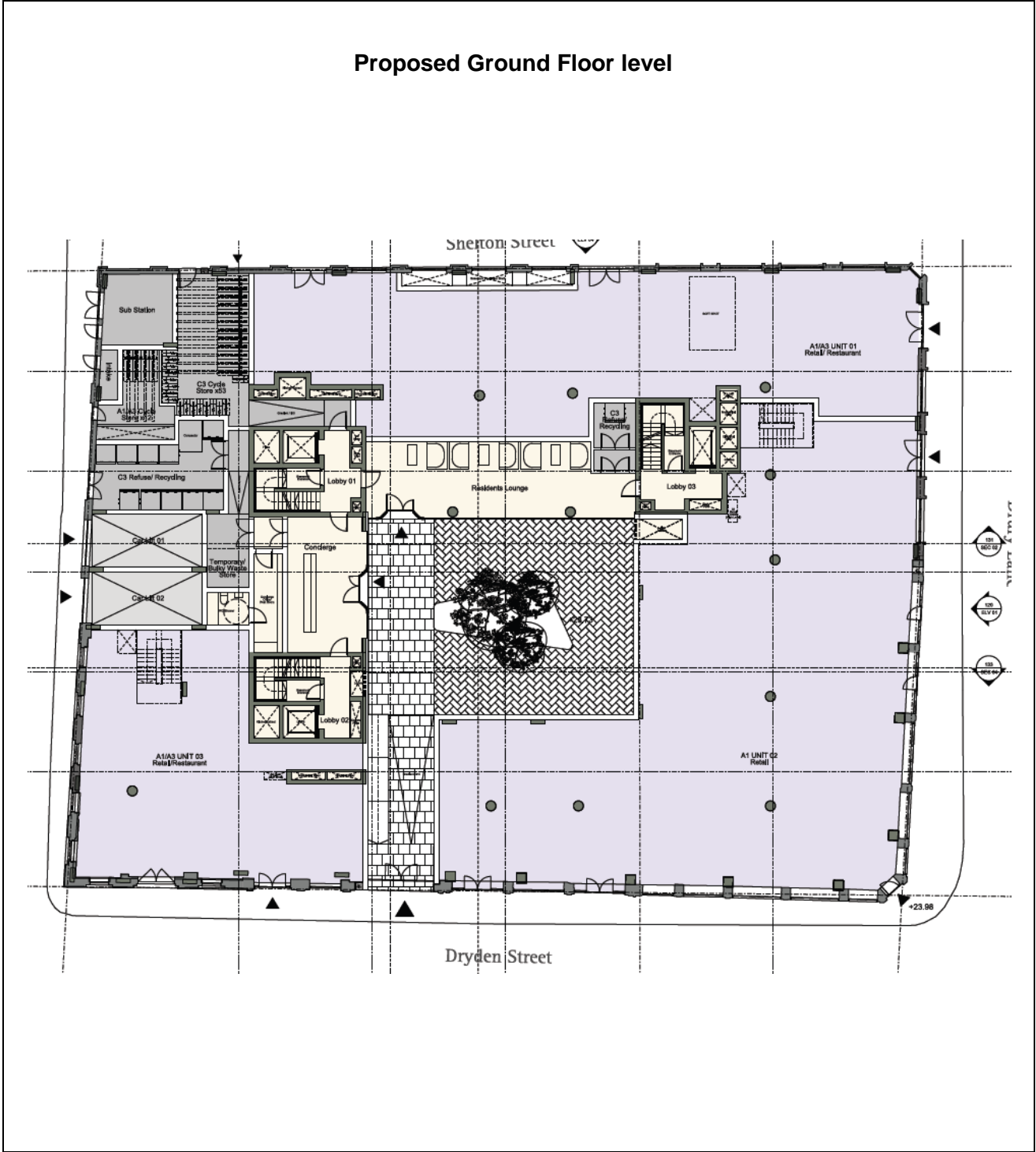


SECTION 3

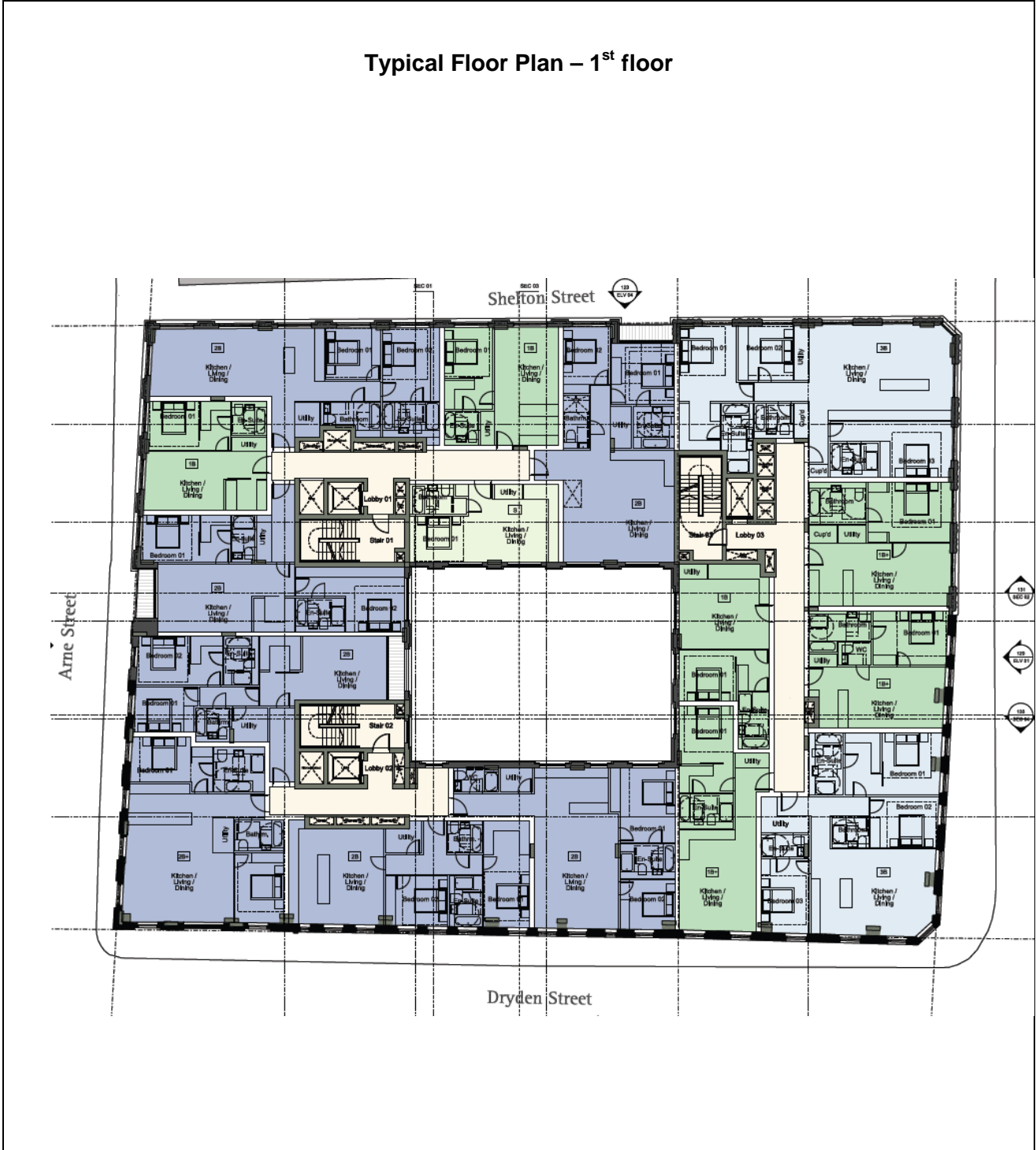
Proposed Basement Level



Proposed Ground Floor level



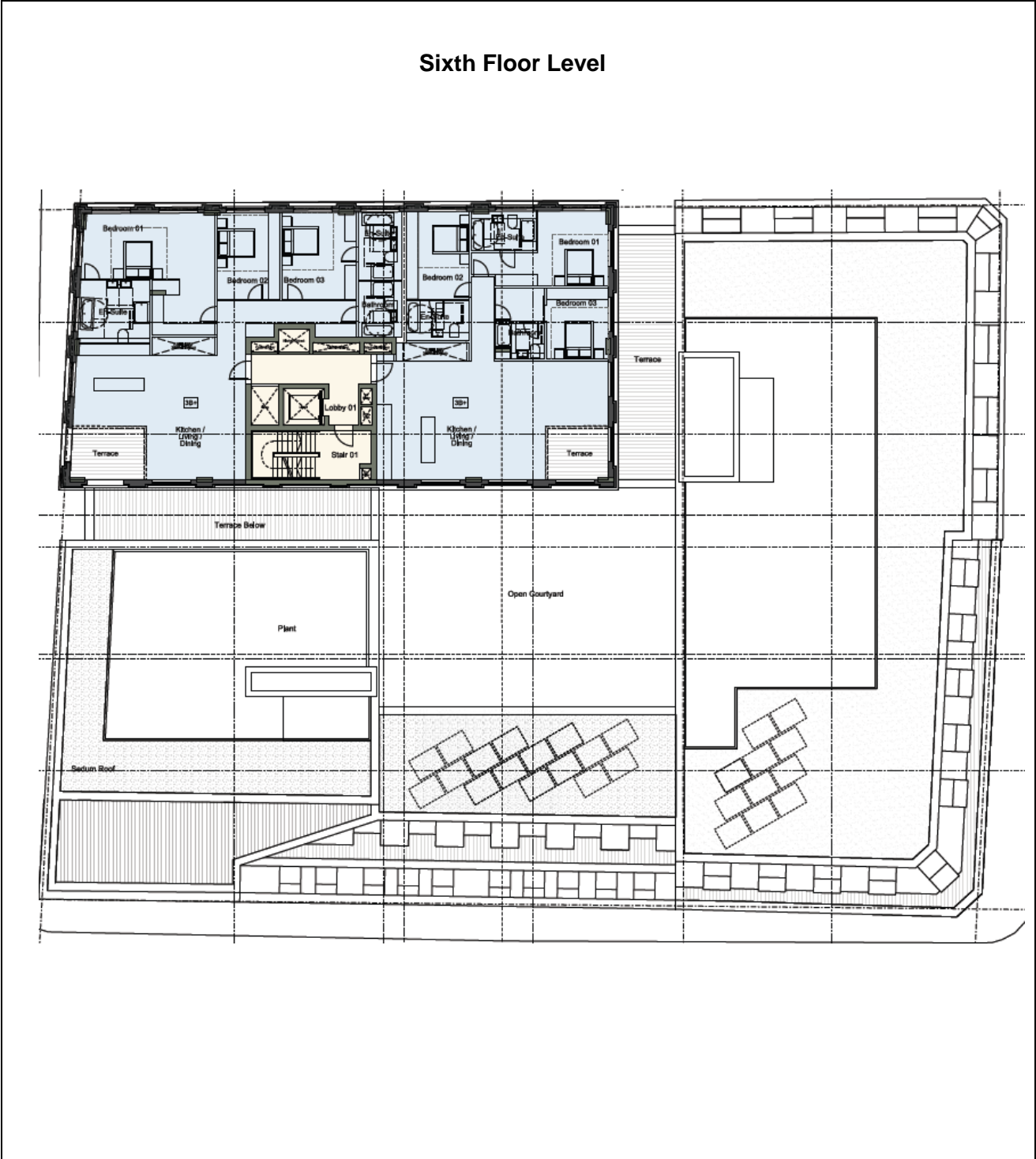
Typical Floor Plan – 1st floor



Fifth floor level



Sixth Floor Level





Proposed Drury Lane and Dryden Street Elevations





Proposed Arne Street and Shelton Street Elevations



Section through the building (Drury Lane on the left/ Arne Street on the right)





Drury Lane and Dryden Street Elevations



Proposed Arne Street Elevation



DRAFT DECISION LETTER

Address: Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And, Shelton Street, London, ,

Proposal: Demolition and redevelopment of site in buildings ranging from 5 storeys to 7 storeys (excluding roof top plant enclosures), including facade retention of 30-35 Drury Lane, 2 Dryden Street, 4-10 Dryden Street and 12 Dryden Street, in buildings to provide retail and restaurant/cafe uses at ground and basement level (Class A1/A3), 68 residential units (Class C3), cycle parking, basement car parking, associated landscaping works.

Reference: 15/07560/FULL

Plan Nos: 13465-AR: L00-P01-010; LOO-P01-020; L-1-P01-099; L00-P01-100; L01-P01-101; L02-P01-102; LO3-P01-103; L04-P01-104; L05-P01-105; LXX-P01-120; LXX-P01-121; LXX-P01-122; LXX-P01-123; S-01-P01-134; S-02-P01-135; S-03-P01-136; S-04-P01-137; L-1-P03-099; L00-P03-100; L01-P03-101; L02-P03-102; L03-P03-103; L04-P03-104; L05-P03-105; LXX-P03-120; LXX-P03-121; LXX-P03-122; LXX-P03-123; S-01-P03-134; S-02-P03-135; S-03-P03-136; S-04-P03-137; L-1-P01-099; L00-P01-100; L01-P01-101; L02-P01-102; L03-P01-103; L04-P01-104; L05-P01-105; L06-P01-106; L07-P01-107; LXX-P01-120; LXX-P01-121; LXX-P01-122; LXX-P01-123; LXX-P01-130; LXX-P01-131; LXX-P01-132; LXX-P01-133; Design and access statement dated 6 August 2015 (part superseded), Design and access statement dated February 2016; Planning Statement dated August 2015 (part superseded); Revised Built Heritage Assessment dated February 2016; Townscape Heritage and Visual Impact Assessment dated February 2016; Supplemental Planning Statement dated February 2016; Daylight, Sunlight and Overshadowing Study dated February 2016; Transport Assessment Rev) dated 4 August 2015 (part superseded); Transport Addendum Note dated 9 December 2015; Noise and Vibration Impact Assessment dated 4 August 2015; Ventilation and Extraction Statement dated July 2015; Construction Management Plan July 2015 (part superseded); Construction Management Plan Addendum Option A dated February 2016; BREEAM Report dated 4 August 2015; Energy and Sustainability Statement dated 3 August 2015 (part superseded); Addendum to Energy and Sustainability Statement dated 4 February 2016; Historic Environment Desk Based Assessment dated June 2015; Preliminary Environmental Risk Assessment dated July 2015; Preliminary Ecological Appraisal dated July 2015; Air Quality Assessment dated August 2015; For information only: Structural Methodology Statement P3 dated August 2015; Supplemental Structural Methodology Statement P2 dated February 2016.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s):

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

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of a detailed materials schedule referring to:

- (a) New brickwork sample panels prepared on-site.
- (b) Samples of all other new external materials.

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 this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

6 You must apply to us for approval of details of the following parts of the development:

- (a) Overall new and altered building profiles at 1:20;
- (b) New windows, dormers, doors, louvres, gates, railings, and external balustrades at 1:5;
- (c) Details of measures to prevent adverse weathering of external masonry.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- (a) the proposed attic storey (third floor) extension to 30-35 Drury Lane and 2 Dryden Street shall be brought flush with the walls below;
- (b) revised design, including details at 1:5, of pedestrian entrance to the private courtyard from Dryden Street, to be cast or wrought metal gates and railings which provide a clear unobscured view into the courtyard from the street;
- (c) replacement of all existing modern windows to 12 Dryden Street to a more traditional warehouse steel window profile and pattern, including details at 1:5.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and

DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 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 this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no alteration permitted by Class C of Part 2 of Schedule 2 of the Order shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 You must submit to us a detailed Shopfront and Signage Strategy including details of new and altered shopfronts, and guidance for non-residential occupants regarding signage and enhancements to / consolidation of existing / original shopfronts.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 14 No development shall commence until details of an appropriate programme of public engagement including a timetable have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.

Reason:

The planning authority wishes to secure public interpretation and presentation of the site's archaeology in line with London Plan Policy 7.8.

- 15 No more than 46% of the retail floorspace shall be used as a restaurant (class A3) and no one

restaurant unit shall exceed sqm.

You must apply to us for approval of full details of any restaurant use. You must not occupy any restaurant use until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SS4, TACE 8 and TACE 9 of our Unitary Development Plan that we adopted in January 2007 and S7 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 16 Notwithstanding the provisions within Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) you must not use the Class A1 retail units as a food/supermarket retail unit. (C05BB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 17 Customers shall not be permitted within the restaurant premises before 08.00 or after midnight 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: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 8 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 18 You must apply to us for approval of details of the ventilation system to get rid of fumes, 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. (C14BB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 19 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, 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, 2 and 3 before any demolition or excavation work starts, and

for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

(C18AA)

Reason:

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

20 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window

of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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: Strategic Policies adopted November 2013, 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.

- 21 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

- 22 As detailed within the acoustic report, the condensing units must be operated using the night time set back mode.

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: Strategic Policies adopted November 2013, 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.

- 23 You must install the Environ Modula 2.2.25AC acoustic enclosures as detailed within the acoustic

report before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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: Strategic Policies adopted November 2013, 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.

- 24 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 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 25 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.
- 26 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

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.

- 27 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant including the CHP and kitchen extract equipment will comply with the Council's

noise criteria as set out in Condition 19; of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 28 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 23 and 24 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 29 You must apply to us for approval of details of a Servicing Management Plan. You must then abide by the terms and agreement of the plan at all times.

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 30 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. (C22BA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and

TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 31 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 32 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 099 and 100. You must clearly mark them and make them available at all times to everyone using the properties. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 33 You must apply to us for approval of details of how waste is going to be stored on the site for the Retail Unit 01. 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 store in line with the approved details, and clearly mark it and make it available at all times to everyone using retail unit 01. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 34 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- Photovoltaics
- CHP
- Biodiverse green roofs

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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

1. Vehicle entrance and exit and adjoining walls to ensure adequate visibility splays are provided to see other highway users, including pedestrians.
2. A traffic management system close to the entrance of the car park/ lift.
3. Installation of 20% active and 20% passive electric vehicle charging points, and management of take up and conversion of the 20% passive provision in the basement car park.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details and maintain them for the lifetime of the development.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 36 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. 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 according to these approved drawings within 3 months of completing the development (or within any other time limit we agree to in writing). (C30AB)

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: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - i. a payment of £ towards the City Council's affordable housing fund;
 - ii. the applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £50,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers

- iii. unallocated parking;
 - iv. free lifetime (25 years) car club membership for residents of the development
 - v. costs of monitoring the S106 agreement.
 - vi. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
 - vii. Employment and Training Strategy for the construction phase and the operational phase of the development.
- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 4 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.
- 5 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 6 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 7 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

- 8 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, 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)
- 9 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 10 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 11 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.
- Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 12 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)

- 13 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 14 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)
- 15 Please contact a Metropolitan Police Crime Prevention Design Adviser about suitable security measures for your development. You should also check whether these features will need planning approval.

You should contact either:
Gordon Semple on 020 7641 2073 or
David Fisher on 07841 292 689.

They are based at:
Westminster City Hall
64 Victoria Street
London SW1E 6QP
(I74AA)
- 16 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 17 The term 'clearly mark' in condition 31 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 18 Conditions 19 and 20 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 19 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.

- 20 With regards to the written schemes of investigation these will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	46 Berkeley Square and 46 Hay's Mews, London, W1J 5AT		
Proposal	Use of 46 Berkeley Square as a private members club (sui generis use), with internal and external alterations, including erection of Annabel's canopy to front, together with the demolition of existing mews at 46 Hay's Mews and erection of a replacement four storey building including a two storey basement for the provision of a health club (sui generis use) and associated mechanical plant and landscaping.		
Agent	Bidwells		
On behalf of	The Birley Group		
Registered Number	15/11330/FULL 15/11331/LBC	Date amended/ completed	9 February 2016
Date Application Received	4 December 2015		
Historic Building Grade	Grade I		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

- a) Provision of £1,008,000 towards the City Council's affordable housing fund (index linked and payable upon the commencement of development);
- b) A minimum of 4 days per year (1 per quarter) for members of the public to look round the building between 09.00 and 16.00 (including one of the Open House London weekend days);
- c) 10% discounted membership for local residents of Berkeley Square and Hay's Mews (subject to them meeting the membership criteria in the same way any other member would be required to do);
- d) Scholars able to make appointments to view the building and obtain copies of the heritage report electronically free of charge;
- e) The applicant to apply for listed building consent for the removal of the existing canopy to the basement of Annabel's at 44 Berkeley Square and, subject to consent being granted, removal of that canopy before the erection of the approved canopy to the front of 46 Berkeley Square;
- f) Monitoring costs of the S106 legal agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, 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.

3. Grant conditional listed building consent.

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

2. SUMMARY

The application premises is a vacant office building on the western side of Berkeley Square that is linked at basement level to 46 Hay's Mews at the rear. 46 Berkeley Square is a Grade I listed building; the mews building is not listed. There is an open terrace between the buildings at ground level.

Permission and listed building consent are sought for alterations to the main building, the redevelopment of the mews building and excavation beneath the mews building and terrace to create a second basement level (though not beneath the main building), including a retractable single storey glazed extension within the central courtyard; this is on connection with the use of the main building as a private members club, comprising a new venue for Annabel's club (currently located at 44 Berkeley Square) in the basement and a 'day club' for Annabel's on the upper floors of the main building. The mews building would be used a health club/spa, with separate membership arrangements. However, the whole site would remain interlinked and there is expected to be crossover in membership between the uses.

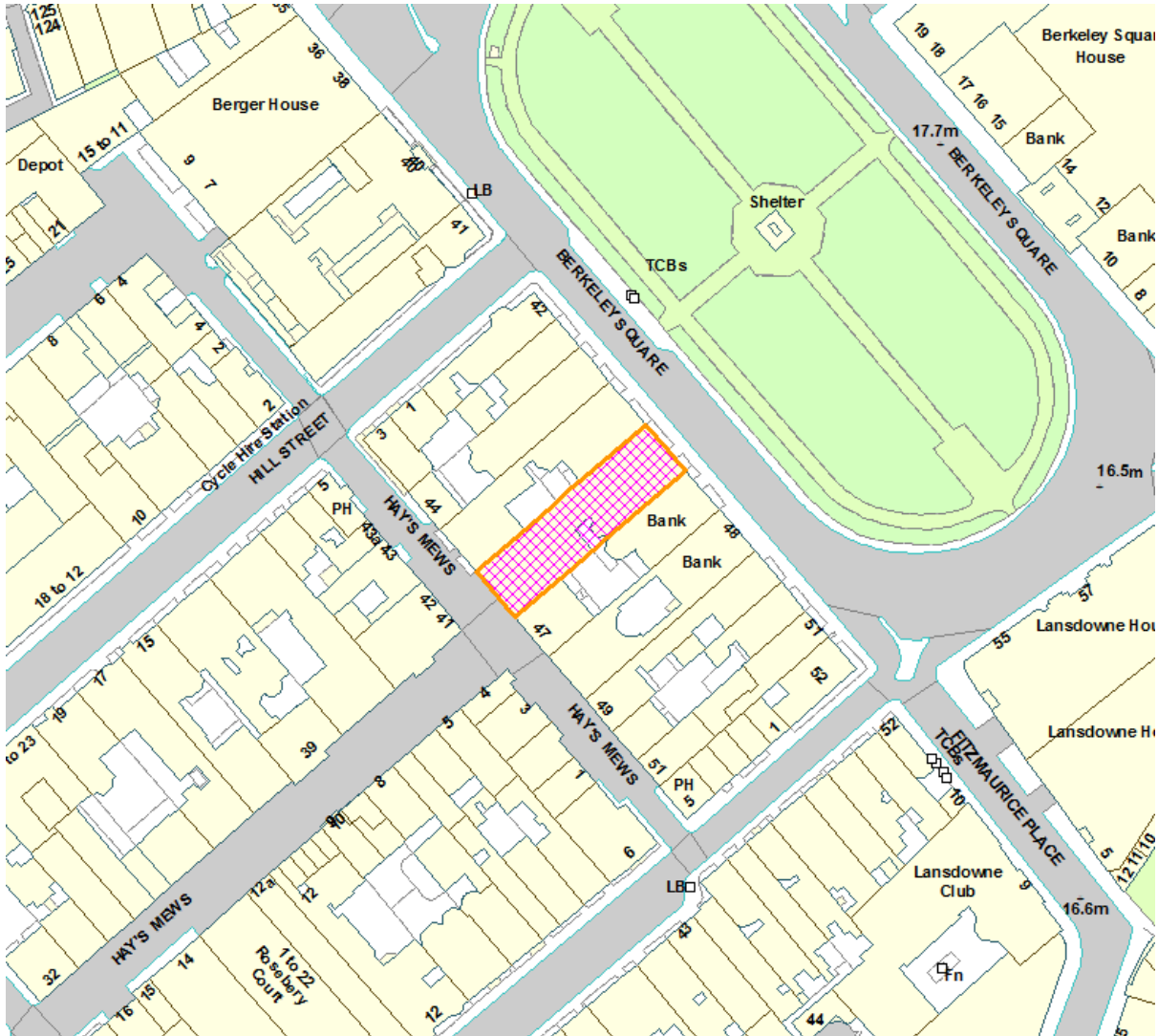
The key issues for consideration are:

- The impact of the proposed uses on the character and function of the area and on residential amenity;
- The impact of the works on the listed building;
- The design of the replacement mews building.

The extensions would result in an increase of 459 sqm in commercial floorspace (total 3,047 sqm). In accordance with the Council's mixed use policies to offset this increase in commercial floorspace, the applicant has offered a policy compliant financial contribution of £1,008,000 towards affordable housing. This will be secured by a S106 legal agreement. Having emphasised the benefits of refurbishing the listed building, the applicant is also offering some limited access for the general public and architectural scholars/academics.

Notwithstanding the objections that have been received, it is considered that subject to appropriate conditions controlling the operation of the proposed uses, that they are acceptable and appropriate for this part of Mayfair. (There have also been a number of representations of support.) The works are considered acceptable and would not detract from the listed buildings. The proposal is considered to comply with relevant policies set out in the adopted Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP), for the reasons set out in the main report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS

Any response to be reported verbally.

HISTORIC ENGLAND

- Have issued Authorisation for the Council to determine the listed building application;
- have no concerns about the demolition and replacement of the mews building;
- comment that the key alterations affecting the listed building relate to enlarged openings between rooms at ground and second floor, which result in some erosion of the historic plan form and loss of historic fabric but conclude that the alterations would result in less than substantial harm;
- recognise that there will be some heritage benefits arising from the scheme in terms of restoration and refurbishment of the property and some increased level of public access;
- on balance, consider the harm caused by the proposed alterations [openings between rooms] would be largely mitigated by the heritage benefits and that the proposed scheme would result in an appropriate viable use and sustainable future for the listed building.

HISTORIC ENGLAND (ARCHAEOLOGY)

Recommend no further archaeological requirements/conditions.

GEORGIAN GROUP

Any response to be reported verbally.

VICTORIAN SOCIETY

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

No objections subject to details including vent and pipework.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Support the application, commenting on the applicant's good record in terms of running their premises in Mayfair and endeavouring to be good neighbours with the residential population.

DESIGN OUT CRIME OFFICER

No specific comments on this proposal.

ENVIRONMENTAL INSPECTORATE

Advise that the size of the development and the type of work does not require environmental monitoring.

ENVIRONMENTAL HEALTH

Initial concerns about potential noise outbreak (particularly from the use of the terrace for dining) and adequacy of the high level kitchen extract subsequently overcome – recommend approval subject to conditions.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

Consider the proposals to be acceptable on transportation grounds, subject to securing by condition an updated Servicing Management Plan.

BUILDING CONTROL

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 146; Total No. of replies: 24

No. in support: 18

No. of objections: 6 representations from 4 consultees, raising objections on some or all of the following grounds:

USE

- Questions about the extent of the public benefit/facilities being offered for the local area and the weight that should be afforded it - objection to this being used to offset the impact of the scheme;
- Inappropriate change of use from office to leisure in a predominantly residential road [Hay's Mews] leading to increased activity, noise and disturbance, particularly outside normal office hours;
- Objection to the description of development as an entertainment use given its private nature;

AMENITY

- General adverse physical, community and environmental impacts/short and long term environmental and physical damage that will arise from the execution and subsequent operation of a scheme of this scale
- Unacceptable adverse effect on residential amenity and adjoining commercial occupier
- Intrusive noise and disturbance adversely affect the current ambiance, character and quiet environment
- Particular concerns about noise and disturbance from the all year round outdoor dining on the ground floor terrace/courtyard [particularly affecting residential accommodation in 48 Berkeley Square/48 Hay's Mews and offices in 47 Berkeley Square] – request that the outside areas are not used between 22.00 – 07.00 hours on week days and not at all on Saturdays, Sundays and Bank Holidays;
- Loss of privacy, including overlooking from proposed balcony at rear of the mews building;
- Insufficient detail about certain aspects of the proposals;

- Questions about the efficacy of the measures offered by the applicant in the draft Operational Management Plan to protect the amenity of local residents
- Request for comparable examples of mitigation measures used elsewhere
- If approved, request that appropriate conditions are attached, including a requirement for an annual monitoring report of the Operational Management Plan and a Construction Management Plan.

DESIGN/HISTORIC BUILDING

- The overbearing impact and overall sense of the replacement building at 46 Hay's Mews
- The scheme as a whole will have an adverse effect of the scheme on the character and appearance of the Mayfair Conservation Area,
- In particular, the demolition and construction of the larger replacement building at 46 Hay's Mews is an overdevelopment that will have an overbearing impact and will not preserve or enhance the character and appearance of the Conservation Area
- Adverse effect of the scheme (including internal works) on the setting of 46 Berkeley Square, a Grade I listed building

HIGHWAYS/TRANSPORTATION

- Increased demand for on-street parking with associated congestion
- Increased vehicular and foot traffic in an area already crowded (especially at peak times)
- Worsening of amenity implications from increased servicing

MISCELLANEOUS

- Objection to the scale of the basement excavation [subsequently reduced]
- Disruption during building works
- Request for further details about party wall provisions
- Questions about the proposed use of ornamental shrubs and potential impact on nesting birds
- Request for more information about the proposed combined heat and power (CHP) plant
- Objection to the scheme not providing a connection to a local district heating network

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

46 Berkeley Square is a Grade I listed building that dates from the mid-eighteenth century. It is currently vacant but the lawful use is for office purposes. It comprises basement, ground and three upper floors. It is linked at basement level to 46 Hay's Mews, with a shared courtyard at ground floor level, which formed part of the office accommodation. The mews building is not listed. The site is within the Mayfair Conservation Area and the Core Central Activities Zone but it is not in a Stress Area.

The area is characterised by a variety of uses, including residential, commercial and entertainment-type activities, though Berkeley Square itself is predominantly (though not

exclusively) commercial and Hay's Mews has a greater concentration of residential accommodation.

6.2 Recent Relevant History

There is no relevant planning history concerning the application site. However, it is noted that permission was granted on 7th March 2016 for the use of the adjacent property (45 Berkeley Square) as a private members club (sui generis, 2,276 sqm), with alterations including the erection of a single storey glazed extension within the central courtyard, creation of external terraces at first and third floors, and associated internal alterations. There was not a specific user identified for that proposal and this permission has yet to be implemented.

7. THE PROPOSAL

Full planning permission is sought for the change the use of 46 Berkeley Square from offices (B1 use) to private members club (sui generis use) and the demolition of 46 Hay's Mews and construction of a four storey building with two basement levels (i.e. a replacement basement and one additional basement level) for use as a Health Club and Spa (sui generis use). (NB The original submission was for four basement levels beneath the new mews building but the scheme has been revised to omit two of the proposed basements.) Listed building consent is sought for the internal and external alterations to 46 Berkeley Square.

The proposals involve the establishment of a private members club at the site (comprising the relocated Annabel's and new Annabel's Day Club) and a new Health Club and Spa (both sui generis uses). Annabel's is a fashionable club for exclusive clientele, established in 1963, currently located two doors to the north (44 Berkeley Square). The relocated Annabel's will be contained within the existing basement of 46 Berkeley Square with a similar layout to the existing Club at No. 44. The basement can be accessed separately from Berkeley Square via the stairs from pavement level within the front lightwell. The basement (level -1) will comprise several lounge areas, a bar, dining and a dance floor, along with member toilets, cloakroom and back of house areas. This portion of the Annabel's Club will be for evening dining and dancing.

It is proposed to create Annabel's Day Club on the ground, first, second and third floors of the main house (No. 46 Berkeley Square). The Day Club will comprise of lounge areas, bar and dining rooms and private rooms for meetings and dining, along with associated supporting facilities. The proposals also include the use of the rear portion of the terrace to the rear of the main house for alfresco dining as part of the Annabel's Day Club concept. A retractable glass canopy to protect diners from inclement weather is part of the proposal but, whatever the weather, the intention is that this would extended to enclose the dining terrace at 22.30 hours.

The proposals include the total demolition of 46 Hay's Mews and construction of a replacement four storey building with a replacement basement and one additional basement; this will be used as a member's Health Club and Spa, comprising treatment rooms, private fitness studios, a gym with changing rooms, and a club bar with food offerings.

The table below sets out full details of the proposed uses including floorspace, opening times and covers:

Proposed Gross Floorspace (GEA) (including courtyard dining area)	3,047 sqm (existing = 2,588 sqm)
Capacity of Annabel's (basement)	165 covers
Capacity of Annabel's (ground and upper floors)	282 covers
Capacity of health club	68 covers
Total Capacity of Annabel's – seated - including standing at the bar	515 550
Annabel's basement club proposed hours Monday – Saturday	0700 - 0400
Annabel's Day Club proposed hours Monday – Sunday	0700 - 0400
Health club proposed hours Monday – Sunday	0600 - 2200

The key physical alterations are proposed for the main house:

- Façade cleaning and repair where required, and general refurbishment of the interiors;
- Replacement of CCTV cameras with smaller scale cameras;
- Exterior façade lighting to subtly light the building;
- Opening up an existing bricked up doorway at the rear ground floor of the house;
- Replacing a window with a doorway at basement level at the rear of the house and replacing an existing 20th century skylight;
- An infill extension at rear ground floor level to house a service hoist, installation of two dumbwaiters to rear extension to closet wing at first to third floor, and a single dumbwaiter to ground and basement level;
- Enlarging the existing ground floor opening between the front and rear principal rooms,
- Removal of pine panelling in rear room on second floor and introduction of a new doorway to allow separate access from the hall to the rear two rooms, and opening up of existing opening to create larger front room at second floor level and the introduction of partitioning to create men's toilets and create a room to the front with better proportions;
- The introduction of partitioning to the rear room at second floor to create ladies WCs and kitchen server;
- The insertion of kitchen extract and duct supply at third floor level;
- Excavation of Berkeley Square pavement vaults to create additional head space;
- Replacement of the existing lift and lift shaft and installation of a new service stair;
- Relocating the front canopy to Annabel's from no. 44 to no. 46.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The Council has recently changed its policy approach with regards to the loss of offices within the Core Central Activities Zone (CAZ). A statement from the Deputy Leader on 22

July 2015 redefined what the Council considers to be sustainable development in the context of office losses. The statement by the Council acknowledges the need to safeguard Westminster's role as the most significant business centre in the UK, with the need to meet the borough's considerable housing needs. The new policy approach seeks to redefine what is considered to be sustainable development in the context of the loss of offices. The statement sets out this new policy approach to the loss of offices, in which the loss of offices to residential floorspace within the Core CAZ and on the Named Street would only be considered acceptable where a developer can demonstrate that the benefits of a proposal, taken as a whole, outweigh the loss of the office floorspace.

However, the statement makes it clear that loss of offices will be acceptable where they are to other commercial uses, which is the case here, and therefore this aspect of the proposal is considered to be acceptable.

Proposed Private Members Club and Health Club (sui generis)

The applicant seeks to change the use of the main building to a private members club with a separate health club/spa in the mews building, both constituting a sui generis use. The proposal is not speculative and has a specific operator identified (Annabel's), unlike the recent approval for No. 45. The applicant states that the intention is to provide a club that will offer a very high quality range of facilities befitting of the Grade I listed status of the building, the aim being to embrace the buildings heritage status and make use of the principal rooms for entertaining, as would have been their original purpose. Section 7 sets out the details of the proposal.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances. Given the size of the development, it needs to be assessed against UDP Policy TACE 10.

City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The applicant has drawn attention to their earlier proposals at 34 Grosvenor Square, where an appeal was allowed to extend a restaurant to over 500 sqm and where the Inspector considered that application of the relevant planning policies should be dependent upon demonstrable harm, rather than being applied in a generalised manner.

The impact of the use on amenity is addressed in the next section. With specific regard to the land use issue, members clubs form part of the longstanding character of Mayfair, and the unique nature of a private members club makes it distinct from other large scale entertainment activities open to the general public. Implementation of the proposal would bring the building back into active use, and help restore this important listed building to its optimum condition. Subject to the imposition of appropriate conditions (including adhering to a robust management plan) the use is considered acceptable in principle, and would not be harmful to the character and function of the area. Similarly the proposed health club/spa is considered to be an appropriate activity amongst the diversity of uses in the area, which includes a public house nearby on the corner of Hay's Mews and Hill Street.

An objection on the grounds that the proposal represents an inappropriate change of use from office to leisure is not considered to be sustainable, as the use is considered to be appropriate for this location. A further objection to the description of development as an entertainment use given its private nature is not considered to be sustainable, as the uses are clearly entertainment-based, irrespective of being restricted to a private membership.

In support of their proposals the applicant has offered some general public access to the building, of four days per year (1 per quarter) for members of the public to look round the building between 09.00 and 16.00 (including one of the Open House London weekend days), as well as architectural scholars being able to make appointments to view the building and obtain copies of the heritage report electronically free of charge. There is also an offer of 10% discounted membership for local residents of Berkeley Square and Hays Mews (although still subject to normal membership criteria). These benefits are more limited than what was suggested at pre-application stage but nonetheless are considered to be acceptable.

It is noted that one of the objectors questions the extent of the public benefit/facilities being offered for the local area and the weight that should be afforded it, and object to this being used to offset the impact of the scheme. The proposal is for the relocation, and expansion, of an existing activity which is long established and clearly makes a contribution to the local area. The fact that both the main club and health club/spa require membership is not considered to be relevant to the facilities being offered. Whilst the benefits are welcomed, it is considered that they have limited weight, as the proposal is itself considered to be acceptable and appropriate, and therefore the objection that they are being used to offset the impact of the scheme is not considered to be sustainable.

It is important to note that there have been a number of representations in support of the proposals, including from residents in Hay's Mews, who consider the uses will be of benefit to the area. The Mayfair Residents Group also supports the proposals.

Proposed Use and Amenity

The applications have given rise to strong objections on behalf of the flats in 48 Berkeley Square/48 Hay's Mews, a resident in Hay's Mews, another in Charles Street [which backs on to Hay's Mews] and the office occupier in 47 Berkeley Square/47 Hay's Mews. The objections centre predominantly (though not exclusively) on the potential impact of the proposals on their amenity, as set out in Section 5 above. Whilst sympathetic to the concerns raised, it is considered that with appropriate conditions (including requirements

for robust operational and servicing management plans) that these concerns can be overcome and that the proposals will not have a material impact on the local environment.

The proposal has been revised to omit two of the basements that were originally proposed, thereby reducing the capacity of the scheme and the impact of building works.

Whilst there is residential accommodation in the vicinity of the site (the nearest being 48 Berkeley Square and 3, 4, 41, 42 and 48 Hay's Mews) this part of Mayfair has a strong commercial function representative of its location within the West End, including a number of well-established entertainment activities.

The main member's entrance to the premises will be from Berkeley Square, though the entrance for the health club/spa will be in the mews (also to be used for the staff entrance, deliveries and servicing). A Draft Operational Management Plan (OMP) has been submitted which seeks to demonstrate a commitment to minimising the noise impact of the proposal. The OMP covers measures to prevent noise breakout, the management of customers arriving and departing, car parking, access control, use of staff entrance in Hay's Mews and management of waste and recyclable material for disposal and collection. The main building would be open between 07.00 and 04.00 hours, the health club/spa from 06.00 until 22.00 hours, and these hours would be conditioned (as will the capacity, outlined above).

An objection has been received on the grounds that the proposal represents an inappropriate change of use from office to leisure in a predominantly residential road [Hay's Mews] leading to increased activity, noise and disturbance, particularly outside normal office hours. It is noted that a separate permission has been granted for the use of 45 Berkeley Square as a private members club (though this will not necessarily be implemented). Granting permission at both the application site and the adjacent premises would potentially result in two new private club uses adjacent to each other: this would be in addition to the vacated Annabel's club in the basement of No. 44, the upper floors of which are occupied by the Clermont Club, a private gaming club. The cumulative impact of the new entertainment use also needs to be considered. In this instance given the character of Berkeley Square and, provided that the club uses are well run, it is not considered that permission should be withheld for land use or amenity reasons. Subject to the proposed club operating in accordance with an appropriate operational management plan the use is considered appropriate.

An objection to there being insufficient detail about certain aspects of the proposals is not considered to be sustainable, as there is adequate information to assess the principles of the scheme, supplemented where necessary by appropriate conditions. Whilst the objector questions the efficacy of the measures offered by the applicant in the draft Operational Management Plan (OMP) to protect the amenity of local residents, the measures put forward by the applicant are considered to be acceptable and a condition will require a finalised OMP to be submitted before the use commences. Whilst the objector asks for an annual monitoring report of the OMP to be required, this is considered to be excessive: any breaches of the OMP (or any other condition) could be dealt with by the Council's Planning Enforcement Team. It is also noted that the applicant has a number of other premises in Mayfair and has emphasised that it has a good track record in managing these premises. Given the exclusive nature of the proposals, there is no reason to believe that this would not be as well managed. In the event that the applicant does

vacate the premises, a condition will require future occupiers to submit their own specific OMP.

The objectors have particular concerns about noise and disturbance from the all year round outdoor dining on the ground floor terrace/courtyard at the centre of the site. The applicant has emphasised that open air dining is a key concept for their proposals and something they wish to retain. The scheme has also been revised to lower the terrace area by 1.4m, thereby reducing the risk of noise nuisance as the noise source will be lower and beneath the existing courtyard wall level.

One objector requests that the outside areas are not used between 22.00 – 07.00 hours on week days and not at all on Saturdays, Sundays and Bank Holidays. The scheme includes the construction of a retractable glass roof and folding glazed wall and this will be used to enclose the dining area during inclement weather and at night, which would control potential noise nuisance late at night. Preventing use of the terrace at the weekends and on Bank Holidays is considered to be excessive: the applicant has requested that the dining is allowed to be alfresco until 22.30, at which point the retractable glass roof and folding glazed wall will be extended to enclose the dining area. 07.00 hours is considered to be an appropriate time to allow the terrace to be opened on the week, but it will be conditioned to remain enclosed until 08.00 hours on Saturdays, Sundays and Bank Holidays.

The applicant is now also offering a management plan to control noise outbreak and ensure that the staff take appropriate measures to control noise, aided with a noise monitoring regime (and have referred to this being used at their premises at 34 Grosvenor Square) the applicant suggests that a limit on noise levels is agreed with Environmental Health under condition and that, when an agreed level has been reached, the retractable glass roof and folding glazed wall will be closed to contain sound. This is meant to ensure that the management regime reacts to the precise noise conditions on the terrace at any point in time, rather than a blanket requirement that the roof be shut for particular hours. However, given the proximity of residential accommodation, it is considered appropriate that the terrace dining area is still enclosed no later than 22.30 hours but if necessary, depending on noise levels, the condition will require it to close earlier.

It is considered that these measures will address objectors' concerns about the proposals giving rise to intrusive noise and disturbance adversely affecting the current ambience, character and quiet environment. Whilst Environmental Health initially objected to the proposals over concerns about potential noise nuisance, based on the above measures they have now withdrawn their objection.

An objection to loss of privacy is not considered to be sustainable. The courtyard does not give any opportunity for overlooking. Whilst a balcony was proposed as part of the health club/spa at rear first floor level of the mews building, the applicant has confirmed that this will no longer be open to members and will be used for maintenance only. Again, this will be conditioned.

Mix Use Policies

UDP Policies CENT3 and Westminster's City Plan Strategic Policy S1 aim to encourage mixed use developments within Central Westminster, requiring any increase in

commercial development to be matched by residential provision provided this is appropriate and practical. The scheme involves an increase in commercial floorspace of 459 sqm without an equivalent increase in residential floorspace. As the site is located within the Core CAZ, this increase in commercial floorspace is considered to be acceptable in principle.

It is recognised that it is sometimes impractical and/or inappropriate to provide housing on-site in certain circumstances. Where it is accepted that residential cannot reasonably be provided either on or off site the policy adopts a 'cascade' approach in which acceptable alternative uses may be provided or an appropriate financial contribution may be made towards the City Council's affordable housing fund. Based on the 459 sqm increase in commercial floorspace a policy compliant payment would be £1,008,000.

The applicant has set out an assessment of why it considers that it is not possible to provide residential accommodation on the site. Such reasons including the site's heritage constraints and access issues of providing separate access, and that it would adversely impact on the scheme as a whole. The applicant also states that it does not own or have an interest in any suitable alternative sites in the vicinity where residential use could be implemented successfully without displacing an existing acceptable use that contributes to and enhances the character of the CAZ.

It is also noted that the statement from the Deputy Leader referred to above does state that the mixed use policy will be applied more flexibly to allow exceptions to the requirements to provide commensurate residential floorspace.

The applicant's arguments are noted. In this case therefore the applicant's offer to pay the full policy compliant commuted payment towards affordable housing is considered to be acceptable.

8.2 Townscape and Design

The site comprises amid eighteenth century house facing onto Berkeley Square which is listed grade 1 and a twentieth century neo-Georgian mews building on Hays Mews at the rear. The grade 1 listed building makes a very positive contribution to the character and appearance of the Mayfair Conservation Area. The unlisted mews building also makes a positive contribution to the conservation area. The adjacent two buildings to the north on Berkeley Square (44 and 45) are also listed grade 1 and the building to the south is grade 2 starred. The mews building to the north (45) is listed grade 2. The proposal involves works of conversion and refurbishment to the grade 1 listed building and demolition and redevelopment of the mews building.

The listed building

The building was listed in 1958. It was built as a town house circa 1744-50, along with 45, and is attributed to Henry Flitcroft. The list description states:

Both houses have fine interiors with contemporary plasterwork and chimneypieces. Very good ironwork to stone staircase of No 46. Part of best surviving terrace sequence in square and with exceptional interest.

At ground floor level and first floor level there are important original Palladian features, slightly later Adamesque decoration from the 1770's and late nineteenth century work, possibly by Norman Shaw. The second floor contains original panelled rooms at the front, but altered rooms at the rear. The third floor and basement are of much lesser interest. The rear and roof of the building have been altered, including an extension on the north side of the closet wing and a lift over-run at roof level. (The latter will be demolished, which is beneficial to the special interest of the listed building).

The proposals involve the retention and conservative repair of much of the interior and this is very welcome. There are areas where the proposals are considered to be harmful to the special architectural and historic interest of the interior. These include the widening of the opening between the front and rear rooms at ground floor level and the removal of the wall between the front rooms at second floor level. The applicant argues that these alterations are essential to the use of the building as a club. The first alteration is required to improve circulation, and the second to create a long room, the full width of the house, capable of accommodating a table for 30 people. These alterations are particularly contentious because the house is of the greatest architectural and historic interest, hence its grade 1 listed status.

The existing opening at ground floor level is not original, but could date from the late eighteenth century. Consequently the increased width of the opening would result in the loss of some historic, probably eighteenth century, fabric. The existing historic doors will be removed, and should be required (by condition) to be reused within the house. The existing panelling on the walls affected will be adjusted. Given that the opening is itself a later alteration, the increase in its width is considered acceptable in the context of the scheme as a whole.

At second floor level the smaller front room (south) appears to be largely original, lined with mid eighteenth century panelling, and other joinery. This was originally a bedroom. The other front room appears to have been altered. It may have been square too, but then extended towards the rear of the building. The removal of the wall between the two rooms is highly contentious because it involves a loss of original historic fabric (the panelled wall) and a loss of original plan form. Panelled bedrooms from the 1750's are scarce survivors. Whilst they may not be of the greatest architectural interest (compared with the principal floors below), they are certainly of historic interest. This proposal might be considered harmful in a grade 2 listed building, but in a grade 1 listed building, this causes significant harm.

Following objections from officers and Historic England, the scheme has been amended so that the panelling affected will be reused in the new room created. This means that although there is still loss of historic plan form, there is reduced loss of historic fabric, because it is reused. This is still harmful, but in assessing the acceptability of the proposals, that harm has to be balanced against any public benefits the scheme offers.

External alterations

The main change to the exterior is the addition of a canopy over the entrance to the basement on Berkeley Square. The introduction of this canopy is harmful to the appearance of the listed building and would normally be considered wholly unacceptable. However, the existing Annabel's nightclub at 44 Berkeley Square has such

a canopy which has been in situ for many years. No. 44 is also listed grade 1. It is considered that the harm caused at no.46 could be said to be off-set if the canopy at no.44 is removed and the front of this listed building is restored to something like its original appearance. The creation of a canopy at no.46 whilst retaining the one at no.44 would be wholly unacceptable in listed building and conservation area terms. It is therefore necessary to ensure that the canopy to no. 44 is removed prior to the installation of the approved canopy to no. 46. This will be secured through a legal agreement.

The mews building

This is a good neo-Georgian building but its replacement with a new building could be acceptable in conservation area terms, provided that the replacement building preserves or enhances the character and appearance of the Mayfair Conservation Area.

The replacement building is similar to the existing, but is higher, with the addition of a roof level plant area, enclosed with in a shallower pitched roof on top of the mansard. The design of the new facades is neo-Georgian, which is appropriate for this location. It is considered to be an acceptable replacement for the existing building, although some further design refinement is required to improve the appearance of the ground floor level frontage to the mews, and to reduce the size of the dormers slightly. These aspects can be controlled by condition. On this basis the objection to the design of the new mews building is not considered to be sustainable.

At the rear of the mews building is a terrace which is capable of being enclosed. It will have a retractable glass roof and folding glass doors. It is separate from the rear of the grade 1 building and is not considered to harm its setting. This is considered acceptable.

The balance of harm and benefits

Some of the proposed alterations are considered harmful to the special interest of the listed building. However, it is considered that overall the proposals deliver benefits, in terms of the future beneficial use of the building and the restoration of other parts of its interior, which are considered to outweigh the harm caused. This is a view shared by Historic England. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 5, DES 6, DES 9 and DES 10. The objection to the harm to the special interest of this listed building is not considered to be sustainable.

Archaeology

This matter has been assessed by Historic England who advise that there are no archaeological requirements.

8.3 Amenity (Mechanical Plant and Sunlight and Daylight)

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

The scheme incorporates plant within the building at basement level and within the new mansard roof of the mews building. Environmental Health initially had concerns about the kitchen extract system (which are provided in both the main and the mews buildings) but is now satisfied that the discharge is at a sufficiently high level to be acceptable. All plant will be conditioned to minimise noise levels and vibration.

UDP Policy ENV13 and City Plan Policy S29 seek to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents. The applicant has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

The rebuilt mews building is approximately the same height and bulk as the existing, although the inclusion of the double pitched mansard roof does mean that at its highest point the new building is 2.85m higher than the main roof of the existing building (not counting the large plant enclosure). The daylight and sunlight study demonstrates that there will only be small losses of light to the nearest residential properties (in Hay's Mews, opposite the new mews building), well within the recommended guidelines and therefore this aspect of the proposal is acceptable.

8.4 Transportation/Parking

Car Parking

No car parking can be provided given the constraints of the site, and the Highways Planning Manager is happy with this. Although there have been objections that there will be increased demand for on-street parking with associated objection, the Highways Planning Manager does not consider this to be an issue given the parking constraints in the area and the site's high level of public transport accessibility. He notes that there is likely to be demand for taxi traffic but that there is a fairly extensive section of double yellow line outside the premises which should prevent other vehicles from parking there, and this should mean that taxis should be able to access the kerbside without blocking the carriageway.

Servicing

All servicing will take place at the rear of the site on Hay's Mews. The Transport Statement advises that the proposed servicing of the premises would require 6 – 9 vehicles a day: although the existing office use would have had some servicing associated with it, the Transport Statement does not say how much.

The Highways Planning Manager notes that a new club competing with the existing premises at No 44, which may continue to operate as a private members' club in the future once vacated by Annabel's, could give rise to issues with the number of servicing vehicles in the Mews. However, he considers that it should be possible to avoid such problems by co-ordinating and controlling servicing through a Servicing Management Plan, which will be secured by condition.

To help ensure that servicing will not materially worsen the amenity of residents within Hay's Mews it is proposed to control its hours to between 07.00 and 21.00 hours Monday to Saturday, and not at all on Sundays and Bank Holidays.

Given these controls the objections on transportation grounds are not considered to be sustainable and that the proposal will comply with relevant planning policies (City Plan Policy S42 and UDP Policy TRANS20). Similarly the objection to increased 'foot traffic' in the area is not considered to be sustainable in the context of the high levels of pedestrian activity that already exist.

Cycle Parking

The application refers to the provision of 44 cycle parking spaces, most likely for staff. This is welcomed and will be secured by condition.

Waste

Refuse will be stored internally within a designated store within the Hay's Mews building. Separate storage will be provided for general refuse and recyclables. Refuse would then be collected at street level in Hay's Mews.

Highway Safety

Whilst the doors to the proposed sub-station within the replacement mews building will open out over the public highway (which is a requirement of UKPN), they will be opened infrequently and under close supervision. In the context of a very quiet mews, this is acceptable in highway safety terms.

8.5 Economic Considerations

Any economic benefits generated are welcomed, in particular providing a viable use for this listed building.

8.6 Access

Level access will be provided into the new mews building, where the new lift meets Part M minimum size requirements, and where there will be level access through to the terrace. However, there are steps into the main building from Berkeley Square and the difference in levels and the listed building constraints mean that this situation cannot be changed. The intention is that management will assist disabled members into the building, where there will be lift access to all other areas.

8.7 Other UDP/Westminster Policy Considerations

Biodiversity and Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise

on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. Policy S39 seeks to ensure that all new development links to an existing district heating network or where this is not possible provides a site wide decentralised energy generation network. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The listed building constraints mean that there are no sustainability provisions for 46 Berkeley Square. However, there is greater opportunity for the new mews building, which will have insulation levels which exceed the current Building Regulations and which will minimise heat loss and energy demand. These "Be Lean" Measures deliver a reduction in carbon emissions of 0.6% on Part L 2013 Building Regulations.

In terms of "Be Clean" it is proposed to provide an energy centre incorporating a CHP plant within the mews: one of the objector's request for more information about this is not considered to be sustainable, as the level of information provide is sufficient for the planning application. There are no district heating networks in the vicinity of the site and the development is too small to become a district heating network for other developments: an objection on these grounds is therefore not sustainable. The building will also employ high efficiency mechanical ventilation and heat recovery. These features will deliver low carbon heat and power to the development. Together with the "Be Lean" measures this delivers an overall reduction of 47% compared to a Part L 2013 Building Regulations compliant development.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity but the site has no opportunity to make any provisions for this. There has been an objection on the grounds that the proposed use of ornamental shrubs may have a potential impact on nesting birds but this is considered to be extremely tenuous.

8.8 London Plan

The proposal does not raise any strategic issues and is not referable to the Mayor of London

8.9 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.

8.10 Planning Obligations

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc are detailed in the Council's Supplementary Planning Guidance on Planning Obligations.

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The applicant has offered a policy compliant financial payment of £1,008,000 towards the City Council's affordable housing fund in lieu of on-site provision (index lined and payable upon commencement of development). The planning obligation is considered to meet the tests outlined above and would be secured by a S106 legal agreement. Similarly the limited public access that is offered, and the need to remove the existing canopy at No. 44 are also considered to be appropriate matters to be secured as part of the S106.

8.11 Environmental Assessment including Sustainability and Biodiversity Issues

The existing buildings will be retained and alterations are limited to those necessary to achieve the change of use to a private members club. The historic fabric is retained. The relatively new existing building services and plant will be retained and modified to accommodate the proposed use.

8.12 Other Issues

Structural issues relating to basement excavation

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

The Council does not currently have an adopted policy with regards the construction of basements, but does have an adopted Basement Development SPD. The SPD indicates that it applies to residential basement extensions rather than new build and commercial basements and requires applicants to ensure the development responds to and is appropriate to its site and address sustainable design principles. With regards to basement development and heritage assets the SPD states all basement development should protect heritage assets and their settings. The SPD also notes that excavation work needs to be undertaken sensitively.

The Council has also proposed a new policy for basements to be included within the Westminster's City Plan: Strategic Policies, though again this is primarily related to basement development to existing residential properties.

The proposed additional basement in this commercial scheme is considered to be acceptable in land use terms and will be subject to the usual Building Control regulations. The works would also be subject to a construction management plan (see below) and on this basis the proposals are considered to be acceptable.

Construction impact

An objection has been received that the proposed works would result in a lengthy construction process and create general noise and disturbance. As indicated above, the scheme has been revised to reduce the number of new basement to one (in addition to the existing basement), which will reduce the length and scale of the works. Although not strictly a planning consideration, it is recommended that permission is subject to a condition that requires the development to be carried out in accordance with the Demolition and Construction Management Plan that has been submitted with the application. It is noted that the Council's Environmental Inspectorate section did not consider the original submission (with four basements) to be so significant as to require environmental monitoring.

A request for further details about party wall provisions is not sustainable as this is subject to separate, non-planning, legislation and procedures.

8.13 Conclusion

The proposed uses will bring the currently vacant buildings back into active use and allow a wider audience to enjoy the grandeur of the Grade I listed building (even if largely restricted to private members). In design terms, the alterations and extensions are considered acceptable and would not be harmful to the listed buildings. The uses are considered acceptable in land use terms, as the use accords with the character and function of this part of Mayfair, and subject to the imposition of appropriate conditions it is considered that there will be no material loss of amenity to neighbours.

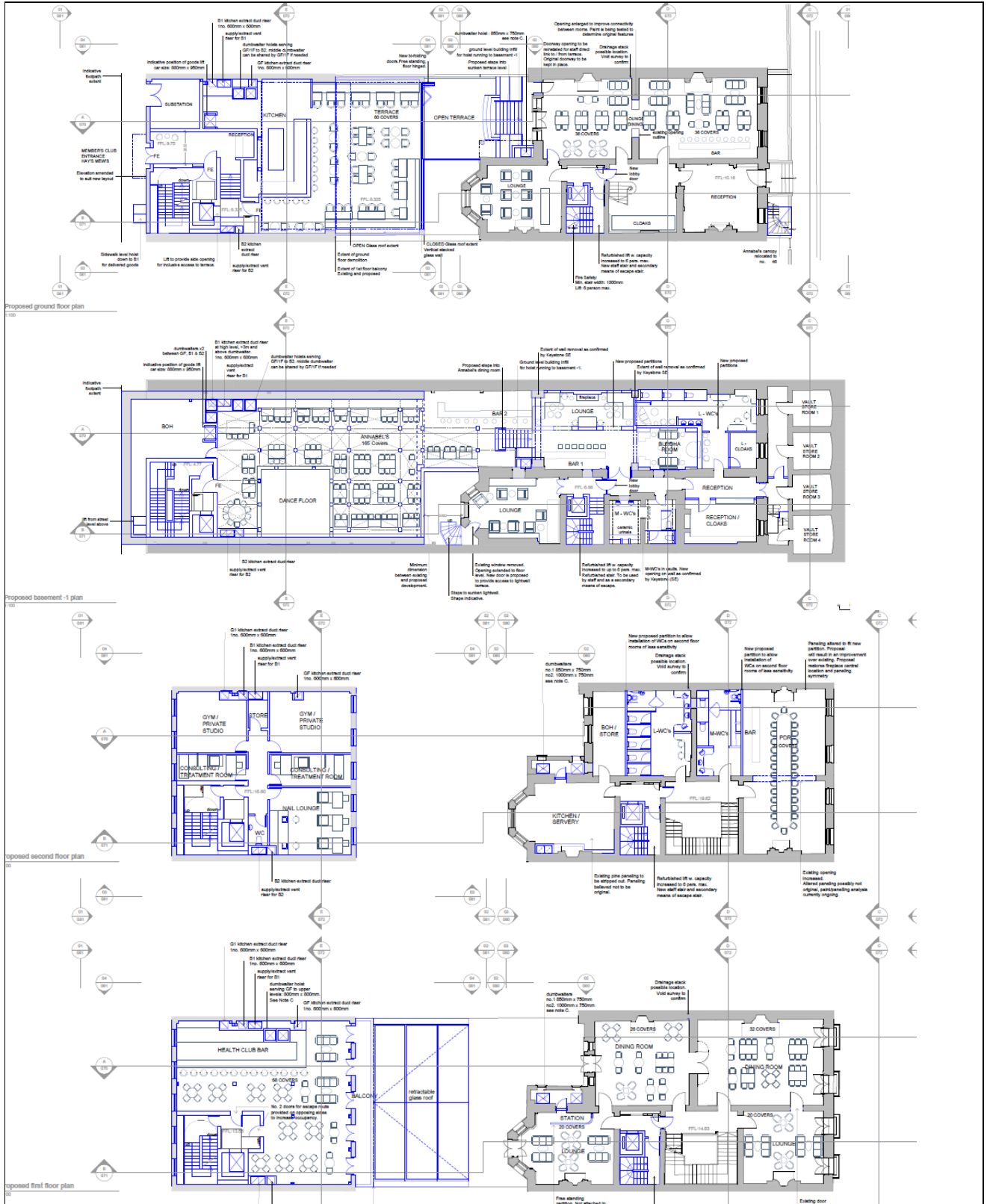
9. BACKGROUND PAPERS

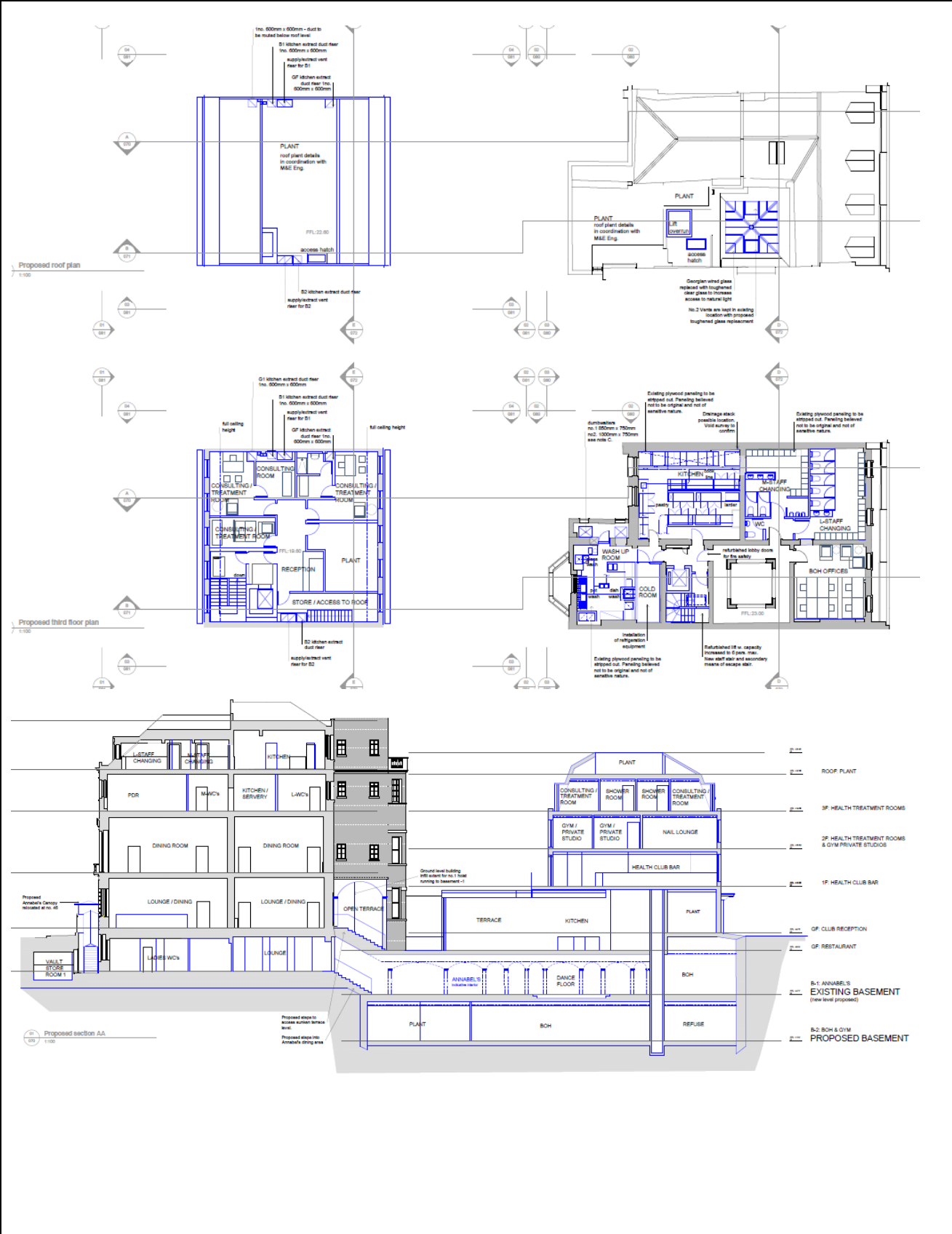
1. Application forms and letters from Bidwells dated 10, 11 and 15 February 2016
2. Letters from Historic England dated 8 January 2016 and 10 February 2016
3. Email from the London and Middlesex Archaeological Society (for and on behalf of the Council for British) dated 17 February 2016
4. Emails from the Mayfair Residents Group dated 10 and 12 February 2016
5. Memoranda from the Environmental Health Consultation Team dated 13 January, 26 February and 22 March 2016
6. Response from the Environmental Inspectorate dated 5 January 2016
7. Response from Designing Out Crime, dated 13 January 2016
8. Memorandum from the Highways Planning Manager, dated 23 March 2016
9. Letters from Taylor Wessing LLP, 5 New Street Square, dated February 2016
10. Representation from Enstar Capital, 54 Brooks Mews, dated 10 February 2016
11. Representation from occupier of 8 Rosebery Court, 15 Charles Street, dated 26 February 2016
12. Representation from occupier of 6 Grosvenor Street, London, dated 11 February 2016
13. Representation from occupier of 3 Hanover Square, London, dated 10 February 2016
14. Email from occupier of 6 Chesterfield Hill, London, dated 21 February 2016
15. Representation dated 22 January 2016 and copy of email dated 5 February 2016 from occupier of Rosebery Court, 15 Charles Street
16. Letter from occupier of Flat 71, 39 Hill Street, dated 1 March 2016
17. Representation from occupier of 51 South Street, London, dated 26 February 2016
18. Representation from occupier of 23A Hayes Mews, London, dated 12 February 2016
19. Representation from occupier of 15 Stratton Street, London, dated 10 February 2016
20. Representation from occupier of 23 Hyde Park Street, London, dated 10 February 2016
21. Letter from occupier of Flat B, 48 Berkeley Square, London, dated 2 March 2016
22. Representation from occupier of 15 Hays Mews, London, dated 8 February 2016
23. Representation from Tristan Capital, Berkeley Square House, dated 14 February 2016
24. Representation from occupier of 54 Brooks Mews, Mayfair, dated 10 February 2016
25. Representation from occupier of 10 Carlos Place, London, dated 10 February 2016
26. Online representation and separate letter from Lewis Silkin LLP, 5 Chancery Lane, both dated 18 January 2016
27. Letter from occupier of Flat 8, 6 Charles Street, dated 19 February 2016
28. Representation from occupier of 21 Bruton Street, London, dated 22 February 2016
29. Representation from occupier of 14 Adam's Row, Mayfair, dated 4 March 2016
30. Letter from occupier of The Garden House, 8, Hay's Mews, dated 10 February 2016

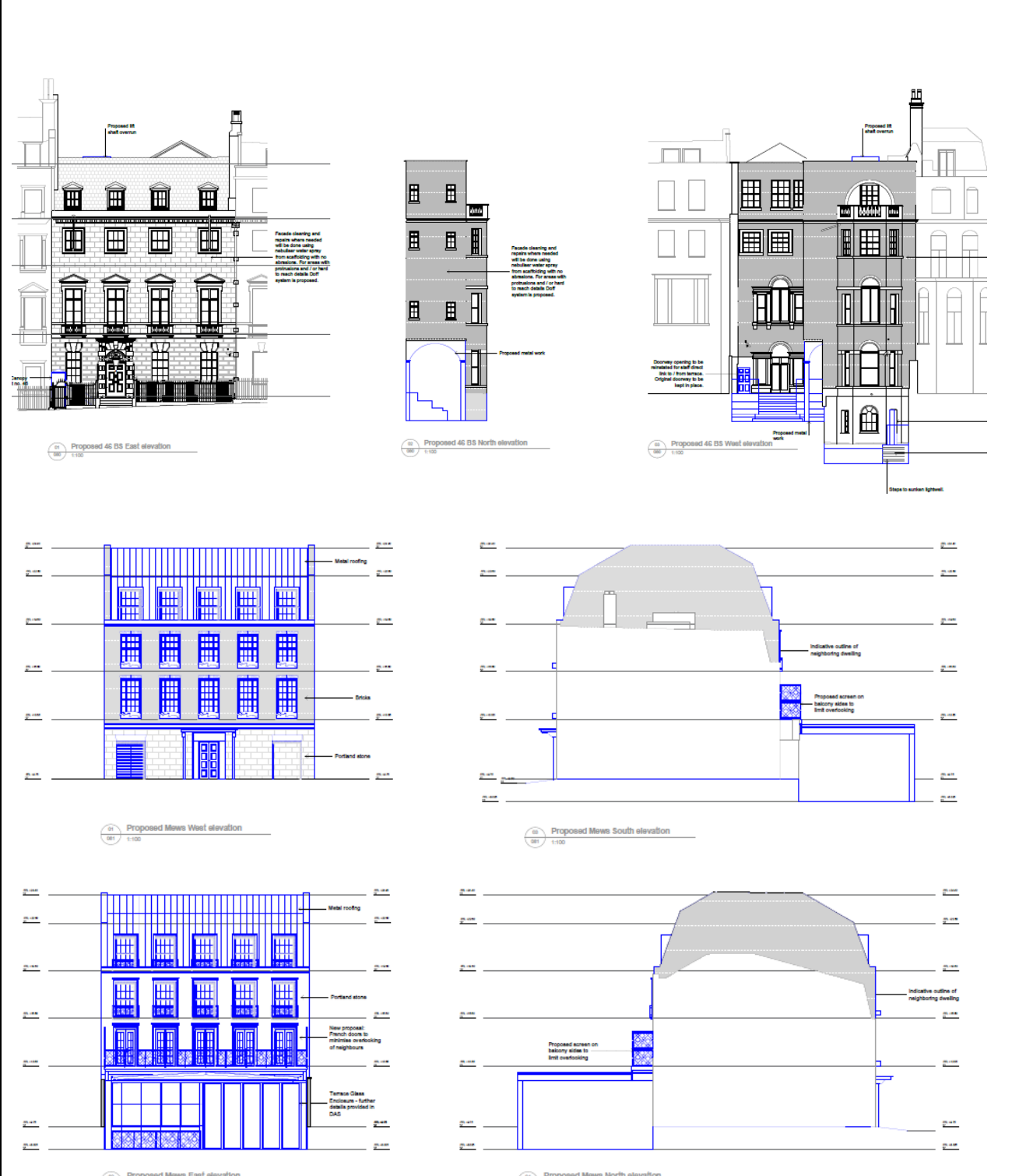
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS







DRAFT DECISION LETTER (15/11330/FULL)

Address: 46 Berkeley Square, London, W1J 5AT,

Proposal: Use of 46 Berkeley Square as a private members club (sui generis use), with internal and external alterations, including erection of Annabel's canopy to front, together with the demolition of existing mews 46 Hay's Mews and erection of a replacement four storey building including a two storey basement for the provision of a health club use (sui generis use) and associated mechanical plant and landscaping.

Plan Nos: Demolition drawings: 010 P01, 012 P00, 014 P00, 030 P01, 031 P01, 032 P00, 040 P01, 041 P00;
Proposed drawings: 048 P23, 050 P22, 052 P22, 054 P22, 070 P20, 071 P20, 072 P20, 080 P19, 081 P20;
Design and Access Statement dated December 2015 Rev 03.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 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 this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we

adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

1. Reduction in the size of the dormer windows of the mews building;
2. Enhancement of the mews ground floor frontage, to reduce its solidity and incorporate more openings.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development -

1. New mews building - typical façade details at all levels;
2. Entrance canopy in Berkeley Square.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 Customers shall not be permitted within the specified parts of the premises outside of the following hours:

The basement club in 46 Berkeley Square: Monday - Saturday 0700 - 0400, and not at all on Sundays after 04.00;

The 'day club' on the ground and upper floors of 46 Berkeley Square: Monday - Sunday 0700 - 0400;

The health club/spa in 46 Hay's Mews: Monday - Sunday 0600 - 2200.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 Customers for the basement club and the 'day club' in 46 Berkeley Square shall only access the premises from Berkeley Square. Access from 46 Hay's Mews shall be restricted to customers specifically using the health club/spa within 46 Hay's Mews, staff (of any part of the premises) and for servicing.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 You must not allow more than the following number of customers into the specified parts of the premises at any one time:

The basement club in 46 Berkeley Square: Monday - 165 customers;
The 'day club' on the ground and upper floors of 46 Berkeley Square: 317 customers;
The dining area of the health club/spa in 46 Hay's Mews: 68 customers.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

(a) A schedule of all plant and equipment that formed part of this application;

- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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: Strategic Policies adopted November 2013, 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.

- 13 (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 any of the uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 any of the uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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: Strategic Policies adopted November 2013, 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.

- 14 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.

- 15 The discharge of extracted air from the roof of 46 Berkeley Square shall not be less than 1m above the roof ridge of any building within 20m of 46 Berkeley Square.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 16 You must apply to us for approval of details of a supplementary acoustic report (including real time noise data) demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 12 of this permission. You must submit this information upon completion of the plant installation and you must start any of the uses (in terms of allowing any members of the public, including club members) until we have approved what you have sent us.

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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 17 You must provide the waste store shown on drawing 048 P23 before anyone moves into the properties. You must clearly mark it and make it available at all times to everyone using any part of the premises. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 18 You must provide details of an updated servicing management plan prior to any of the uses commencing. The uses must then be carried out in accordance with the approved plan.

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 All servicing must take place within Hay's Mews, between 07.00 and 21.00 hours on Monday to Saturday and not at all on Sunday or Bank Holidays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 20 With the exception of the doors to the sub-station in the ground floor frontage of 46 Hay's Mews, you must hang all doors or gates so that they do not open over or across the road or pavement.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 21 The service hoist immediately in front of 46 Hay's Mews shall be kept closed at all times except during deliveries, waste removal and other servicing activities, during which time its use shall be supervised.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 22 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 23 You must apply to us for approval of an updated/final operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start any of the approved uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the building is in use. In the event that alternative users subsequently occupy the premises, a new operational management plan must be submitted, and approved by the Council, prior to their occupation of the building.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 24 Within 12-18 months of the first occupation of the premises, a monitoring report shall be submitted to the Council, demonstrating the effectiveness of the operational management plan required by condition 22. Subject to any issues or problems adversely affecting local amenity that may be identified, this monitoring report will set out any remedial measures to be implemented to address those issues or problems.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 25 You must provide the access for people with disabilities as outlined in the Design and Access Statement dated December 2015 Rev A03 before you use the buildings.

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: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 26 Notwithstanding the annotation 'balcony' shown on Drg. No. 052 P22, you must not use the first

floor balcony at rear first floor roof of the new mews building for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 27 The al fresco dining area on the ground floor terrace/courtyard shall be enclosed within the retractable glass roof and folding glazed wall at least between no later than 22.30 until 08.00 hours the following day, every day, except where required earlier under the terms of condition 27.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 28 Details of a noise monitoring regime, to monitor noise levels in the terrace/courtyard dining area, shall be submitted to the Council for approval before any of the uses commence. This will include details an approved visual noise warning device to be provided within the al fresco dining area, to a noise limit which is deemed acceptable when assessed within neighbouring properties, as agreed with the Council's Environmental Health department. Any live music or music played through a PA system or similar system on or adjacent to the dining area shall also incorporate a digital limiting device. These devices shall be agreed with the Council's Environmental Health department and once agreed shall be locked off and secured. The agreed measures must then be installed before any of the uses commence and thereafter permanently maintained. Any adjustments made to the device shall be made only with the local authority's prior written approval.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 29 You must carry out the development in accordance with the IGP Management Ltd Demolition and Construction Management Plan dated 16 November 2015.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 30 You must provide the environmental sustainability features (environmentally friendly features) set out in the Beechfield Consulting Engineers Energy Statement dated 23 November 2015 before you start to use any part of the development. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) Provision of £1,008,000 towards the City Council's affordable housing fund (index linked and payable upon the commencement of development);
 - b) A minimum of 4 days per year (1 per quarter) for members of the public to look round the building between 09.00 and 16.00 (including one of the Open House London weekend days);
 - c) 10% discounted membership for local residents of Berkeley Square and Hays Mews (subject to them meeting the membership criteria in the same way any other member would be required to do);
 - d) Scholars able to make appointments to view the building and obtain copies of the heritage report electronically free of charge;
 - e) The applicant to apply for listed building consent for the removal of the existing canopy to the basement of Annabel's at 44 Berkeley Square and, subject to consent being granted, removal of that canopy before the erection of the approved canopy to the front of 46 Berkeley Square;
 - f) Monitoring costs of the S106 legal agreement.

- 3 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.

- 4 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the uses that we have approved will need planning permission.
- 5 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 6 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please 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)
- 8 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

DRAFT DECISION LETTER (15/11331/LBC)

Address: 46 Berkeley Square, London, W1J 5AT,

Proposal: Internal and external alterations (including installation of Annabel's canopy to front) to facilitate change of use to private members club

Plan Nos: Demolition drawings: 010 P01, 012 P00, 014 P00, 030 P01, 031 P01, 032 P00, 040 P01, 041 P00;
Proposed drawings: 048 P23, 050 P22, 052 P22, 054 P22, 070 P20, 071 P20, 072 P20, 080 P19, 081 P20;
Design and Access Statement dated December 2015 Rev 03.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 You must apply to us for approval of full particulars of internal restoration and refurbishment works to the listed building, including method statements where appropriate. 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 particulars. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 3 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present

position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 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 this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development -

External

1. Entrance canopy in Berkeley Square

Internal

2. Alterations to ground floor rooms (GF03 and 04)
3. Alterations to second floor front rooms (2F01 and 03)
4. Alterations to second floor rear rooms (2F04 and 07)
5. New secondary stair
6. New vertical risers

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

Reason:

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

character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 The new joinery and plasterwork must exactly match the existing original work unless differences are shown on the approved drawings. (C27FA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	30 Mount Row, London, W1K 3SH		
Proposal	Demolition of the existing building and the erection of a six storey building and lower ground and basement levels to provide retail/gallery (Class A1) floorspace over basement, lower ground floor and ground floor levels, and four self-contained residential units on the five upper floors.		
Agent	DP9		
On behalf of	Summerford Ltd		
Registered Number	16/01024/FULL	Date amended/ completed	15 February 2016
Date Application Received	5 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <p>a) Provision of £457,000 (index linked and payable prior to commencement of development) towards the affordable housing contribution fund;</p> <p>b) A car parking space within a local car park for 25 years;</p> <p>c) Lifetime membership to a car club for every residential unit for 25 years;</p> <p>d) The cost of highways works (prior to occupation); and</p> <p>e) The costs of monitoring the S106 agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>(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;</p> <p>(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.</p>
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2. SUMMARY

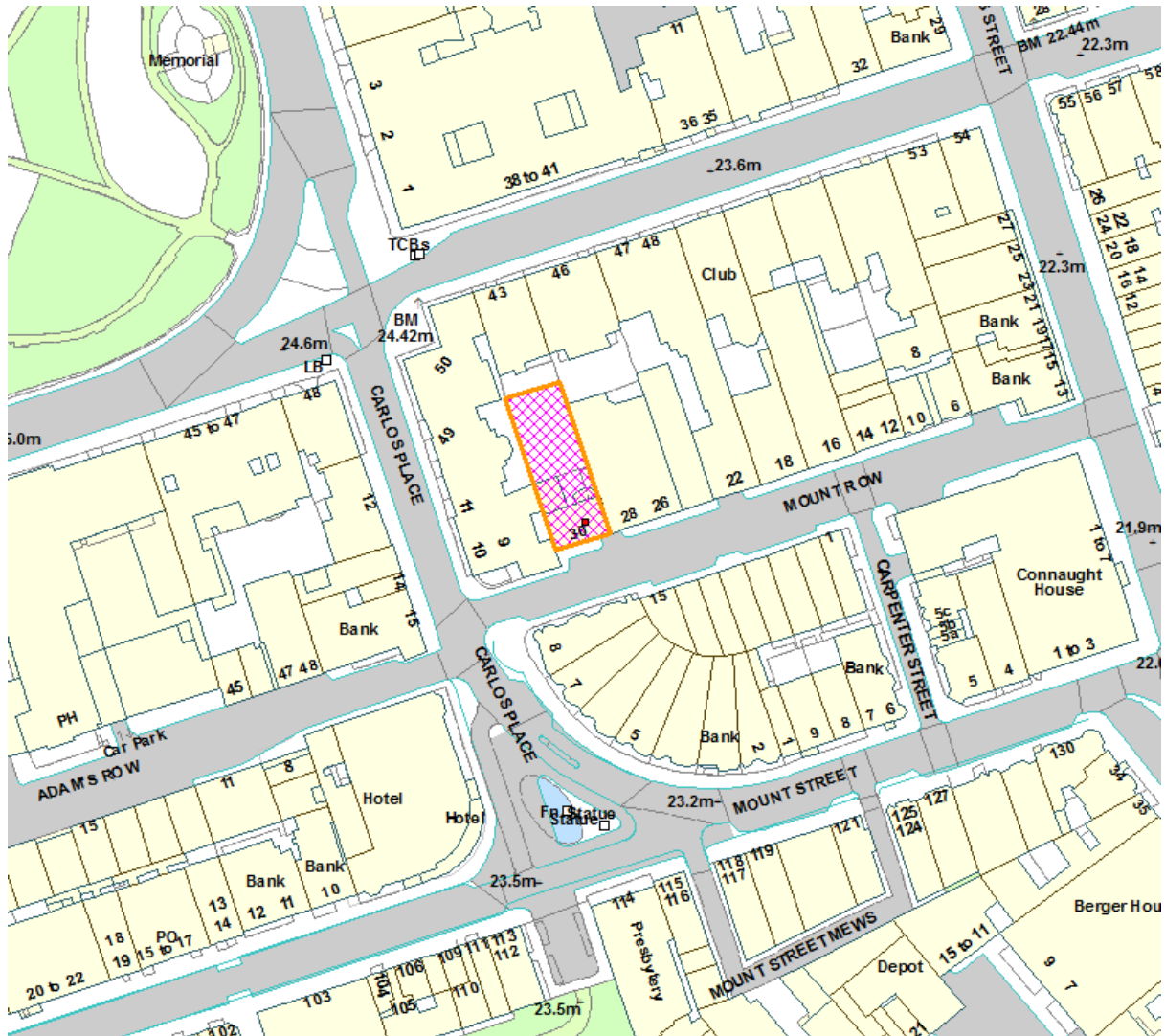
The application site is a two storey (plus basement) single family dwelling house located towards the eastern end of Mount Row, close to the junction with Carlos Place. There have been various permissions granted for the demolition and rebuilding to provide a larger single family dwelling. Permission is now sought for the demolition of the building, excavation to create two sub-basement levels, ground and five upper floors. The lower floors will be used as a retail gallery and first to fifth floor levels will be used as four residential units.

The key issues for consideration are:

- The height/bulk and detailed design of the new building within the Mayfair Conservation Area;
- The loss of the rear garden;
- The introduction of a retail gallery over the lower floors on residential amenity
- The impact of the height and bulk of the new building on residential amenity.

The proposal is considered acceptable in land use, amenity and design grounds and is in line with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and therefore is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Do not wish to make a representation

HISTORIC ENGLAND ARCHAEOLOGY

No objection

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection

CLEANSING

Objection – no waste/recycling stores shown for the residential part of the development.

BUILDING CONTROL

The structural method statement is acceptable.

ENVIRONMENTAL INSPECTORATE

Scheme is too small to request a Site Environmental Management Plan.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 105

Total No. of replies: 2

No. of objections: 2

Two objections raising the following:

Land use

- The proposed retail unit should be restricted to ensure that a supermarket does not occupy the floorspace

Other

- Cumulative impact of the building works in the vicinity of the site
- Noise/vibration and dust
- The structural assessment and construction management plan must be assessed by the City Council

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application premises is a single family dwelling house located at the eastern end of Mount Row, adjacent to the junction with Carlos Place. The property, which is currently vacant, comprises basement, ground and first floors and provides one off-street parking space. There is a large rear garden which extends to the rear of other properties which face Grosvenor Street.

On this side of Mount Row and in the adjacent Nos.9-11 Carlos Place the neighbouring buildings are all much taller than the application site. The upper floors of Nos.7-11 Carlos Place comprise a number of residential flats which are known as Flat Nos. 1-15, 49 Grosvenor Square. The building on the other side of the application site, Nos. 26-28 Mount Row, is in commercial use (although it has been resolved to grant planning permission for the use of the upper floors as nine residential units. This permission is subject to a S106 and is pending decision.)

The site is located within the Mayfair Conservation Area and the Core Central Activities Zone.

6.2 Recent Relevant History

The planning history for this building dates back to 2007, when permission was first granted for the demolition of the building and rebuilding to provide a new single family dwelling of basement, ground and three upper storeys. This permission was then renewed in 2010.

Permission was then granted in March 2012 for the demolition of existing two storey single family dwelling and excavation to provide new single family dwelling with double basement, ground floor, and four upper storeys and single storey rear extension; and single storey building at rear of garden. This permission was subject to a S106 to secure a financial contribution (£588,000) towards affordable housing and funding the provision of an off street car parking space in the vicinity of the development.

Permission was refused in October 2012 for the demolition of existing building and redevelopment to provide a single family dwelling house over sub-basement, basement, ground and five upper floors with ancillary accommodation in a new single storey building in the rear garden. This proposal was refused on the following grounds:

- i) Because of its height and detailed design the new building would harm the appearance of the street and fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area;
- ii) The new building would lead to a loss of daylight for the people living in the flats with windows facing the lightwell. This is because of height and bulk of the new building.

The subsequent appeal was dismissed, but the Inspector only upheld the design reason for refusal.

Permission was granted in July 2015 for the demolition of existing building and redevelopment to provide a single family dwelling house with sub-basement, basement,

ground and four upper floors; and single storey building at rear of garden. This was subject to a S106 to secure a payment of £409,810 towards the affordable housing fund and a car parking space within a local car park for 25 years.

26-28 Mount Row

A resolution to grant planning permission for the use of the part basement, part ground and first to fifth floors as nine residential units was agreed in July 2015. A S106 legal agreement has yet to be signed to secure an affordable housing payment; lifetime membership for all flats to a car club; and unallocated car parking for the six car parking spaces.

7. THE PROPOSAL

Permission is sought for the demolition of the existing building and redevelopment to provide a mixed use building with sub-basement, basement, ground and five upper floors. The sub-basement, part basement and part ground floor will be used as a retail gallery (Class A1). The part basement, part ground and five upper floors will be used as four residential flats.

There are distinct changes from the 2015 consented scheme to the building now proposed. These are as follows:

- A single storey extension is proposed at rear ground floor level. This will cover the majority of the garden and will extend up to the boundary with 43 Grosvenor Street;
- Erection of a fifth floor level;
- Introduction of a commercial use over the lower floors; and
- Detailed design of the new building.

As with the previously consented schemes the building is set back from the existing lightwell that serves 9-11 Carlos Place at second floor level and above. The new fifth floor level will be set back from the front of the building and will be in line with the fifth floor level of the adjoining building at 26-28 Mount Row. External amenity space is proposed for all the residential units.

Land use table below

	Existing m2	Proposed m2	+/- m2
Residential	319	1006	+687
Commercial	0	884	+884
Total	319	1890	+1571

8. DETAILED CONSIDERATIONS

8.1 Land Use

Overview

The proposals result in an increase in commercial floorspace of 884m². UDP Policy CENT3 and S1 of the City Plan aim to ensure where there are increases of commercial floorspace over 200m² it is set off by an equivalent amount of residential floorspace, provided this is appropriate and practical. As there is existing residential on-site, this also has to be re-provided. The proposed residential floorspace is proposed to increase by 687m². This represents a 197m² shortfall which is not in strict compliance with policy. The applicants have stated that it is not possible to increase the amount of residential floorspace on-site, and the applicants do not own any other properties in the vicinity where the required residential floorspace could be accommodated. The applicants have therefore agreed to make a policy compliant contribution to the affordable housing fund of £457,000. This payment in lieu of on-site residential provision is deemed to be acceptable in this instance.

Residential use (mix, standard of accommodation)

The proposed increase in the amount of residential floorspace and units is considered acceptable and complies with policies H3 of the UDP and S14 of the City Plan.

The proposed units comprise 3 x 2 bed and 1 x 3 bed units. This represents 25% of the housing development as three bedroom units. Although this falls short of the normal expectation within UDP policy H5, it is considered acceptable in this instance. The existing family sized unit on-site will be replaced and this is considered acceptable.

All the residential units are dual aspect with bedrooms to the rear and the main living area to the front overlooking Mount Row. External amenity space is proposed for all the residential flats.

All the units would meet the Mayor of London's Housing Standards Policy Transitional Statement and the Draft Interim Housing SPG. The unit sizes are detailed below.

Level	Size (GIA) m ²
First	151
Second	136
Third	134
Fourth/fifth floor maisonette	212

Retail/Gallery use

The introduction of retail floorspace within the Core CAZ is acceptable and complies with S6 of the City Plan. The retail floorspace comprises 884m² and will be used by an international art gallery. There is no specific end user at this time, but the principle of the use is acceptable.

A representation has been received from the freeholder of 12-14 Mount Row raising concerns over the size of the retail unit which could be occupied by a more intensive A1 use, for example a supermarket. These concerns are noted and it is considered that the

mews would not be a suitable location for a supermarket on noise and servicing grounds. A condition is recommended to prevent the retail unit being used as a supermarket.

8.2 Townscape and Design

The existing building is a relatively undistinguished structure comprising a small basement area, ground floor and one upper storey. It probably originated as the mews house linked to No. 48 Grosvenor Street. The front elevation is rendered and has sash windows and a garage doorway. It has a neutral impact on the character and appearance of the conservation area. The principle of demolition is acceptable subject to the replacement building being of sufficient quality, and permission has been granted previously for redevelopment of the site.

It is an unusual survival of the original scale of building in the street and is now flanked by far taller buildings. While a building of greater height than that existing is acceptable, in principle, in townscape terms the height must be in keeping with the character and appearance of the street.

The north side of the street is effectively 'bookended' by buildings on Carlos Place to the west and Davies Street to the east. Between these high points, the street is of a smaller and more domestic scale. There is a consistent parapet line from No. 16 to No. 28 while the grade II listed buildings at Nos. 6 to 14 are much lower. The parapet line is an important defining feature on the north side of the street and needs to be maintained on the development site in order to meet DES 1(A)4 which requires that development should maintain 'the character, urban grain, scale and hierarchy of existing buildings' and DES 4 which requires infill development to have regard to the prevailing character and quality of the surrounding townscape and in particular (A) '...local scale of development, (B) prevailing overall heights, storey heights and massing of adjacent buildings'.

In design terms this proposal has sought to address previous objections regarding the height, bulk and detailed design of the building (by other designers) which was the subject of a dismissed appeal. The new proposal is unashamedly modern but makes careful use of appropriate materials that will enhance this part of the conservation area.

The street facade is mostly brick but has a set-back section clad in profiled bronze panels. Bronze is also used to frame the windows and as a covering for the mansard roof. The set-back attic floor is also detailed in bronze. The parapet of the facade is almost level with the neighbouring building to the east and the bronze panel cladding sits just below the main cornice of the building to the west. This helps to reinforce the parapet line of the street and is acceptable in design and heritage asset terms. The size and proportion of the windows is characteristic of historic development in the surrounding area and thus helps to improve the appearance of the street and reinforces the character and appearance of the surrounding conservation area.

At the rear, the design of the building is less constrained by its context and a freer architectural approach is adopted. The most visually interesting and appealing part of the proposal is the multi-faceted roof of the gallery space which has been designed to provide natural light to the space and visual interest when seen from the upper floors of surrounding properties. While the development of the former garden space will result in it

being almost entirely covered by the new building, this is acceptable in this unusual case. The garden area has little aesthetic value because of its tightly constrained location and it is remnant that does not contribute much to the conservation area. Furthermore, the visual interest of the proposed building is considered to be significantly greater than the garden remnants.

The proposed basement is acceptable in heritage asset terms, but Historic England notes the site is within an area that it is assumed formed the line of Civil War earthworks. This may be dealt with by a condition requiring an archaeological watching brief.

In design and heritage asset terms the proposal accords with UDP polices DES 1, DES 4, DES 9 and DES 11, Westminster City Plan: Strategic Polices S25 and S28, and the City Council's 'Development and Demolition in Conservation Areas' SPG.

8.3 Residential Amenity

Permission has previously been granted for the demolition of the building and rebuilding to provide two basement levels, ground and four upper levels. The consented schemes were set back from the recessed lightwell at second floor level and above. The proposal includes the addition of a fifth floor extension. The proposal also includes the erection of a single storey extension at rear ground floor level. The ground floor extension will cover the majority of the existing garden, it will be set back from the boundary with 49 Grosvenor and partially to the rear with 43 Grosvenor Street. The form of the roof is unusual and will comprise 'origami' folded roof form. This will be slightly taller than the height of the boundary walls.

Daylight and Sunlight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines, and this is analysed below.

The nearest residential properties to the proposed development are the flats at 49 Grosvenor Square. No. 49 Grosvenor Square is provided with windows on all elevations and, as a result, it is a well-lit building overall. The elevation facing the application site includes a recessed lightwell with windows to kitchens and utility rooms for some of the flats on the first to fourth floors. These windows are currently advantaged by the fact that the house on the application site is considerably lower than its neighbours and 49 Grosvenor Square's windows therefore look over the existing roof of the house and onto the blank wall of the adjoining building on the other side at 26-28 Mount Row.

The proposed new building would be set back away from this lightwell at second floor level and above - similar to the approach taken in the previous approval granted in July 2015 and the previously consented schemes.

As with the previous schemes, the windows facing the application site would lose significant daylighting levels as a result of the proposed development. This was considered acceptable in the consented schemes as the windows within 49 Grosvenor Square rely on 'borrowed' light from above the low building on this neighbouring site.

However, this proposal includes the addition of a fifth floor level. Permission was refused in 2012 to the impact of the fifth floor on daylight and sunlight to the windows in the lightwell of 49 Grosvenor Square. The appeal was dismissed on design and conservation grounds, but not on daylight and sunlight grounds. In his report the Inspector stated:

"Nevertheless it is clear from what I have seen and read that the proposed development would result in some further loss of daylight to that which was regarded as acceptable when the previous scheme design was considered. However, bearing in mind the plan area of the lightwell, the glazing of some windows with frosted glass and as daylight would already be compromised by the structure of the existing escape stair, existing daylight levels are likely to be low already. I am therefore not persuaded, based on the evidence before me, that the likely further reduction in daylight that would result if this scheme were to go ahead would be so significant as to cause harm to the living conditions of neighbouring residential occupiers, having regard to what I understand to be the overall level of habitable accommodation within the apartments. I therefore conclude in respect of the second main issue that the proposed development would accord with the aims of Policy CS28 and ENV13 as they relate to the protection of residential living conditions".

The submitted daylight and sunlight report has analysed the losses to VSC to the windows within the lightwell of 49 Grosvenor Square. The figures include the consented scheme, the 2012 appeal scheme and as now proposed. These indicate that, although there are losses to VSC more than the consented scheme, these are less than the 2012 appeal scheme, where the Inspector deemed that the losses were not so significant as to cause harm. On balance, it is therefore considered that the losses are acceptable.

The proposed rear extension is set back from the boundary with 49 Grosvenor Square. The roof form will be seen by some of the residential windows above the existing boundary wall, but this is unlikely to have a significant impact on the residential windows.

Privacy

A courtyard is proposed at rear ground floor level and this will be used by the gallery use. As mentioned previously there are high boundary walls around the existing rear garden area and therefore is not considered that there will be any increase in the amount of overlooking from the existing situation.

New amenity space is proposed for the new residential units. At first to fourth floor levels the amenity space will take the form of inset balconies close to the boundary of 26-28 Mount Row, therefore set away from 49 Grosvenor Square. The balconies will not extend beyond the rear elevation of 26-28 Mount Row, therefore the potential residential use will not be affected.

At fifth floor level, terrace areas are proposed to the front and rear. The front terrace is a similar size to the existing terrace at 26-28 Mount Row and subject to adequate screening, is considered acceptable. The rear terrace is also considered acceptable as there will not be any direct views to residential windows in 49 Grosvenor Square.

8.4 Transportation/Parking

The existing single family dwelling has one off-street car parking space, but there is no proposal to provide parking facilities in the proposed development.

The loss of the existing off-street car parking space is contrary to Policy TRANS23, which states the permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances. In the previously consented schemes, an off-street car parking space within a local car park was secured via S106. The City Council need to ensure that this is secured for 25 years from the date of occupation. A S106 is required to secure this parking space.

This proposal differs from the previous consents as there are four residential units proposed rather just one. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require a maximum of one parking space per residential flat. As one space will be provided in a car park elsewhere, this would amount to a maximum of three spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night-time is 34%. During the day, the uptake is 85% meaning that on-street parking is already at 'stress levels'. The absence of any off-street parking provision could exacerbate existing parking stress levels in the vicinity of the site. However, it is acknowledged that the site has a high level of public transport accessibility.

In order to address the lack of car parking provision in the new development, the applicant has offered to provide free lifetime car club membership (25 years) for all four flats. Lifetime car club membership is the strongest mechanism that it likely to reduce car ownership of the future residential occupiers. It is considered on this basis, and subject to the legal agreement securing car club membership the proposal is acceptable in highways grounds.

Four off-street cycle parking spaces are proposed for the residential part of the development and these will be secured by condition. No off-street cycle parking is shown for the commercial part of the development. A condition is recommended to secure these spaces.

Servicing

The gallery use is speculative; therefore it is difficult to confirm the number of deliveries that would be required. The transport statement has estimated that there will be two deliveries per day by a light good vehicle. This number does seem large considering the size of the gallery. Notwithstanding this estimation, the number of deliveries per day is

considered acceptable, subject to a condition to ensure that these are undertaken between 10.00 and 18.00 hours, excluding Sundays and Bank Holidays when no deliveries are permitted.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided at ground floor level and throughout for the residential and gallery uses.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is proposed within the two basement levels, ground and at roof level. Environmental health has no objection to the new plant and it is likely to comply with the City Council's standard noise conditions.

Refuse /Recycling

The Cleansing Manager has no objection to the areas indicated for the waste and recycling for the gallery use. However, he has objected to the lack of waste and recycling areas for the residential flats. It is considered that this can be addressed by a condition.

Sustainability

Photovoltaic panels are proposed at roof level; these are considered acceptable and are secured by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 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.

8.10 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure a combination of some the following:

- Provision of £457,000 (index linked and payable upon commencement of development) towards the affordable housing contribution fund;
- Provision of one car parking space in a local car park for 25 years;
- Car Club Membership for 25 years for all the flats;
- Highways alterations required for the development to occur (at no cost to the City Council); and
- Costs of monitoring the legal agreement.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required for this scale of development

8.12 Other Issues

Basement

Permission was granted in July 2015 for the excavation to create two sub-basement levels and this is a material consideration in the determination of this application. The emerging basement policy has some weight in the assessment of applications after 1 November 2015. The proposal is for a mixed use scheme and therefore CM28.1 A which states; *“basement development to existing residential buildings or building originally built for residential purposes will not extend beneath more than 50% of the site curtilage”* is not applicable. CM28.1 C relates to the same restriction for non-residential development, but this part of the emerging policy does not have any weight in the determination of this application. Therefore the principle of the two sub-basement levels is acceptable.

A representation has been received requesting that the structural implication of the double basement is fully assessed and to ensure that the Construction Management Plan is robust to deal with the construction phase. This will be addressed below.

This impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the building regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The City Management Plan will include policies specifically dealing with basement and other subterranean extensions. This is at an early stage of development and will not carry any weight as a material consideration in determining planning applications until it has progressed significantly along the route to final adoption.

Construction impact

An objection has been received from a nearby commercial occupier on the impact of cumulative building works being carried out in the area. These concerns are noted, but planning cannot withhold planning permission on these grounds, or dictate when works are started. A construction management plan has been submitted and this is in line with Appendix 2 of the Basement SPD. The CMP will be secured by condition.

Archaeology

Historic England Archaeology has commented that a desk top assessment should be carried out before a decision is made on the planning application. The application site is not located within an archaeological priority area, but it does lie close to or on the predicted location of a Civil War fort which formed part of the Civil War defences. It is considered that this could be dealt with by a suitable worded condition to ensure that no works are undertaken until desktop studies (or further investigation works) are carried out in consultation with Historic England.

9. BACKGROUND PAPERS

1. Application form

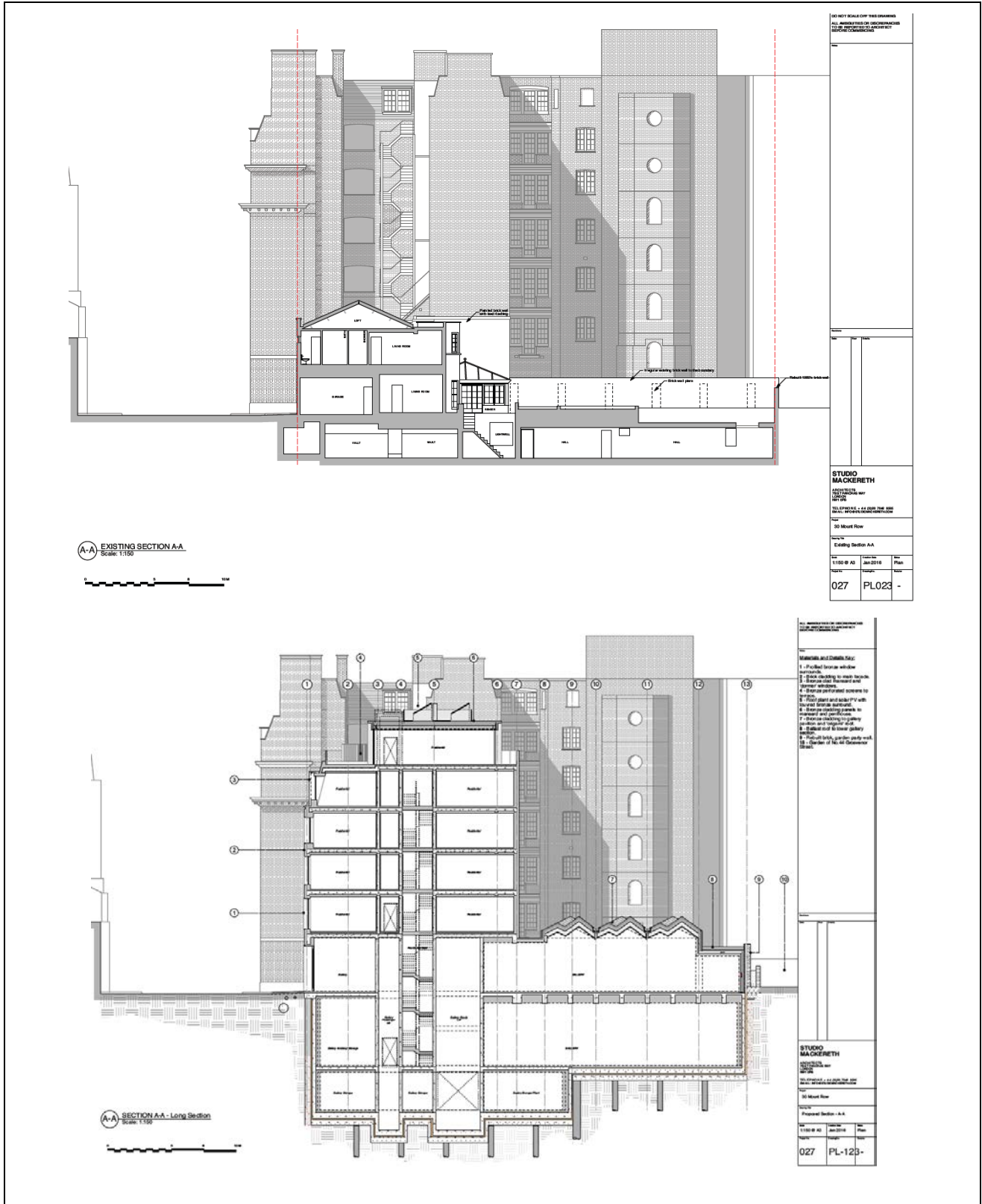
2. Response from Historic England (Listed Builds/Con Areas), dated 17 February 2016
3. Response from Historic England (Archaeology) dated, 8 March 2016
4. Response from Cleansing - Development Planning, dated 24 February 2016
5. Response from Environmental Inspectorate, dated 18 February 2016
6. Response from Environmental Health, dated 4 March 2016
7. Response from Building Control, dated 22 March 2016
8. Letter from occupier of Knight Frank LLP, 55 Baker Street, dated 8 March 2016
9. Letter from occupier of 12 Carlos Place, London, dated 3 March 2016

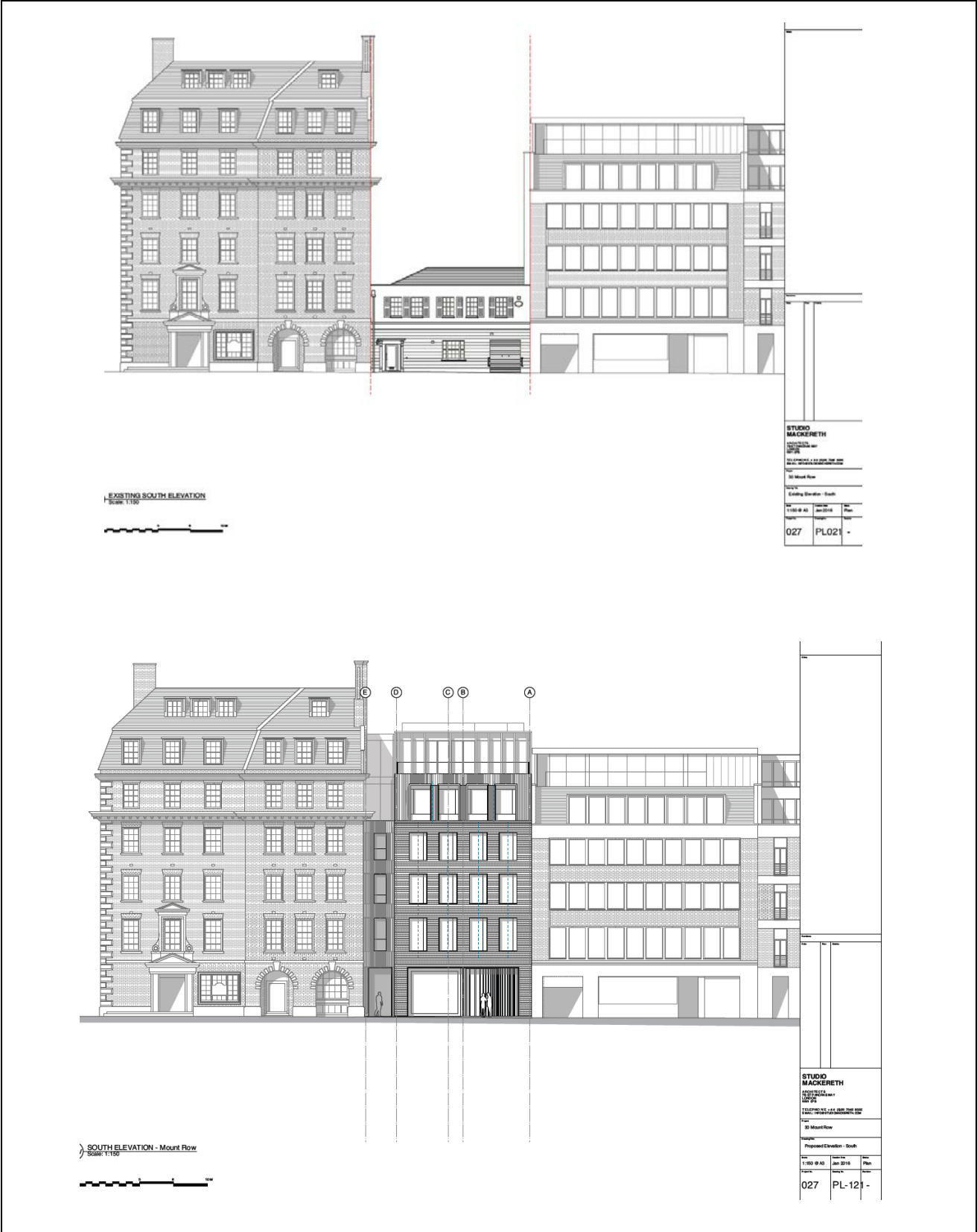
Selected relevant drawings

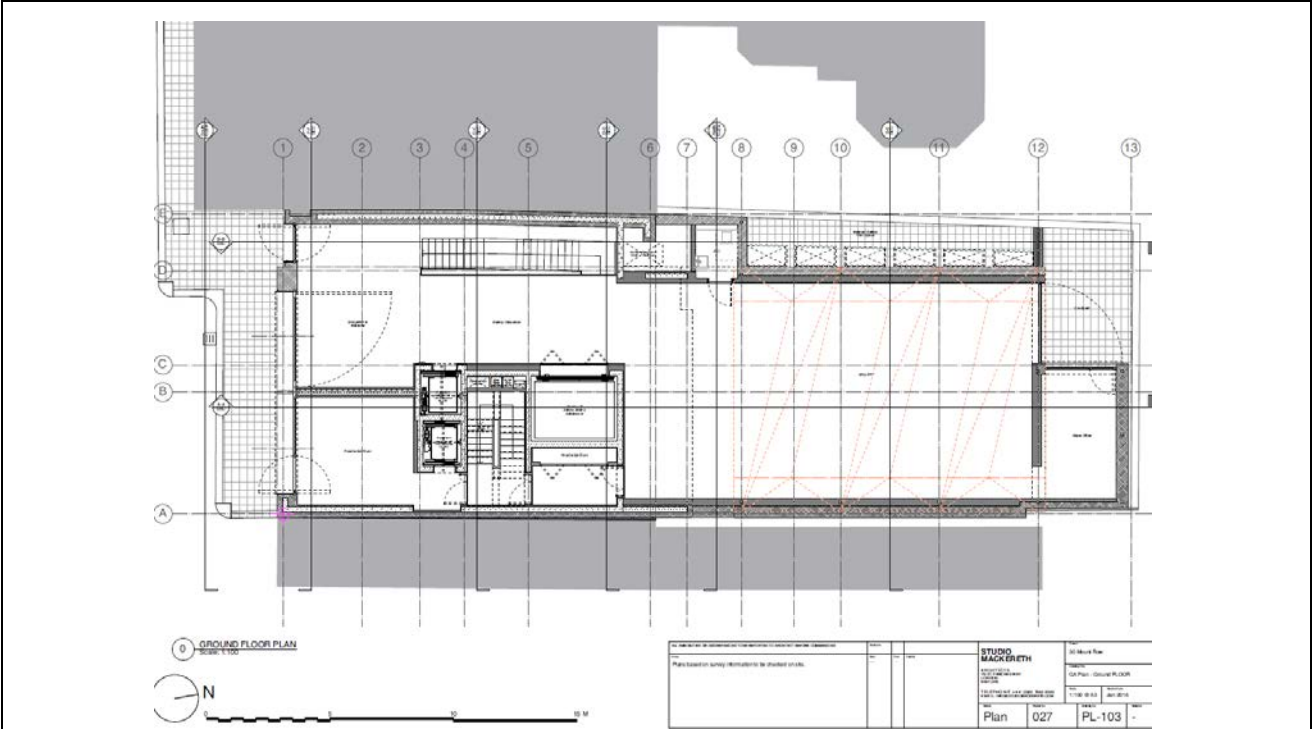
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MARK HOLLINGTON ON
BY EMAIL AT mhollington2@westminster.gov.uk

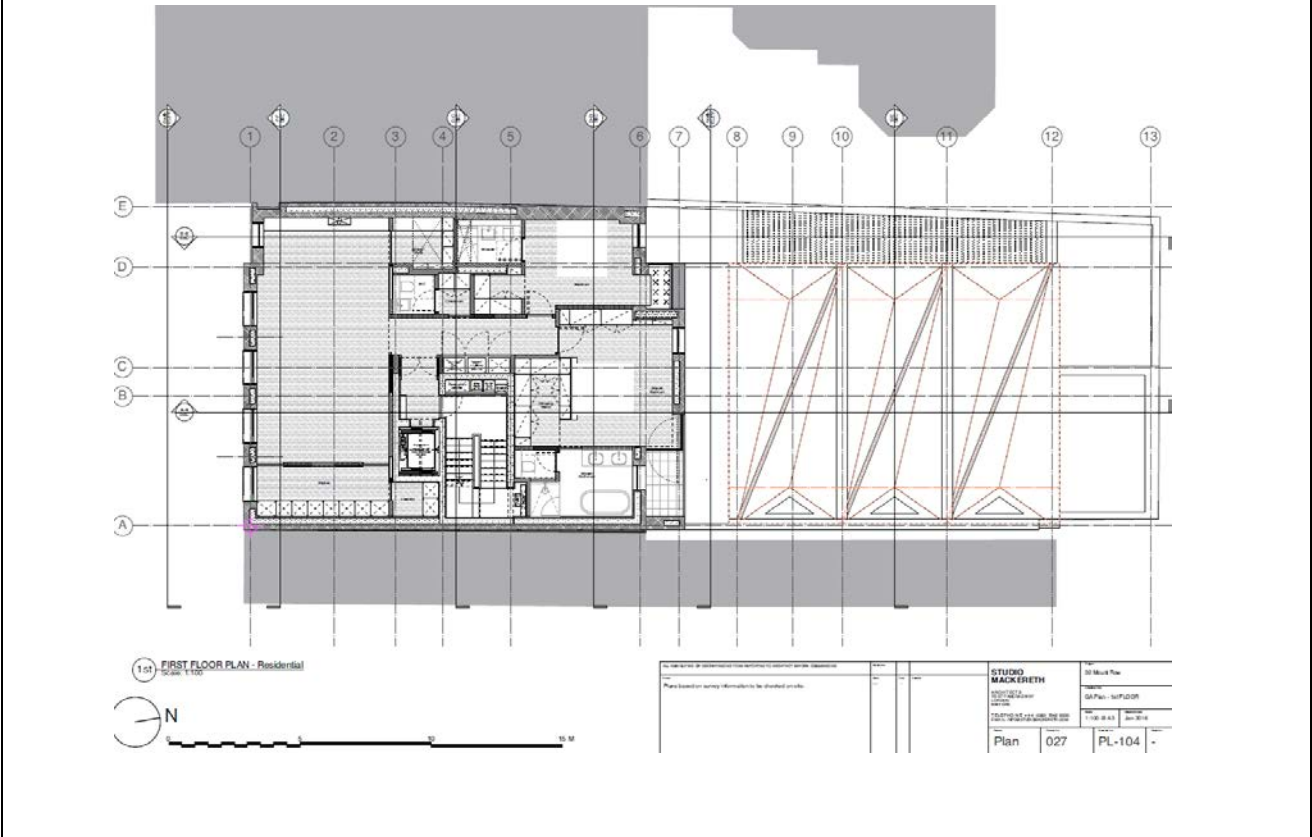
10. KEY DRAWINGS

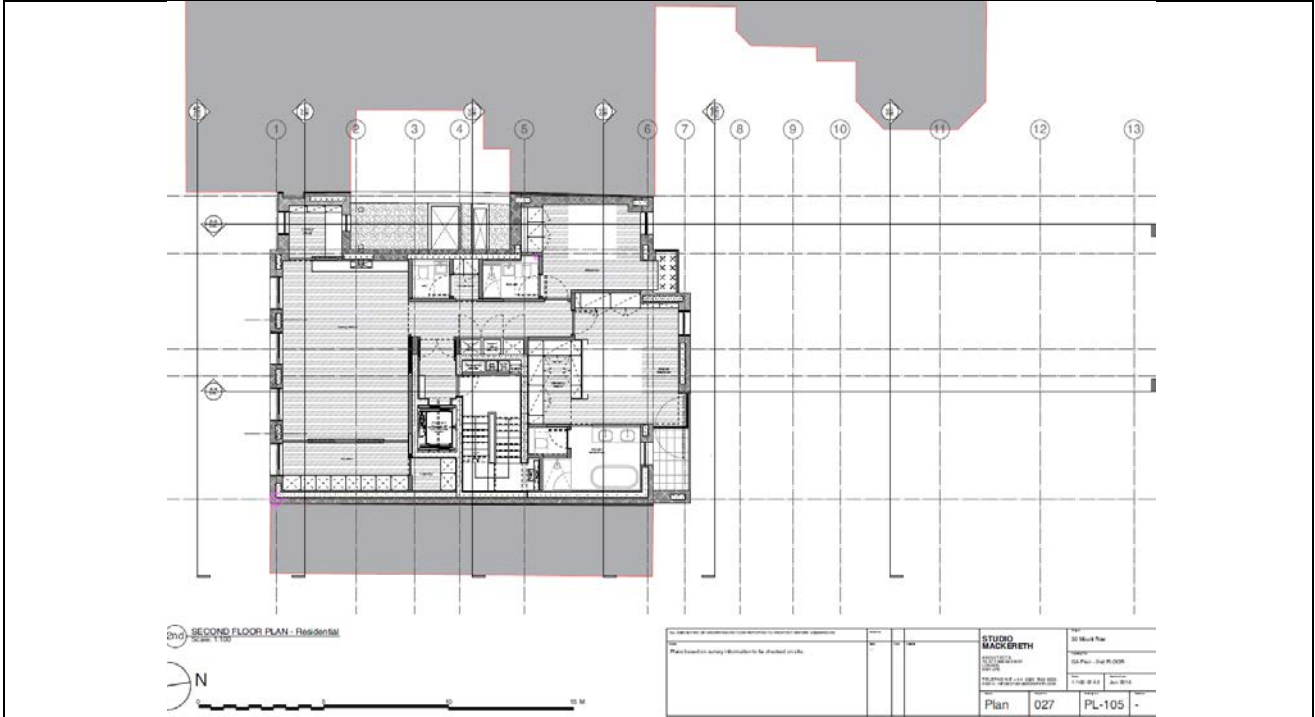




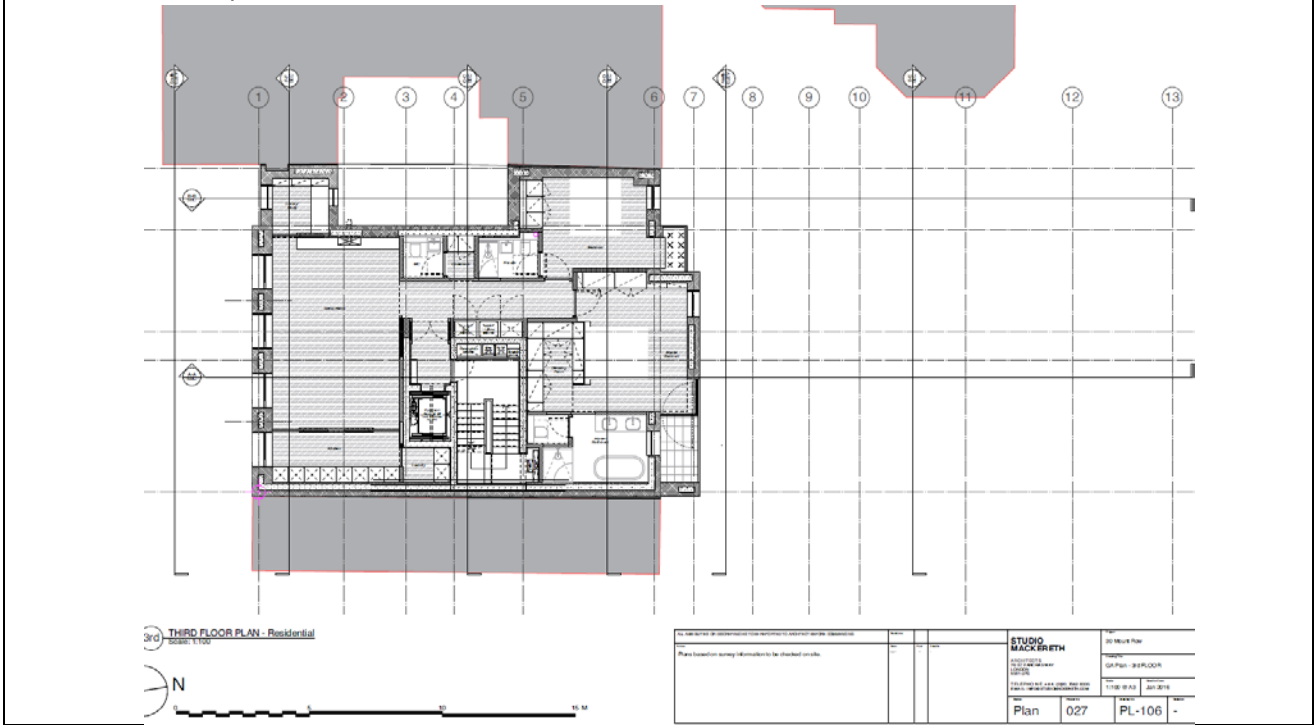


Proposed ground and proposed first floors





Proposed second and third floor levels.



DRAFT DECISION LETTER

Address: 30 Mount Row, London, W1K 3SH,

Proposal: Demolition of the existing building and the erection of a six storey building and lower ground and basement levels to provide retail/gallery (Class A1) floorspace over basement, lower ground floor and ground floor levels, and 4 self-contained residential units on the five upper floors

Reference: 16/01024/FULL

Plan Nos: PL-101, PL-123, PL-124, PL-125, PL-126, PL-163, PL-162, PL-161, PL-127, PL-128, PL-108, PL-104, PL-107, PL-103, PL-102-2, PL-102-1, PL-122, PL-109, PL-105, PL-121, PL-106, Construction management plan dated December 2015, Structural Methodology Statement by Heyne Tillett Steel (INFORMATION ONLY)

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 4 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of detailed drawings of the following parts of the development - the location of the off-street cycle parking for the retail part of the development. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings (C26DB)

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 6 All servicing for the retail part of the development must take place between 10.00 and 18.00 on Monday to Saturdays and not at all on Sundays and Bank Holidays.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 7 You must provide the waste/recycling store for the retail unit shown on drawing 027 PL-101 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the retail unit. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how

materials for recycling will be stored separately for the residential part of the development. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential units. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 9 The three bedroom residential unit 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 make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 10 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 this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must apply to us for approval of detailed drawings of the following parts of the development - a typical example of each different type of window and external door. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 15 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 16 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 17 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

Photovoltaic panels

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 18 The floorspace identified as 'retail/gallery' on the approved drawings shall only be used for that purpose but not as a foodstore(s) or supermarket(s).

Reason:

To ensure maximum retail provision is made of the appropriate type that does not involve the use of large delivery vehicles which cannot be accommodated on site and may block surrounding streets. This is in accordance with policies CS5, CS7, CS20 and CS41 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and STRA25, SS4, TRANS20 and TRANS21 of our Unitary Development Plan that we adopted in January 2007.

- 19 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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: Strategic Policies adopted November 2013, 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.

- 20 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.

21 (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 retail/gallery 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 retail/gallery 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: Strategic Policies adopted November 2013, 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.

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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

Reason:

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.

- 24 You must carry out the development in accordance with the Construction Management Plan by Knightbuild dated December 2015 (or an alternative Construction Management Plan submitted to and approved by the City Council).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 25 You must apply to us for approval of detailed drawings of the following parts of the development - the perforated screens at front fifth floor 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 approved drawings prior to occupation of the residential units. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area and to protect the privacy and environment of people in neighbouring properties. This is as set out in S25, S28 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 Conditions 19 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 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.

- 5 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.

- 6 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.
- 7 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990.

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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.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	1 Aldwych, London, WC2B 4BZ		
Proposal	Erection of seventh floor roof extension and remodelling of the top two storeys and dome, including new roof top plant enclosure, in association with the enlargement of the existing hotel to create 22 additional bedrooms.		
Agent	Jones Lang LaSalle Limited		
On behalf of	One Aldwych Limited		
Registered Number	15/06948/FULL 15/07693/LBC	Date amended/ completed	30 July 2015
Date Application Received	30 July 2015		
Historic Building Grade	Grade II		
Conservation Area	Strand		

1. RECOMMENDATION

Refuse permission and listed building consent - design grounds.

2. SUMMARY

1 Aldwych is a grade II listed building located on a triangular island site within the Strand Conservation Area. The building is occupied by a hotel 'One Aldwych Hotel' (Class C1).

The existing building has been altered at roof level in the 1920's with the addition of a roof/ attic level. The listed description notes 'very elegant Louis XV – Louis XVI design for this island block'. Even with the 1920's roof extension the building retains an overall aesthetic, which is appropriate to its age and location. The existing roof is almost at the same height of the corner tower, but continues to allow the tower to be a prominent feature, as was the original composition.

The proposal is to erect a 7th floor roof extension and remodelling of the top two storeys and dome, including new roof top plant enclosure, in connection with the enlargement of the existing hotel to create 22 additional bedrooms.

The key issues for consideration are:

- * The impact of the proposals in land use terms.
- * The impact of the external alterations on the character and appearance of the listed building and Strand Conservation Area.
- * The impact on the amenity of neighbouring residential properties.

In summary the works are considered unacceptable in design terms, due to the impact of the additional storey on the character of the building and the character and appearance of the conservation area, including designated Metropolitan views.

Because of its location, mass, design and overall principle the erection of a further storey and the alterations to the building at 4th floor and above would harm the special character of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Strand Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies (City Plan) adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan (UDP) that we adopted in January 2007.

The works are also contrary to the NPPF, notably paragraph 134 and the guidance contained within Westminster's 'Repairs and Alterations to Listed Buildings' SPG.

3. LOCATION PLAN



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4. PHOTOGRAPHS



1 Aldwych, London, WC2B 4BZ

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

No objection. The CGCA recognises and supports the applicant's needs to upgrade the existing hotel facilities to remain competitive in the market.

COVENT GARDEN AREA TRUST:

No comment.

LONDON BOROUGH OF LAMBETH:

No objection.

HISTORIC ENGLAND:

Authorisation received to determine listed building application as seen fit dated 28 September 2015.

ENVIRONMENTAL HEALTH:

Insufficient information was submitted to determine the application. A further acoustic report is required demonstrating that the plant will comply with the Council's noise criteria.

HIGHWAYS PLANNING MANAGER:

No objection on servicing grounds. Welcome the applicant's commitment to provide a Delivery and Servicing Plan. Recommend that cycle parking is provided (1 cycle space per 20 bedrooms (London Plan)) which would be of benefit to staff.

TRANSPORT FOR LONDON:

Recommend a number of transport related conditions including details of a travel plan; a Delivery and Service plan; cycle parking for long stay staff (1 cycle space per 20 bedrooms) in accordance with London Plan policies 6.9 'Cycling' and 6.13 'Parking'; and a Construction Logistics Plan to be agreed with TFL given concerns about possible impact of the development upon access to the Cycle Hire Docking station on Wellington Street.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 304

Total No. of replies: 0

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

1 Aldwych is a grade II listed building located on a triangular island site within the Strand Conservation Area and the Core Central Activities Zone (CAZ). The building is occupied by a hotel 'One Aldwych Hotel'.

The existing building has been altered at roof level in the 1920's with the addition of a roof/attic level. The listed description notes 'very elegant Louis XV – Louis XVI design for this island block ...unfortunately marred by the alteration of the attic'. Even with the 1920's roof extension the building retains an overall aesthetic, which is appropriate to its age and location. The existing double mansard roof is almost at the same height of the corner tower, but continues to allow the tower to be a prominent feature, as was the original composition.

6.2 Recent Relevant History

96/08350/FULL and 93/08351/LBC

Refurbishment of existing building to form hotel with associated facilities, health club, restaurant, retail units, coffee shop, and new roof top plant layout. Internal alterations.

Application Permitted 16 April 1997

11/02482/FULL and 11/02483/LBC

Use of the existing cafe (Class A3) and retail units (Class A1) at ground floor level to provide ancillary hotel accommodation in the form of a lounge area (Class C1). Replacement of existing doors with fixed glazing to the ground floor entrance on the Aldwych elevation.

Application Permitted 11 May 2011

12/00438/LBC

Internal alterations at ground floor level.

Application Permitted 6 July 2012

14/12218/CLLB

Internal alterations including replacement kitchen and reconfiguration of non-structural partition walls.

Application Permitted 9 January 2015

7. THE PROPOSAL

Planning permission and listed building consent is sought for the erection of a 7th floor roof extension and remodelling of the top two storeys and dome, including new roof top plant enclosure, in association with the enlargement of the existing hotel to create 22 additional bedrooms.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The table below provides a summary of the existing and proposed floorspace of the upper floors to be altered and enlarged:

Floor	Existing sqm (GEA)	Proposed sqm (GEA)	Difference sqm (GEA)
5 th Floor level	796	920	+124
6 th Floor level	681	780	+99
7 th Floor level	0	670	+670
Total			+893

Hotel extension

Policy S23 recognises the importance of Westminster as one of the world's premiere visitor destinations and states that proposals to improve the quality and range of hotels will be encouraged.

UDP Policy TACE 2 similarly seeks to ensure that a range of good quality visitor accommodation is available to support London's role as a world visitor destination without adversely affecting the quality of life of local residents and the surrounding environment. TACE 2(a) states that within the CAZ planning permission will be granted for extensions to existing hotels, where there would be no adverse environmental, traffic and parking effects.

The London Plan also contains hotel-related objectives. These include the provision of 40,000 additional hotel bedrooms by 2026, to improve the quality, variety and distribution of visitor accommodation and facilities

The proposal would result in 22 additional bedrooms. Given that the existing hotel is both large and well established, it is not considered that the additional bedrooms would result in adverse environmental, traffic and parking effects. In land use terms, the extension of this hotel within the CAZ is considered acceptable.

Mixed use in the CAZ

The extension and remodelling of the upper floors would result in the provision of an additional 893sqm (GEA) of hotel floorspace. The increase in commercial floorspace triggers a requirement for an equivalent amount of residential floorspace under policies S1 of the City Plan and CENT 3 of the UDP.

Policy CENT 3 of the UDP sets a hierarchy for this provision with a preference for on-site housing, followed by the use of an alternative site nearby and finally, where neither option

is achievable, a financial contribution to the Council's affordable housing fund is likely to be sought. In this case the amount of residential floorspace required equates to 446sqm.

It is not considered reasonable or practical to provide on-site residential floorspace in this building. It would prove difficult to provide a separate dedicated residential access from street level as well as self-contained residential accommodation given the physical constraints associated with the building's listed status. The next stage in the cascade policy is to consider the practical or reasonable scope for off-site housing provision. The applicant states that they do not own any suitable sites in the vicinity that has the potential to realistically deliver the amount of residential floorspace required.

The applicant is therefore looking to satisfy policies S1 and CENT 3 through a financial contribution to the Council's affordable housing fund. A policy compliant financial contribution to the affordable housing fund is £1,556,439 (2016/ 17 figures).

Based upon the costs of the current scheme as a whole, the applicant's Financial Viability Assessment (FVA) by Jones Lang LaSalle Ltd (JLL) demonstrates that the scheme is unviable however as a gesture of goodwill the applicant is willing to contribute £200,000.

Business rates liability

The FVA has been calculated on the basis that the hotel will continue to pay business rates whilst construction works are progressing. The City Council's independent consultant BNP Paribas has reviewed the findings of the applicant's/ JLL's FVA report and contest that there is ambiguity surrounding the business rates liability. BNP Paribas consider the property will be incapable of beneficial occupation and therefore the applicant would approach the Valuation Office Agency (VOA) to remove the hotel from the rating list for the duration of works.

JLL advise that this situation is currently being contested (*Newbigin (VO) v S J & J Monk (a firm)* [2015] EWCA) and as the law stands at the moment, JLL consider that it would be unlikely that the property would be removed from the ratings list. As such in the event that business rates would continue to be paid, this would make the scheme unviable.

BNP Paribas has assessed the viability of the scheme on the basis that full business rates liability is incurred, and agrees that this would make the scheme unviable.

BNP Paribas have also assessed the viability of the scheme assuming the removal of the business rates liability, and concludes that the scheme would be capable of supporting the Council's full affordable housing contribution required in this case.

In this case, the contribution offered by the applicant, £200,000, is considered acceptable on the basis that the applicant is unsuccessful in removing the hotel from the rating list and continues to pay business rates. However if the applicant were to be successful in

removing the hotel from the rating list, the Council would require a full policy compliant financial contribution to the affordable housing fund of £1,556,439

Had the application been considered acceptable and in the event permission is granted, a s106 legal agreement would be required to secure the following:

- i) Evidence that the applicant has approached the Valuation Office Agency (VOA) and vigorously pursued an application to remove the hotel from the rating list for the duration of works.
- ii) In the event an application to remove the hotel from the rating list is successful, a financial contribution to the Council's affordable housing fund of £1,556,439 (index linked and payable on commencement of development).
- iii) In the event such an application has failed, a financial contribution to the Council's affordable housing fund of £200,000 (index linked and payable on commencement of development)

8.2 Townscape and Design

1 Aldwych is a grade II listed building located within the Strand conservation area. This application seeks to erect a 7th floor roof extension and to remodel the top two storeys and dome, including new roof top plant enclosure.

Policy

Planning (Listed Buildings and Conservation Areas) Act 1990 states under paragraph 66(1) 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

The NPPF states under paragraph 134 'where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'.

Policy DES 6 part (A) of the UDP states 'permission may be refused for roof level alterations and extensions to existing buildings ... in the following circumstances;

- 1) where any additional floors, installations or enclosures would adversely affect either the architectural character or unity of a building or group of buildings;
- 2) where buildings are completed compositions or include mansard or other existing forms of roof extension;
- 4) where the extension would be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels'.

The supporting text associated with policy DES 6 states under paragraph 10.69 'there are some buildings where roof level extensions are not appropriate. These include ...

buildings where the existing roof or skyline contributes to the character of the area'. The supporting text under paragraph 10.69 goes on to state 'only if a proposal is acceptable in terms of DES 6 part (A), that is the principle of an extension or alteration is acceptable, should policy DES 6 part (B) be applied'.

The supporting text to policy DES 9 of the UDP states under paragraph 10.115 'alterations and extensions to buildings in conservation areas should preserve or enhance the character or appearance of the area. Views from surrounding buildings and other non street level views may be important'.

Policy DES 10 part (D) of the UDP states 'Planning permission will not be granted where it would adversely affect: b) recognised and recorded views of a listed building or a group of listed buildings ...'

The supporting text to policy DES 10 of the UDP states under paragraph 10.133 'in considering applications for development affecting listed buildings the City Council will seek to ensure that: b) the overall effect of a proposal is not detrimental to the architectural or historic integrity or detailing of the building... f) the alterations or extensions relate sensitively to the original building ...'

Policy DES 15 of the UDP states 'permission will not be granted for developments which would have an adverse effect upon important views of: (A) listed buildings'. The supporting text goes on to state under paragraph 10.185 'the City Council will resist any development that would have a damaging impact on such metropolitan and local views and will seek to ensure that any development proposal is compatible with these views in terms of setting, scale and massing. Permission will not be given for developments that: a) impinge on important views or skylines'.

Westminster's 'Repairs and Alterations to Listed Buildings' SPG states under paragraph 5.6 that in some cases 'extensions would detract from the uniformity of a formal group of buildings, or from the integrity of a particular design, and will therefore be unacceptable in principle'.

The Strand conservation area audit states under paragraph 3.39 'the importance of the characteristic diversity of roof profiles in the area is evident in views north from Lancaster Place, along the Strand and of the river front development'.

The Strand conservation area audit states under paragraph 3.42 'there are no locations where roof extensions would be considered acceptable in this conservation area'.

The Strand conservation area audit states under paragraph 3.44 'full consideration must be given to the impact of any development proposals on important Metropolitan and local views both within the conservation area and into and out of it'.

Assessment

The existing 4th floor and above has been added to the building in the past. The two storey mansard extends the building, stretching the original proportions. The addition of a further storey to match that of the 4th floor with the rebuilding of the building above, including the extension of the dome is considered to harm the character of the building and destroy any understanding of what where the original proportions. The finished building would result in a vertical architectural emphasis at complete odds with the original horizontal emphasis. The additional bulk at the upper levels unbalances the building and as such would be harmful to the character of the conservation area.

The provision of additional hotel rooms is considered of limited benefit to the City. It is not considered that the building would be without a use if the proposals were not constructed. Therefore, whilst it is accepted that the fabric above the original cornice is not original, the harm caused by the works to the overall character of the building and the conservation area is considered to outweigh the limited benefits provided by the additional hotel rooms.

Furthermore, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special regard to the desirability of preserving the building' be given during the decision making process. In this case, the desirability to protect the existing building is deemed greater than any of the benefits provided by the scheme.

In summary and according to the weight of policy noted above the works are considered unacceptable in design terms, due to the impact of the additional storey on the character of the building and the character and appearance of the conservation area, including designated Metropolitan views.

Because of location, mass, design and overall principle the erection of a further storey and the alterations to the building at 4th floor and above would harm the special character of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Strand Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

The works are also contrary to the NPPF, notably paragraph 134 and the guidance contained within Westminster's 'Repairs and Alterations to Listed Buildings' SPG.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, overlooking and encourage development which enhances the residential environment of surrounding properties.

Sunlight and Daylight/ Sense of Enclosure

The application is supported by a Daylight and Sunlight Assessment that analyses the impact of the development on the amount of natural light available to neighbouring buildings. The report finds that all neighbouring properties fully meet the BRE guidelines for daylight and sunlight.

Given the location of the extension and its distance from neighbouring occupiers, it is not considered to give rise to any significant amenity impact in terms of loss of light or increase in sense of enclosure.

Noise (Mechanical plant)

A new roof top plant enclosure is proposed at main roof level. An acoustic report has been submitted as part of the application however Environmental Health advise that further information is required to assess the noise impact. Had the proposals been considered acceptable, a supplementary acoustic report would have been required by condition to demonstrate that the plant complies with the Council's noise criteria.

Privacy

The proposals are not considered to result in any material loss of privacy to neighbouring occupiers.

8.4 Transportation/Parking

Policy TACE 2 states that proposals for extensions to existing hotels should not result in adverse traffic effects.

The applicant has provided a Traffic Assessment to support the application. The Highways Planning Manager has no objection to the proposals subject to conditions to secure a Delivery and Servicing Plan, and cycle parking.

Transport for London also has no objection subject to the conditions above. In addition TFL request details of a Construction Logistics Plan to be agreed with TFL because of concerns about possible impact of the development upon access to an existing Cycle Hire Docking station on Wellington Street.

8.5 Economic Considerations

The economic benefits of the hotel in terms of attracting visitors to the City and providing employment are recognised and welcomed in policy terms.

8.6 Access

No internal alterations are proposed to the lower floors and the principal access to the hotel remains unaltered. Similarly, the existing lifts and staircase arrangements are extended vertically to serve the additional rooms.

In accordance with the London Plan, 10% of the additional hotel rooms will be wheelchair accessible.

8.7 Other UDP/Westminster Policy Considerations

Had the application been considered acceptable a condition would have been recommended to restrict the hours of building works in order to mitigate the impact on neighbouring occupiers. In terms of disturbance from construction works, it is considered that works can be adequately controlled by use of the City Council's standard hours of work condition.

8.8 London Plan

The proposal accords with the London Plan's hotel related objectives to provide additional visitor accommodation which is a valuable part of London's economy.

8.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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.

8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is to be introduced in May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-coordinating joint approaches with developers.

For reasons outlined elsewhere in this report, had the application been considered acceptable, a S106 legal agreement would be required to secure the following:

- i) Evidence that the applicant has approached the Valuation Office Agency (VOA) and vigorously pursued an application to remove the hotel from the rating list for the duration of works.
- ii) In the event an application to remove the hotel from the rating list is successful, a financial contribution to the Council's affordable housing fund of £1,556,439 (index linked and payable on commencement of development).
- iii) In the event such an application has failed, a financial contribution to the Council's affordable housing fund of £200,000 (index linked and payable on commencement of development)

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the Community Infrastructure Levy Regulations (2010 as amended).

The proposal would attract a payment to the Mayor's Community Infrastructure Levy which could be dealt with by way of an informative.

8.11 Environmental Impact Assessment

The application is not a sufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Statement of Community Involvement

The applicant has submitted a statement of community involvement which summarises the consultation process they carried out with Westminster City Council, local stakeholder groups, neighbours, plus residents and businesses prior to submitting the application. The applicant had meetings with various individuals and stakeholder groups, and held a two day public exhibition on 19th March and 20th March 2015. Invitations were sent to approximately 600 local addresses for the public exhibition, which was attended by 18 people.

Hotel's Business Needs

The applicant argues that the proposals are required to update, expand and generate savings for the hotel which will enable it to remain competitive and sustain its operation as a 5 star hotel. However the hotel's business need for the additional floor is not considered a material planning consideration. The desire to provide larger finically viable accommodation at roof level is not considered to be of public benefit and would not outweigh the harm caused by the works to the overall character of the listed building and the conservation area.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Covent Garden Area Trust dated 1 September 2015.
3. Response from Covent Garden Community Association dated 27 August 2015.
4. Response from London Borough of Lambeth dated 09 September 2015.
5. Response from Historic England dated 28 September 2015.
6. Response from Environmental Health dated 21 August 2015.
7. Response from Highways Planning Manager dated 05 November 2015.
8. Response from Transport for London dated 01 September 2015.

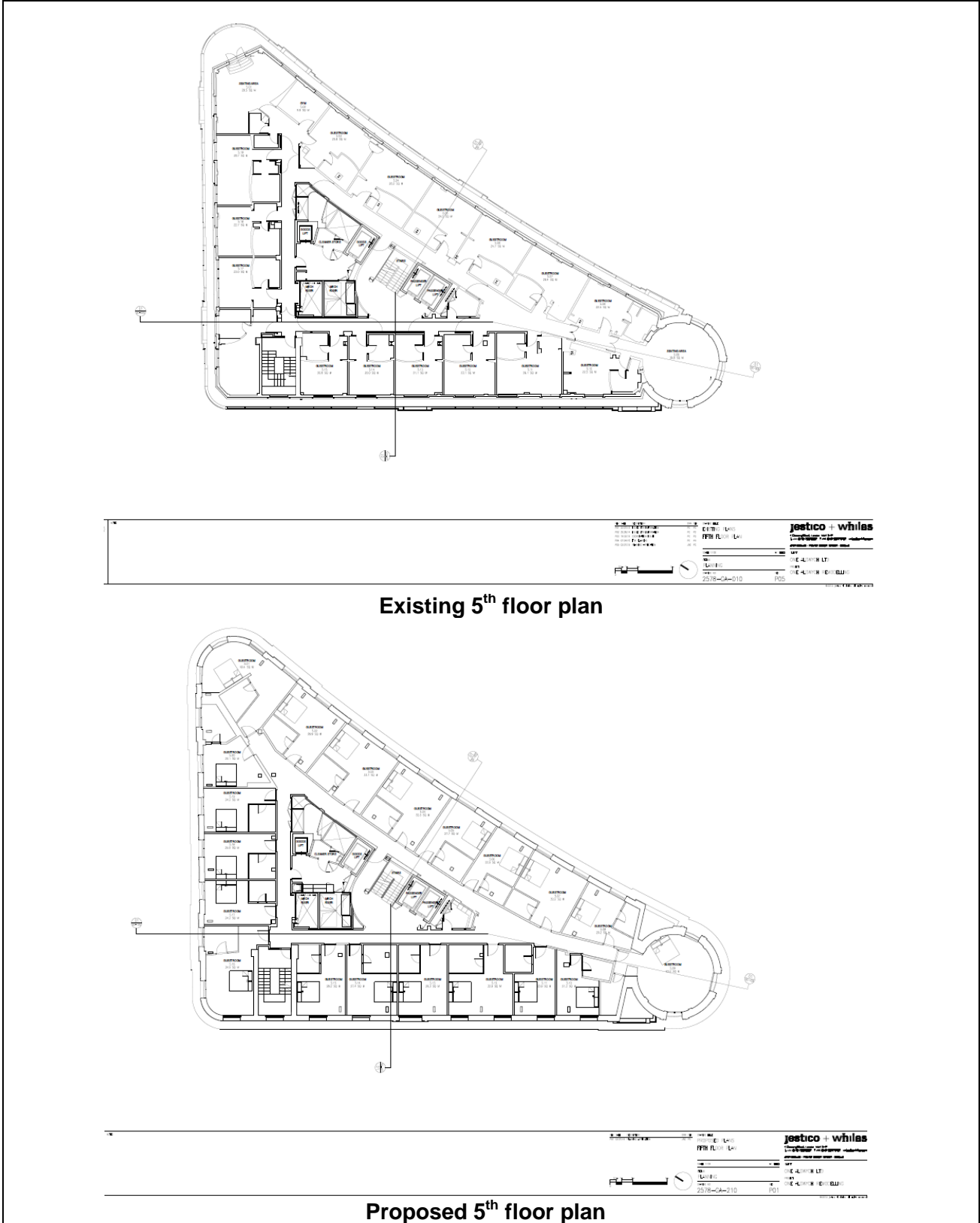
Item No.
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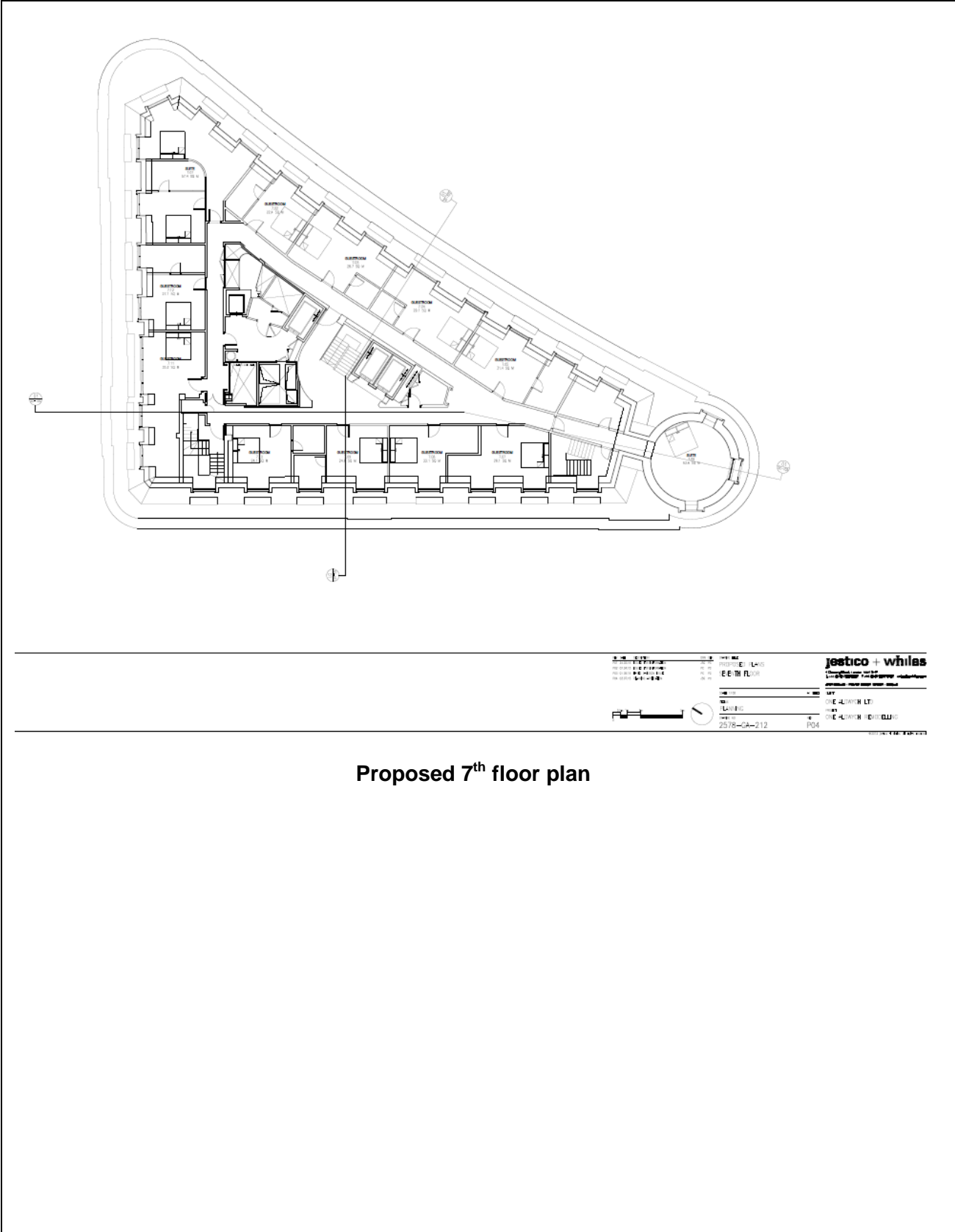
Selected relevant drawings

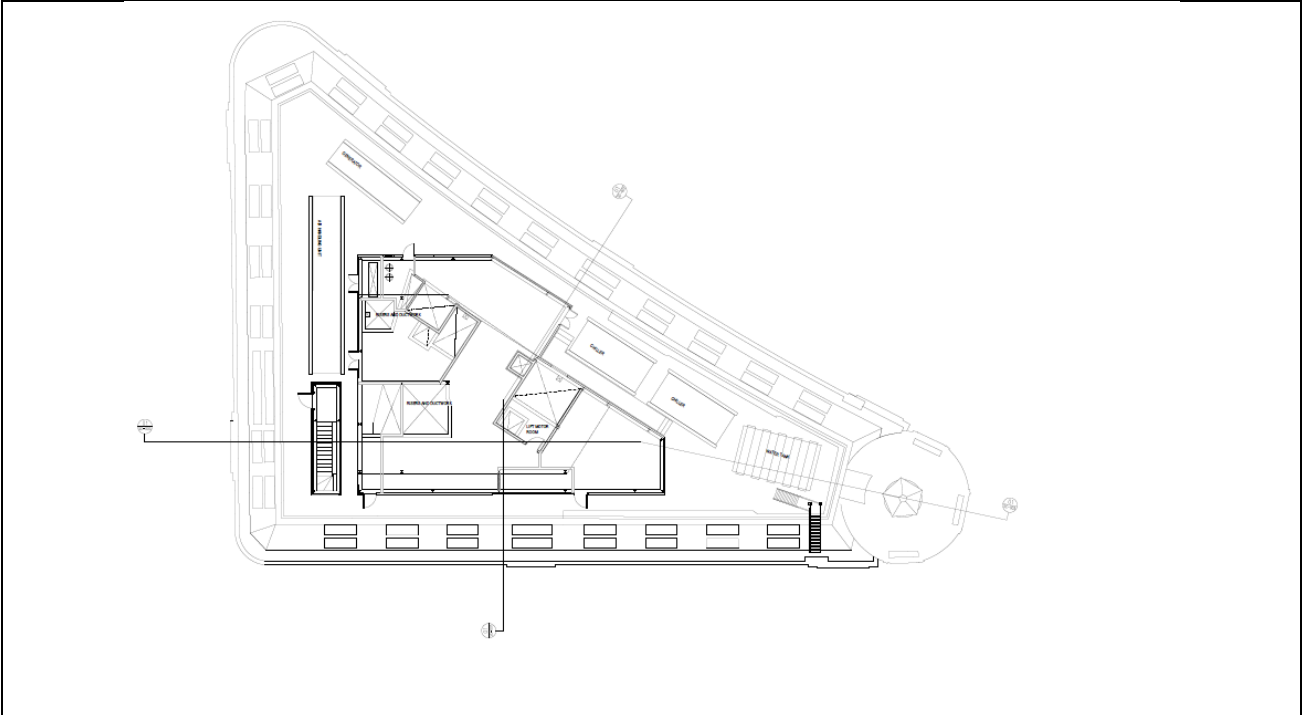
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT DAVID DORWARD ON 020 7641 2408 OR BY EMAIL AT ddorward@westminster.gov.uk

10. KEY DRAWINGS

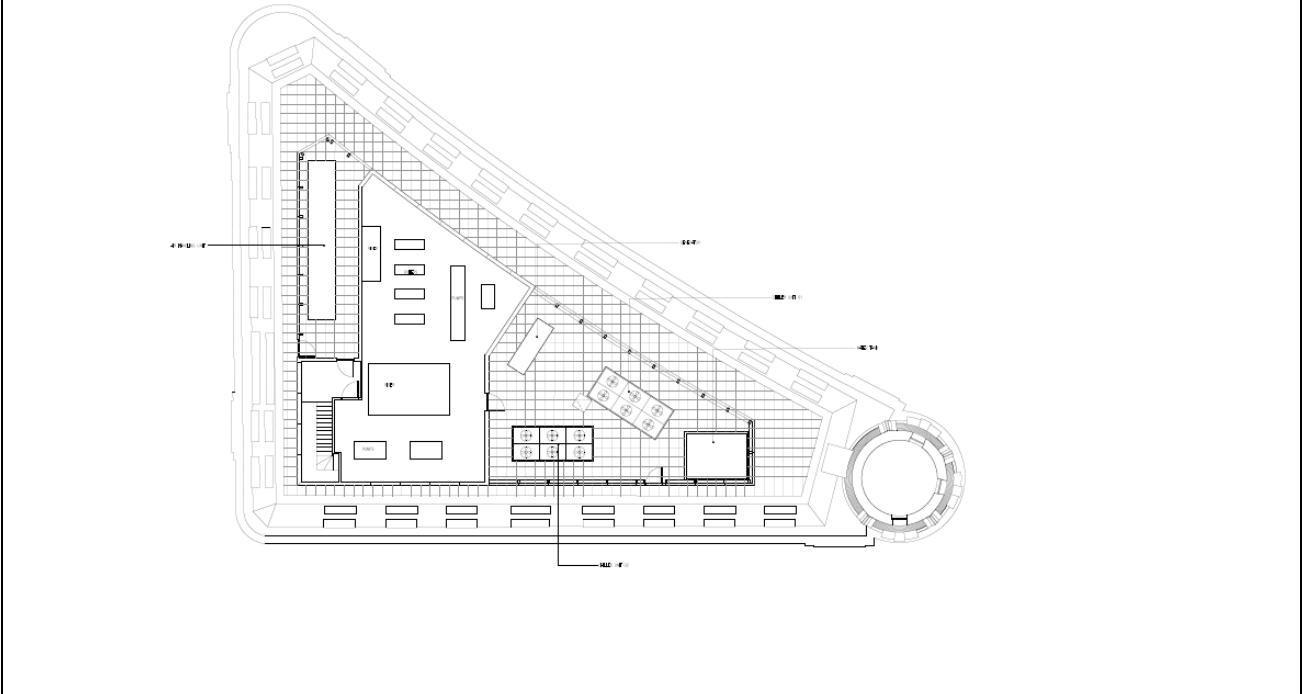






DATE: 01/12/12	BY: JWH	PROJECT: [illegible]	SCALE: 1/8" = 1'-0"
REVISION: 01	DESCRIPTION: [illegible]	DATE: 01/12/12	BY: JWH
jestico + whiles ARCHITECTS 1000 BROADWAY, SUITE 200 NEW YORK, NY 10018 TEL: 212-693-8800 FAX: 212-693-8801 WWW.JESTICO-WHILES.COM		SHEET NO. 2076-GA-012 TOTAL SHEETS 103	

Existing plant/roof level



DATE: 01/12/12	BY: JWH	PROJECT: [illegible]	SCALE: 1/8" = 1'-0"
REVISION: 01	DESCRIPTION: [illegible]	DATE: 01/12/12	BY: JWH
jestico + whiles ARCHITECTS 1000 BROADWAY, SUITE 200 NEW YORK, NY 10018 TEL: 212-693-8800 FAX: 212-693-8801 WWW.JESTICO-WHILES.COM		SHEET NO. 2076-GA-013 TOTAL SHEETS 103	

Proposed plant/roof level



Existing Wellington Street elevation



Proposed Wellington Street elevation



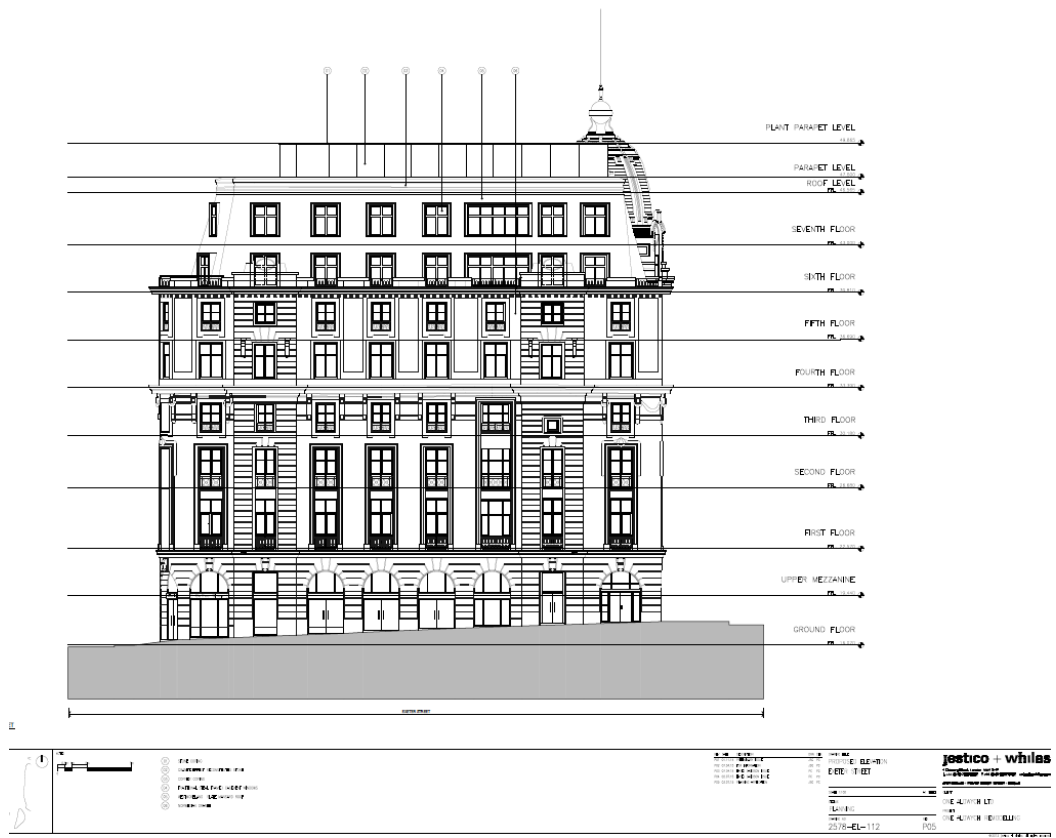
Existing Aldwych elevation



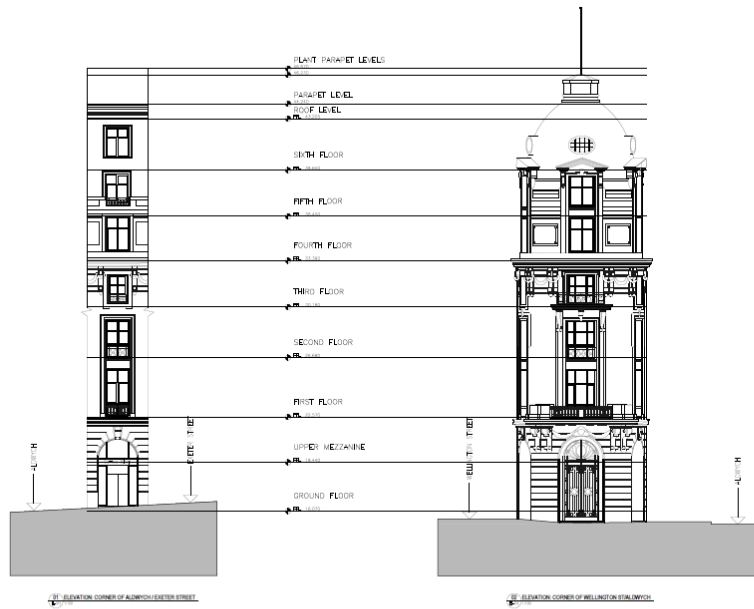
Proposed Aldwych elevation



Existing Exeter Street elevation

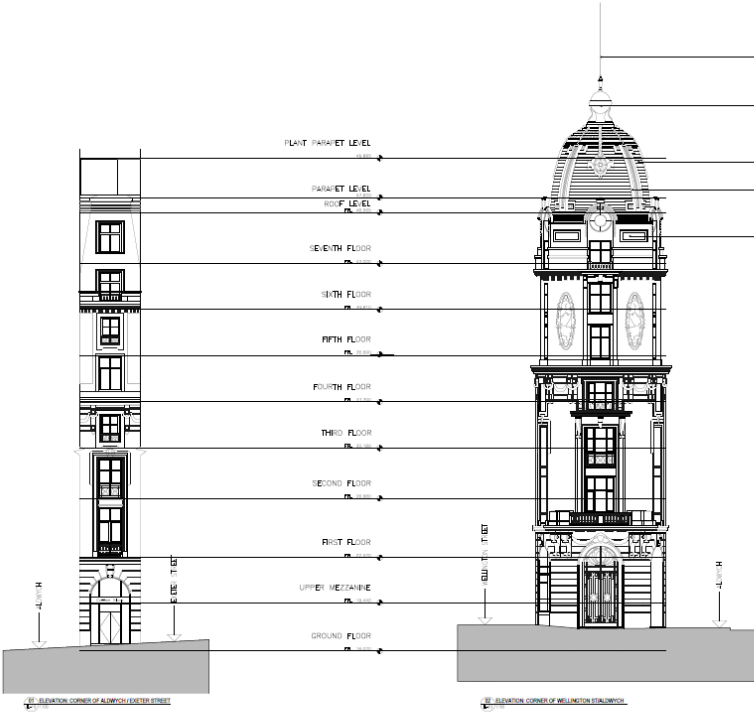


Proposed Exeter Street elevation



DATE	25/10/2013	BY	JK	PROJECT	25/10-EL-013
SCALE	1:100	CHECKED	JK	CLIENT	ALDWYCH
PROJECT	ALDWYCH	DATE	25/10/2013	BY	JK
SCALE	1:100	CHECKED	JK	PROJECT	ALDWYCH
DATE	25/10/2013	BY	JK	PROJECT	ALDWYCH

Existing elevations corners of Wellington Street/ Aldwych and Aldwych/ Exeter Street



DATE	25/10/2013	BY	JK	PROJECT	25/10-EL-113
SCALE	1:100	CHECKED	JK	CLIENT	ALDWYCH
PROJECT	ALDWYCH	DATE	25/10/2013	BY	JK
SCALE	1:100	CHECKED	JK	PROJECT	ALDWYCH
DATE	25/10/2013	BY	JK	PROJECT	ALDWYCH

Proposed elevations corner of Wellington Street/ Aldwych and Aldwych/ Exeter Street



Existing view from Waterloo Bridge



Proposed view from Waterloo Bridge



Existing view Strand/ Aldwych junction



Proposed view Strand/ Aldwych junction



Existing view Wellington Street



Proposed view Wellington Street

DRAFT DECISION LETTER

Address: 1 Aldwych, London, WC2B 4BZ,

Proposal: Erection of 7th floor roof extension and remodelling of the top two storeys and dome, including new roof top plant enclosure, in association with the enlargement of the existing hotel to create 22 additional bedrooms.

Reference: 15/06948/FULL

Plan Nos: 2578_JEW_001 P02, GA_001 P03, GA_002 P03, GA_003 P03, GA_004 P03, GA_005 P03, GA_006 P03, GA_007 P03, GA_008 P03, GA_009 P03, GA_010 P05, GA_011 P05, GA_012 P03, GA_013 P03, SC_001 P04, SC_003 P03, SC_010 P03, EL_010 P03, EL_011 P03, EL_012 P03, EL_013 P03, GA_210 P01, GA_211 P05, GA_212 P04, GA_213 P05, GA_214 P01, EL_110 P05, EL_111 P05, EL_112 P05, EL_113 P04; Planning Statement by Jones Lang LaSalle (July 2015); Design and Access Statement by Jestico + Whiles (July 2015); Heritage, Townscape and Visual Impact Assessment by Montagu Evans (July 2015); Daylight & Sunlight Assessment by Point 2 Surveyors (July 2015); Noise Assessment, Energy and Sustainability Statement, and Structural Feasibility Report by Cundall (July 2015); Transport Statement, Travel Plan, Delivery and Servicing Plan, and Outline Construction Logistics Plan by Paul Mew Associates (April and March 2015); Statement of Community Involvement by Four Comms (July 2015).

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s):

- Reason:
- 1 Because of location, mass, design and overall principle the erection of a further storey and the alterations to the building at 4th floor and above would harm the special character of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Strand Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. The works are also contrary to the NPPF, notably paragraph 134 and the guidance contained within Westminster's 'Repairs and Alterations to Listed Buildings' SPG.

DRAFT DECISION LETTER

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Proposal: Erection of 7th floor roof extension and remodelling of the top two storeys and dome, including new roof top plant enclosure, in association with the enlargement of the existing hotel to create 22 additional bedrooms.

Reference: 15/07693/LBC

Plan Nos: 2578_JEW_001 P02, GA_001 P03, GA_002 P03, GA_003 P03, GA_004 P03, GA_005 P03, GA_006 P03, GA_007 P03, GA_008 P03, GA_009 P03, GA_010 P05, GA_011 P05, GA_012 P03, GA_013 P03, SC_001 P04, SC_003 P03, SC_010 P03, EL_010 P03, EL_011 P03, EL_012 P03, EL_013 P03, GA_210 P01, GA_211 P05, GA_212 P04, GA_213 P05, GA_214 P01, EL_110 P05, EL_111 P05, EL_112 P05, EL_113 P04; Planning Statement by Jones Lang LaSalle (July 2015); Design and Access Statement by Jestico + Whiles (July 2015); Heritage, Townscape and Visual Impact Assessment by Montagu Evans (July 2015); Daylight & Sunlight Assessment by Point 2 Surveyors (July 2015); Noise Assessment, Energy and Sustainability Statement, and Structural Feasibility Report by Cundall (July 2015); Transport Statement, Travel Plan, Delivery and Servicing Plan, and Outline Construction Logistics Plan by Paul Mew Associates (April and March 2015); Statement of Community Involvement by Four Comms (July 2015).

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

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Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Sites At Rear Of MOD Building Adjacent To National Liberal Club And Opposite Richmond Terrace, Victoria Embankment, WC2		
Proposal	Erection of memorial in recognition of British military forces and UK civilians who served/worked in Iraq and Afghanistan during the periods of conflict in Portland stone with central bronze medallion.		
Agent	Mr Tony Dyson		
On behalf of	Lord Jock Stirrup		
Registered Number	15/11695/FULL	Date amended/ completed	15 December 2015
Date Application Received	15 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Whitehall		

1. RECOMMENDATION

For Committee's consideration:

Does the Committee agree that the particular circumstances of this proposal constitute "an exceptionally good reason" to justify an exception to the Council's normal guidance approach to memorials in this part of the City and that "exceptional circumstances" exist to justify waiving the Council's normal 10 year rule on monuments, if so:

1. Grant conditional permission subject to the completion of a S106 legal agreement to secure ongoing maintenance of the memorial.
2. If the legal agreement has not been completed within six weeks of the date of this resolution to grant planning permission, then:
 - a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not:
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that 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

This proposal is for the erection of a memorial to all those service and civilian personnel who served in the Iraq and Afghanistan Wars. The site is in Victoria Embankment Gardens, which is in the Whitehall Conservation Area and adjacent to the grade II star Ministry of Defence Building. The proposed memorial has been revised during the course of the application reducing its height by 0.75m and its width by 0.5m and modifying some of the detailed design.

This part of Victoria Embankment Gardens is a flat area of grass with minimal tree and shrub planting. There are a number of other memorials and statues in the Garden, the most recent being the Korean War Memorial erected in 2014. The Gardens are leased to and managed by Westminster City Council. The proposed location is in the south-west of the Garden close to three existing C20 memorials to Air Chief Marshal Viscount Trenchard, the Chindits and the Korean War. The memorial consists of a central bronze medallion with sculpted images in relief between two Portland stone concave piers with the outer edges in a textured finish and the rest smooth. The east face will be inscribed with the words IRAQ and AFGHANISTAN and the west face DUTY and SERVICE. The memorial is 5.45m high at its highest point, 3.4m wide at its base, 1.52m deep and the bronze medallion is 1.8m in diameter. The memorial is a substantial size but consistent with many other memorials in the Gardens. The central medallion only is intended to be lit by an adjustable LED light source set within the 55mm gap between the medallion and Portland stone borders. Other memorials in the Gardens are not illuminated, but it is considered that the degree of illumination proposed for this memorial is subtle and would not detract from the park setting at night. The artist is Paul Day who has an international reputation and has carried out many public commissions, including memorials in Westminster. A new yorkstone paved forecourt is proposed to allow people, including those in wheelchairs, to view the memorial from both sides.

Policy Des 7 of the UDP generally welcomes public art and statuary within the City. However, the unprecedented demand for statues and monuments in recent years has led to an over-concentration of memorials in parts of the City and suitable locations are becoming increasingly difficult to find. The Council's Supplementary Planning Document (SPD) "Statues and Memorials in Westminster" provides guidance for the erection of new monuments. It identifies a Monument Saturation Zone covering most of Whitehall and St James's where applications for new statues and monuments will not be permitted unless there is an exceptionally good reason. The site proposed falls within this zone.

The SPD also establishes a 10 Year Principle whereby "no statues or memorials should be erected before ten years have elapsed from the death of the individual or the event commemorated. Only in the most exceptional circumstances will statues or monuments be considered within the ten year period. Neither of the events commemorated would meet this criteria.

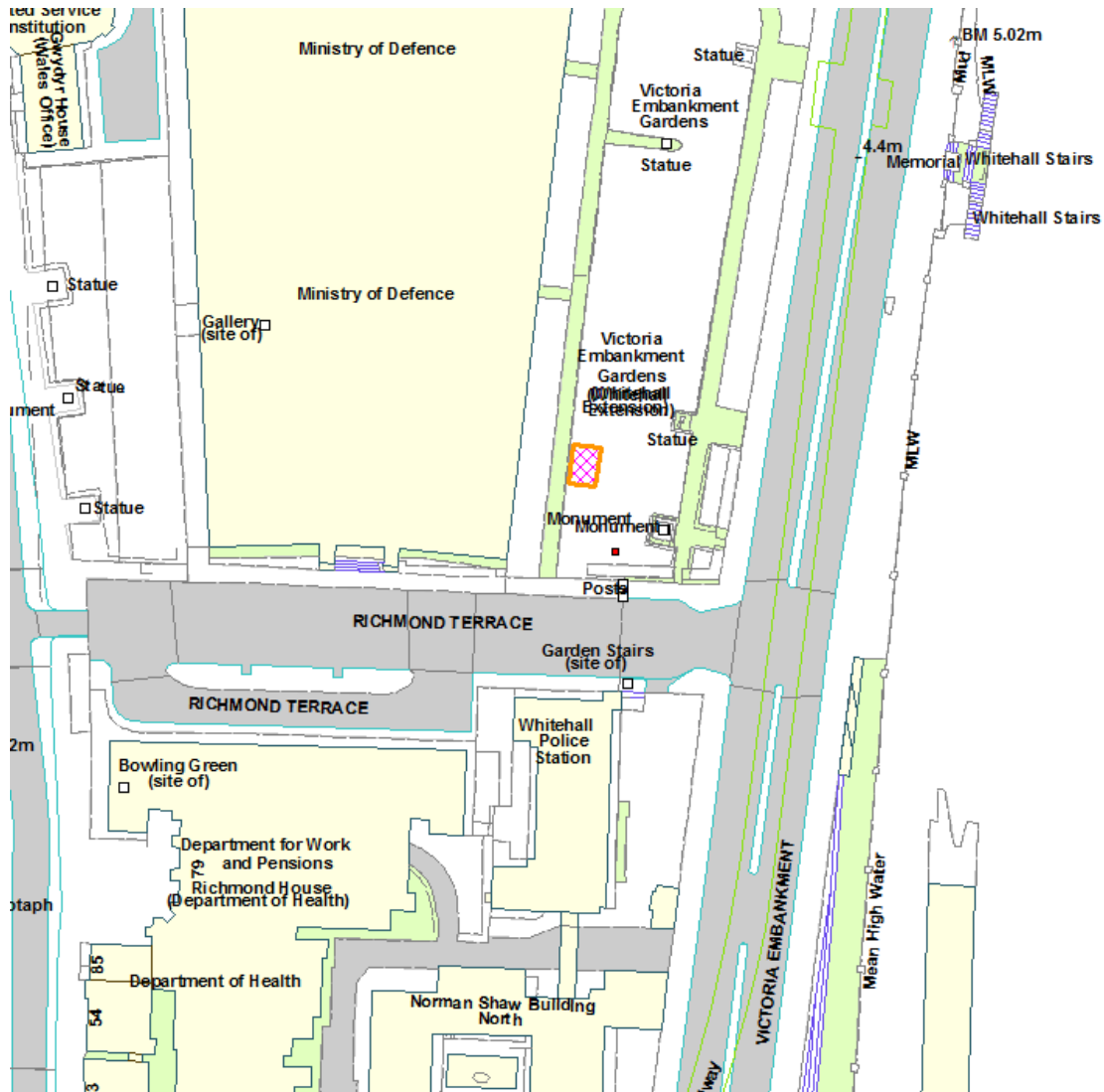
The proposed memorial should therefore only proceed if there is an "exceptionally good reason" to justify its location in the Monument Saturation Zone and that "exceptional circumstances" justify the waiving of the 10 year rule. It is considered that, in this case, the site chosen is one of the few locations within the Monument Saturation Zone that could accommodate a memorial of this size. The site has geographic, historic, political and military associations by virtue of the other nearby memorials, the adjacent Ministry of Defence, the nearby Cenotaph and the government offices of Whitehall itself. The monument itself is considered to be well-designed and appropriate in scale to both its setting and the nature of the subject being commemorated. The events commemorated are significant within the recent history of this country and are worthy of remembrance. Therefore, it is considered that there is

an “exceptionally good reason” for this memorial to be located on this site within the monument saturation zone.

With regard to the 10 year rule, Members must decide whether they consider there are “exceptional circumstances” to this proposal that would justify waiving this part of the Council’s SPD guidance.

Four letters of support have been received. The Westminster Society objected to the height and scale of the first proposal, but withdrew their objection to the revised scheme which reduced the overall height and bulk of the memorial. Historic England have raised no objection to the proposal and due to the shallow depth of workings on made-up ground, Historic England do not have any concerns over archaeological impact.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Ward Councillors for St James's
No reply received

Westminster Society
Objection made to the size of original proposal. Further to the revisions to the scheme, no objections made.

Historic England (Listed Builds/Con Areas)
Authorisation to determine application.

Historic England (Archaeology)
No objection, no need for archaeology conditions

Council For British Archaeology
No reply received

The Georgian Group
No reply received

Ancient Monuments Society
No reply received

Society For The Protection Of Ancient Buildings
No reply received

Ancient Monuments Society
No reply received

Twentieth Century Society
No reply received

The Victorian Society
No reply received

The Gardens Trust
No reply received

Transport For London
No objection

London Historic Parks and Gardens
No reply received

The London Society
No reply received

Department of Culture Media & Sport
No reply received

Metropolitan Police Service (for Licensing)
No reply received

Natural England
No objection

Arboricultural Section - Development Planning
No response received to date.

Highways Planning - Development Planning
No objection

Designing Out Crime
No reply received

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191
Total No. of replies: 4
No. of objections: 0
No. in support: 4

Four letters of support received agreeing that the memorial is a fitting tribute and that the location is appropriate.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 26 January and 24 February 2016.
3. Response from Natural England dated 21 January 2016
4. Response from Historic England dated 26 January 2016
5. Response from Highways Planning Manager dated 27 January 2016.
6. Response from Transport For London dated 1 February 2016
7. Response from Historic England (Archaeology), dated 8 February 2016
8. Response from Council for British Archaeology dated 15 March
9. Letter from occupier of 8 Upper Lodge Mews, Bushy Park, dated 2 February 2016
10. Letter from occupier of 3 Turner Place, College Town, dated 23 January 2016
11. Letter from occupier of Winterwood, Glentorr road, dated 14 February 2016
12. Letter from occupier of 55 Goodby Road, Moseley, dated 29 January 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)

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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT southplanningteam@westminster.gov.uk

7. KEY DRAWINGS

West Elevation, facing the MoD building and accessed from the West footpath.

Sculpted relief images on the circular bronze medallion bridging the gap between the two standing stones.

The images on this side of the medallion will represent the civilian effort towards development and lasting peace in both countries. Because the images will be seen at close quarters, the composition will show activities in more detail.

Inscriptions on the two Portland stone standing stones.

Arranged diagonally relative to the circular bronze medallion, left-hand-side: DUTY, right-hand-side: SERVICE

Lighting.

It is proposed that only the circular bronze medallion is illuminated, using masked temporarily adjustable LED light sources, set back in the 50mm gap between the outer edge of the medallion and the inner edge of the concentric circular bevelled Portland stone borders, either side of the central gap. The masking of the light sources will ensure the light catches the high points of the bronze relief, without spilling over on to the white/gray of the bevelled Portland stone borders.

Client	MoD
Project	MoD section of Victoria Embankment Gardens, SW1
Phase	Proposals
Scale	1:50
Date	10/01/2023
Author	Donald Inshall Associates
Checker	Donald Inshall Associates
Approver	Donald Inshall Associates
Discipline	Architecture
Version	1.0
Revision	

Job Title: IAMP Proposals, MoD section of Victoria Embankment Gardens, SW1

Drawing Title: PROPOSALS: West (MoD) Elevation, North Elevation and Section B - B

Donald Inshall Associates	
Chartered Institute of Building Drawing Questions	
17 Grosvenor Street, London W1R 4NR	
Tel: 020 7493 7000 www.donaldinshall.com	
Project	IAMP
Phase	Prop
Date	10/01/2023
Scale	1:50
Author	DI
Checker	DI
Approver	DI
Discipline	Architecture
Version	1.0
Revision	

1. Detailed confirmation of the texture proposed for the Portland stone surfaces of the North and South elevations of the scheme submitted for planning consent (changed from the heavy texture shown on the side elevations of the second clay model).

2. The proposed incorporation into the paving layout (as submitted for planning consent) of an inscribed bronze plate centred on the bronze plaque recording the unveiling.

CHANGED:

- Heavy texture on sides of moulded clay second model (superficial) shown at 1:50 scale.
- North & South elevations at 1:50 scale showing the revised texture proposed for the Portland stone surface.

PLAN Scale 1:50

Showing the proposed inscribed bronze plate and plaque recording the unveiling.

The paved setting for the memorial is to be in York stone (sawn finish), with the slabs around the footprints of the Portland stone ones being darker in colour. The 2.0m (minimum) width of the paving on all four sides will allow the comfortable passing of two self-propelled wheelchairs.

In the centre of the paving, on the west footpath side, a bronze plaque recording the unveiling ceremony will be set flush with the paved surface.

To encourage visitors to move around the memorial, an inscription on a bronze plate 150mm wide (lettering 90mm high, see below front - 'HUMAN ENDEAVOUR REGULARLY CAUTION' will start on the right-hand side of the bronze plaque recording the unveiling ceremony, continue round the perimeter and finish on the left-hand side of the plaque. The sections of this inscribed bronze plate will also be set flush with the paving (following the falls on each side) and be fixed in place using threaded rods welded to the back.

Part-plan of bronze plate at full-size, showing lettering 90mm high.

Inscribed bronze plate patinated finish to match that of the bronze reliefs above.

Note: whether lettering is to be raised by 2mm or recessed is still under discussion.

Client	MoD
Project	MoD section of Victoria Embankment Gardens, SW1
Phase	Proposals
Scale	1:50
Date	10/01/2023
Author	Donald Inshall Associates
Checker	Donald Inshall Associates
Approver	Donald Inshall Associates
Discipline	Architecture
Version	1.0
Revision	

Job Title: IAMP Proposals, MoD section of Victoria Embankment Gardens, SW1

Drawing Title: PROPOSALS:

- Confirmation of the revised texture proposed for the Portland stone surface of the North and South elevations.
- To encourage visitors to move around the memorial, the proposed incorporation (into the paving layout already submitted) of an inscribed bronze plate centred on the bronze plaque recording the unveiling.

Donald Inshall Associates	
Chartered Institute of Building Drawing Questions	
17 Grosvenor Street, London W1R 4NR	
Tel: 020 7493 7000 www.donaldinshall.com	
Project	IAMP
Phase	Prop
Date	10/01/2023
Scale	1:50
Author	DI
Checker	DI
Approver	DI
Discipline	Architecture
Version	1.0
Revision	

DRAFT DECISION LETTER

Address: Sites At Rear Of MOD Building Adjacent To National Liberal Club And Opposite Richmond Ter, Victoria Embankment, London, SW1A 2JL,

Proposal: Erection of memorial in recognition of British military forces and UK civilians who served/worked in Iraq and Afghanistan during the periods of conflict in Portland stone with central bronze medallion.

Reference: 15/11695/FULL

Plan Nos: 4000, 4010, 4011 D, 4013, 2022 C, 2023 C, 2021 E, 1020 A, 1021 C, 1022 and SK 130

Case Officer: David Clegg

Direct Tel. No. 020 7641 3014

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must apply to us for approval of samples of the facing materials you will use, including paving, and elevations and plans annotated to show where the materials are proposed to be used. You must not start 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.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Whitehall Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

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: Strategic Policies adopted November 2013, 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.

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

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Agenda Item 11

Item No.

11

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	<p>Application 1 - Development Site At Tottenham Court Road Station And 1-23 Oxford Street And 157-165 Charing Cross Road And 1-6, Falconberg Mews, W1</p> <p>Application 2 - 135-155 Charing Cross Road, WC2</p>		
Proposal	<p>Application 1 - Variation of Condition 1 of planning permission dated 12 January 2016 (RN: 11/10043/FULL) for: Demolition of 17-23 Oxford Street and erection of a building comprising part two basement levels, ground plus eight upper floors with ninth floor roof top plant for use as retail (Class A1) at part basement, ground and first floors, offices (Class B1) at part basement, ground and first to eighth floors, new public realm landscaping, servicing and access arrangements. (OSD Site A). Namely, amendments to facade design and alterations including re-alignment of south elevation, omission of colonnade on south elevation, realignment of north east corner to match the London Underground entrance, cutting back the south west corner to improve loading bay access, relocation of rooftop plant to basement, re-planning internal core (Site A).</p> <p>Application 2 - Variation of Condition 1 of planning permission dated 12 January 2016 (RN: 11/10045) for erection of a building comprising part basement, ground plus nine storeys for use as a theatre (sui generis) on part basement, ground to fourth floors, and offices (Class B1) at fifth to eighth floor levels with plant at ninth floor, new public realm, landscaping servicing and access arrangements. Over site development above Crossrail operational details (Site B - site includes 12 Sutton Row and 12 Goslett Yard) : Namely amendments to facade design and alterations including, re-planning theatre auditorium to improve acoustic isolation, omission of pavilion and loading bay on north west corner, omission of stair tower and replacement with substation and cycle parking above, new staircase with theatre signage facing Charing Cross Road, enlargement of theatre foyer, re-alignment of north and east elevations. (Site B)</p>		
Agent	Gerald Eve		
On behalf of	Derwent Valley Central Ltd and Crossrail Ltd		
Registered Number	15/12041/FULL (Site A) 15/11996/FULL (Site B)	Date amended/ completed	12 January 2016

Date Application Received	23 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Applications 1 and 2

1. Grant 10 year conditional permissions, subject to: A Deed of Variation to the S106 Agreement signed 12 January 2016 to tie the S73 permissions into the original S106 Agreement, including the agreed clauses regarding the timing of delivery of the theatre and residential on Sites C and D; and

2) Revised S106 obligations to reflect the revised areas across Sites A and B including additional payments of -

- a. Crossrail - £130,060
- b. Public realm - £99,227

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

(a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;

(b) The Director of Planning shall consider whether the permissions 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 applications and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

On 19 April 2012 it was resolved to grant permission for the proposed Over Station Developments (OSD's) for Crossrail Tottenham Court Road East ticket hall site and London Underground upgraded Tottenham Court Road underground station. Since these resolutions extensive time was spent finalising various elements of the Section 106 Agreement particularly in relation to the delivery of a New West End Theatre. Permission was granted for the redevelopment schemes on 12 January 2016.

The site covers two street blocks located to the south of Oxford Street and west of Charing Cross Road and is divided by Sutton Row which links Charing Cross Road with Soho Square. Site A is located to the north of Sutton Row, Site B to the south. Permission has been granted for a new retail and office building at site A, and a new theatre building and offices at site B.

The detailed design of both buildings has been developed. As a consequence the floor areas have been altered along with the aesthetic of the buildings. These applications are for minor material amendments to the OSD buildings both sites A and B.

The floorspace figures are set out in the table below;

Use	GEA m2	GEA m2	GEA m2
	Approved Jan 2016	S73 proposal	Change
Site A			
Office	24,225	26,492	+2267
Retail	3,896	3671	-198
Total	28,094	30,163	+2069
Site B			
Office	4,185	2,847	-1338
Theatre	3,809	4,559	+750
Total	7,994	7,406	-588
Total site A + B			
Office	28,410	29,339	+929
Retail/Theatre	7705	8230	+552

At Site A the main changes are increasing the height of the building slightly to provide additional office space at roof level and a change to proposed plant, infilling the colonnade on the south elevation fronting onto Sutton Row, loss of retail at basement level and alterations to the façade design.

At Site B the changes proposed are more extensive. They have largely been driven by Nimax who required improved flexibility in the theatre layout as well as necessary acoustic measures

resulting from a greater understanding of the impact of the Crossrail Infrastructure abutting the building. The proposed alterations include:

- i. Enlarging the theatre, re-planning the auditorium to improve acoustic isolation, and increasing the capacity from 350 seats to a maximum of 543 seats;
- ii. The loss of one floor of offices due to the increase in the demise of the theatre:
- iii. A new staircase and theatre signage facing Charing Cross Road;
- iv. Enlargement of the theatre foyer and provision of an entrance canopy fronting onto Sutton Row
- v. Slight increase in height and façade alterations to both the theatre and office elements of the new building.
- vi. Relocation of servicing from Sutton Row to Goslett Yard

The main issue for consideration is the design quality of the new buildings and their impact on the townscape.

The slight increase in height of the building on Site A would have a relatively small visual impact. The main change to the building is to its cladding. This is different from the approved scheme, with a stronger horizontal emphasis. It will have a stronger architectural relationship to the new station entrance. The loss of the colonnade on the south side is acceptable in urban design terms.

The design of the building on Site B is more radically different from the approved scheme. There would be a slight increase in height and a change to the massing; the theatre part is taller and the office parts realigned. The approved glassy façade, with its diagonal emphasis, is replaced by a more rectilinear facade, with integrated theatre signs. It is rich in terms of its modelling, detailing and use of materials.

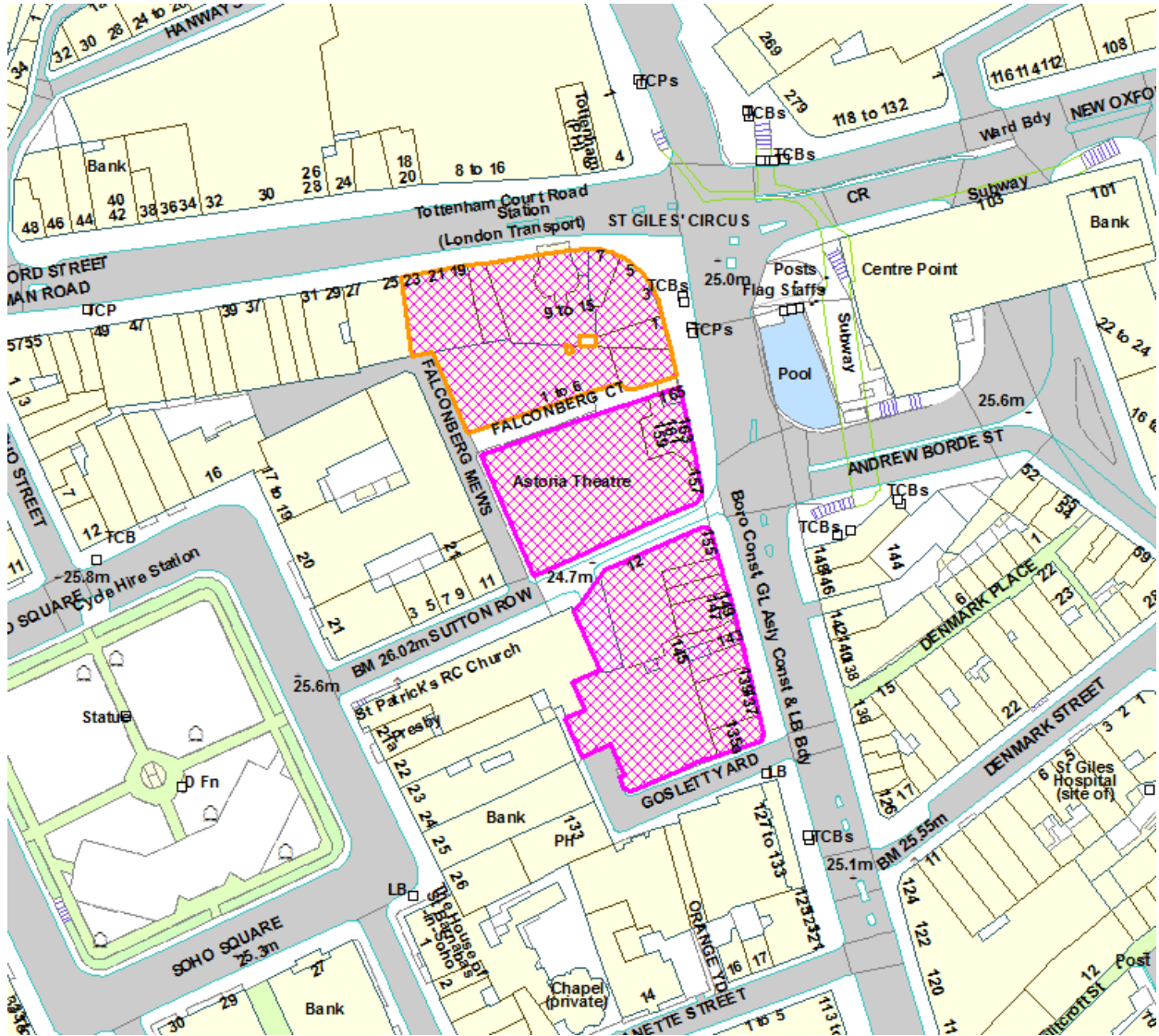
Although the design approaches differ from the approved scheme, the designs of both buildings are of high, arguably higher, architectural quality and they are acceptable in urban design and conservation terms.

In terms of the land use package, across both sites the new proposals would result in an increase in offices of 929 m². However, the approved four site strategy resulted in a residential surplus of 4,949 m². The additional office accommodation will still therefore easily accord with the Council's mixed use policies. At Site A the loss of retail is back of house floorspace at basement level. Ground floor tradable would be increased. This is also considered acceptable. Changes at Site B which increase the size of the theatre and ensure its delivery are welcomed. The schemes therefore remain acceptable in land use terms.

With regards to the impact upon the highway the main change is to the servicing arrangements. At Site A the revised entrance to a service yard allows vehicles to reverse in from Falconberg Mews so no reversing manoeuvres are required from Sutton Row. This is welcomed. At Site B servicing has been relocated from Sutton Row to Goslett Yard. This would also result in the removal of reversing vehicles on Sutton Row, which will reduce the potential for vehicle-pedestrian conflict. The Highways Planning Manager advises that some larger vehicles will not fit within the theatre loading bay and will be required to load and unload from the highway in Goslett Yard. However given that this is a short cul de sac with little activity and the constraints of the station infrastructure this is considered acceptable.

The amended schemes have been designed to deliver a New West End Theatre a major new cultural space for London are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Application 1 (Site A)

GREATER LONDON AUTHORITY:

The scheme does not raise strategic issues and no further consultation with the GLA is required

SOHO SOCIETY

No objection

FITZROVIA NEIGHBOURHOOD ASSOCIATION:

Any response to be reported verbally

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER

No objection subject to conditions

CLEANSING MANAGER

No objection

ENVIRONMENTAL HEALTH

No objection

HISTORIC ENGLAND (Listed Builds/Con Areas):

No Comments

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 466

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2 (Site B)

GREATER LONDON AUTHORITY:

The scheme does not raise strategic issues and no further consultation with the GLA is required

SOHO SOCIETY

No objection

FITZROVIA NEIGHBOURHOOD ASSOCIATION:

Any response to be reported verbally

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER
No objection subject to conditions

CLEANSING MANAGER
No objection

ENVIRONMENTAL HEALTH
No Objection

HISTORIC ENGLAND (Listed Builds/Con Areas):
No Comments

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 713
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

APPLICATION 1

1. Application form
2. Letter from Greater London Authority dated 11 February 2016
3. Letter from Historic England dated 27 January 2016
4. Undated response from Soho Society
5. Memorandum from Cleansing Manager dated 1 February 2016
6. Memorandum from Highways Planning Manager dated 10 March 2016
7. Memorandum from Environmental Health dated 24 March 2016

APPLICATION 2

1. Application forms
2. Letter from Greater London Authority dated 11 February 2016
3. Letter from Historic England dated 27 January 2016
4. Undated response from Soho Society
5. Memorandum from Cleansing Manager dated 29 January 2016
6. Memorandum from Highways Planning Manager dated 10 March 2016
7. Memorandum from Environmental Health dated 24 March 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 MIKE WALTON ON 020 7641 2521 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

7. KEY DRAWINGS



Site A – As approved (January 2016)



Site A – As proposed.



Site B – As approved
(January 2016)



Site B – As proposed.

DRAFT DECISION LETTER**APPLICATION 1 (Site A)**

Address: Dev Site At Tot Court Rd Station And 1-23 Oxford St And 157-165 Charing Cross Rd And 1-6, Falconberg Mews, London,

Proposal: Variation of Condition 1 of planning permission dated 12 January 2016 (RN: 11/10043/FULL) for : Demolition of 17-23 Oxford Street and erection of a building comprising part two basement levels, ground plus eight upper floors with ninth floor roof top plant for use as retail (Class A1) at part basement, ground and first floors, offices (Class B1) at part basement, ground and first to eighth floors, new public realm landscaping, servicing and access arrangements. (OSD Site A). Namely, amendments to facade design and alterations including re-alignment of south elevation, omission of colonnade on south elevation, realignment of north east corner to match the London Underground entrance, cutting back the south west corner to improve loading bay access, relocation of rooftop plant to basement, replanning internal core (Site A).

Plan Nos: A_MP_(00)_P001 rev P03, P100 rev P02, A, P101 rev P01, P101M rev P00, P102 rev P01, P103 rev P01, P104 rev P01, P015 rev P01, P106 rev P01, P07 rev P01, P108 rev P01, P109 rev P01, P110 rev P02, P111 rev P02, P120 rev P01, P120M rev P01, P121 rev P01, P130 rev P03. P220 rev P02, P221 rev P02, P222 rev P02, P223 rev P03, P224 rev P03, P300 rev P01, P301 rev P02, P310 rev P02, P311 rev P03, P312 rev P03, P313 rev P02, P314 rev P03, P311 rev P03, P312 rev P02, P314 rev P03, P400 rev P02, P401 rev P02, P402 rev P02, P403 rev P02, P404 rev P03, P405 rev P03.

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Conditions and Reasons

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

Reason:

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

- 2 You must 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 residents. This is as set out in S29 and S32 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development:
- Typical façade details (at all levels)
 - All new windows
 - All new shopfronts

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations 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 this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terraces.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of a scheme of public art ;.

You must not start work on the public art until we have approved what you have sent us. Before

anyone moves into the building you must carry out the scheme according to the approved details.

You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

1. PV panels / Solar panels,

Upon completion on site, you must provide information to Westminster City Council that you have delivered these features.

You must not remove any of these features, unless we have given you our permission in writing. (C43FA)

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: Strategic Policies adopted November 2013. (R44AC)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be

intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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: Strategic Policies adopted November 2013, 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.

- 10 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.

- 11 You must put up the plant screens shown on the approved drawings before you use the machinery. You must then maintain them in the form shown for as long as the machinery remains in place.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 13 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 14 You must provide the waste store shown on drawing P100 rev P02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the

buildings. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 15 You must provide the cycle parking shown on drawing P100 rev P02 prior to occupation. Thereafter the cycle parking must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 17 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure that the servicing facility operates as designed and does not impact on the safety or operation of the highway as required by Policy TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 18 You must not use the floorspace identified as "Retail" on the approved drawings for any purpose other than within Classes A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2010 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SS4 and SS7 of our Unitary Development Plan that we adopted in January 2007 and CS20 of our Core Strategy that we adopted in January 2010.

- 19 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 20 No demolition or development shall be carried out until a construction management plan for the proposed development has been submitted to and approved by the City Council as local planning authority. The plan must include a construction programme, a code of construction practice, a 24 hour emergency contact number, and the hours of building 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 minimise the impact of the development construction on adjacent residential occupiers in order to safeguard their residential amenity, in accordance with Policy ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 21 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2010 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall only be used for non-food retail purposes unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

To ensure that the retail floorspace does not give rise to an unacceptable level of customer car parking and servicing causing obstruction of the surrounding streets and harm to the amenities of occupiers of adjoining properties by reason of noise and general disturbance contrary to policy S41 of Westminster's City Plan : Strategic Policies adopted November 2013 and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007

- 22 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. 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 according to these approved drawings within of completing the development (or within any other time limit we agree to in writing). (C30AB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Soho Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 23 This permission must be commenced no later than 11 January 2026

Reason:

This permission authorises amendments to the original planning permission granted on 12 January 2016 (RN 11/10043/FULL) which must be commenced no later than the above date.

Informatives:

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.
- 2 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. (150AA)

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Conditions 9 and 13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the

machinery is properly maintained and serviced regularly. (I82AA)

- 5 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 provision of a theatre being provided and fitted out on Site B, public art ,contributions towards public realm, Crossrail, and the City Council's Code of Construction Practice.
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please 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)
- 7 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 8 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)
- 9 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 10 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

- 11 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.**

DRAFT DECISION LETTER**APPLICATION 2 (Site B)**

Address: 135-155 Charing Cross Road, London, WC2H 0DT,

Proposal: Variation of Condition 1 of planning permission dated 12 January 2016 (RN: 11/10045) for Erection of a building comprising part basement, ground plus nine storeys for use a theatre (sui generis) on part basement, ground to fourth floors, and offices (Class B1) at fifth to eighth floor levels with plant at ninth floor, new public realm, landscaping servicing and access arrangements. Over site development above Crossrail operational details (Site B - site includes 12 Sutton Row and 12 Goslett Yard) : Namely amendments to facade design and alterations including, re planning auditorium to improve acoustic isolation omission of pavilion and loading bay on north west corner, omission of stair tower and replacement with substation and cycle parking above, new staircase with theatre signage facing Charing Cross Road, enlargement of theatre foyer, re-alignment of north and east elevations. (site B)

Plan Nos: B_MP_(00)_P001 rev P05,B_(00)_P100 rev P04, P101 rev P03, P101M rev P00, P102 rev P03, P103 rev P03, P104 rev P03, P105 rev P03, P106 rev P03, P107 rev P03, P108 rev P03, P108 rev P03, P109 rev P03, P110 rev P03, P120 rev P01,MP_(00)_P130 rev P03. MP_(00)_P200 rev P01, P201 rev P01, P202 rev P01, P210 rev P01, P212 rev P01, P213 rev P01, P220 rev P02, P221 rev P02, P222 rev P02, , P223 rev P03, P224 rev P03, P225 rev P02, B_(00)_P211 rev P02, P222 rev P02, P223 rev P02, P225 rev P02, MP_(00)_P300 rev P01, P301 rev P02 , P310 rev P02, P311 rev P03, P312 rev P03, P313 rev P02, P314 rev P03, B_(00)_P310 rev P02, P311 rev P02, P312 rev P01, P313 rev P01,B_(00)_P400 rev P02, P401 rev P02, P402 rev P02, P403 rev P02, P404 rev P02,

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Conditions and Reasons:

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

Reason:

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

- 2 You must 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 residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development:
- a. Typical façade details (at all levels)
 - b. All new windows

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 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 this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terraces.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

1. Green Roof Plans
2. PV panels / Solar panels,

Upon completion on site, you must provide information to Westminster City Council that you have delivered these features.

You must not remove any of these features, unless we have given you our permission in writing. (C43FA)

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: Strategic Policies adopted November 2013. (R44AC)

- 8 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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: Strategic Policies adopted November 2013, 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.

- 10 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.

- 11 You must put up the plant screens shown on the approved drawings before you use the machinery. You must then maintain them in the form shown for as long as the machinery remains in place.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 13 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 14 You must apply to us for approval of details of how waste is going to be stored 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 store in line with the approved details, and clearly mark it and make it available at all times to everyone using the building. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 15 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 17 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 18 No development shall be carried out until a construction management plan for the proposed development has been submitted to and approved by the City Council as local planning authority. The plan must include a construction programme, a code of construction practice, a 24 hour emergency contact number, and the hours of building 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 minimise the impact of the development construction on adjacent residential occupiers in order to safeguard their residential amenity, in accordance with Policy ENV13 of our Unitary

Development Plan that we adopted in January 2007.

- 19 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. 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 according to these approved drawings within of completing the development (or within any other time limit we agree to in writing). (C30AB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Soho Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 20 This permission must be commenced no later than 11 January 2026.

Reason:

This permission authorises amendments to the original planning permission granted on 12 January 2016 (RN 11/10045/FULL) which must be commenced no later than the above date..

- 21 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure that the servicing facility operates as designed and does not impact on the safety or operation of the highway as required by Policy TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 22 Customers shall not be permitted within either the cafe bar or the theatre either before 09.00 or after 01:00 hours daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan:

Strategic Policies adopted November 2013, 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.

- 2 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. (150AA)

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Conditions 9-13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)
- 5 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 provision of a theatre being provided and fitted out on Site B, public art ,contributions towards public realm, Crossrail, and the City Council's Code of Construction Practice.

- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please 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)
- 8 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)

- 9 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 10 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 11 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

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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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	West Carriage Drive, London, W2 2UH,		
Proposal	Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Rd and South Carriage Drive.		
Agent	Abigail Kos		
On behalf of	Transport For London - Surface Transport		
Registered Number	15/09917/FULL	Date amended/ completed	23 October 2015
Date Application Received	23 October 2015		
Historic Building Grade	Serpentine Bridge Grade II		
Conservation Area	Knightsbridge/Royal Parks		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application was considered by Planning Committee on 23 February 2016. It was deferred to allow the applicant (Transport for London – TfL) to consider an alternative route through the park.

TfL have written to clarify a few key points about the application and support for the proposed route. They reiterate that the route was agreed with the Royal Parks and key stakeholders including the Hyde Park and Kensington Gardens Cycling Reference Group – this includes representatives from the Metropolitan Police, London Cycle Campaign and Friends of Hyde Park and Kensington Gardens. They state the design was developed in collaboration with the Serpentine Galleries, The Household Cavalry and the various commercial operators producing events in the Park.

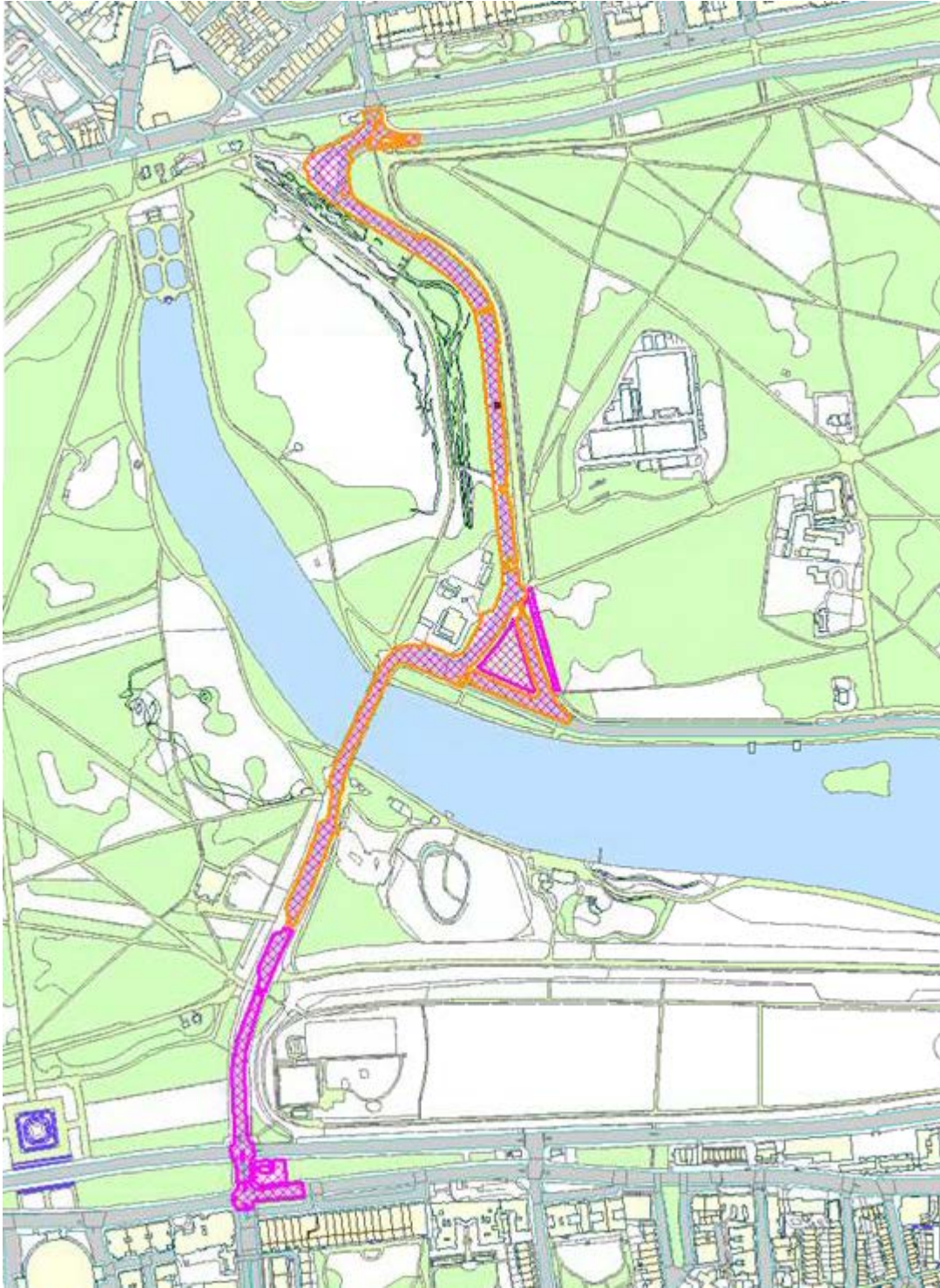
TfL clarify that the existing cycle routes on the Broadwalk, Serpentine Road and Rotten Row will remain, but will be promoted as more suitable for 'leisure cycling' as they are shared with pedestrians and other park users. The cycle superhighway route is fully segregated and physically separated from pedestrian and vehicular traffic. The scheme includes junction improvements and there will be an increase in the amount of green space next to Victoria Gate junction as a result of the alterations.

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For the reasons as set out by TfL, it is considered that the route and impact of the cycle superhighway upon the Royal Park is considered acceptable.

3. LOCATION PLANS



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4. PHOTOGRAPHS



West Carriage Drive (photo taken south of Serpentine Bridge)



West Carriage Drive (north of serpentine) with horse ride and footpath set back from carriageway.

5. CONSULTATIONS

As per the consultations and response as set out in the report of 23 February 2016

6. BACKGROUND PAPERS

1. Minutes and report of the Director of Planning dated 23 February 2016.
2. Letter from Transport for London dated 7 March 2016.

(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 KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT southplanningteam@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** West Carriage Drive, London, W2 2UH,
- Proposal:** Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Rd and South Carriage Drive.
- Reference:** 15/09917/FULL
- Plan Nos:** Environmental Evaluation Report dated October 2015; Planning and Design statement dated 23 October 2015; site plan; detailed site plan pt1, pt2, pt3; 60320925-E220-CP03-DWG-0102A; 103A; 104A; 105A; 106A; 107A; 108A; 109A; 110A; 112A; 0133rev2; 0134 rev2; 0135 rev2; 0136 rev2; 0137 rev2; 0138 rev2; 0139 rev2; 0140 rev2; 0141 rev2; 0143 rev2.

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must 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 residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on the approved drawings. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 4 If you cut down any trees so you can build this development, you must plant replacement trees in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of similar size and species to the one originally planted. (C31KA)

Reason:

To protect the trees and the character and appearance of this part of the Royal Parks Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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.

11 WEST CARRIAGE DRIVE, LONDON W2 2UH

RESOLUTION

Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Road and South Carriage Drive.

RESOLVED:

That consideration of the application be deferred, to enable the applicant to consider alternatives.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	West Carriage Drive, London, W2 2UH,		
Proposal	Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Rd and South Carriage Drive.		
Agent	Abigail Kos		
On behalf of	Transport For London - Surface Transport		
Registered Number	15/09917/FULL	Date amended/ completed	23 October 2015
Date Application Received	23 October 2015		
Historic Building Grade	Serpentine Bridge listed Grade II		
Conservation Area	Knightsbridge/Royal Parks		

1. RECOMMENDATION

Grant conditional permission.

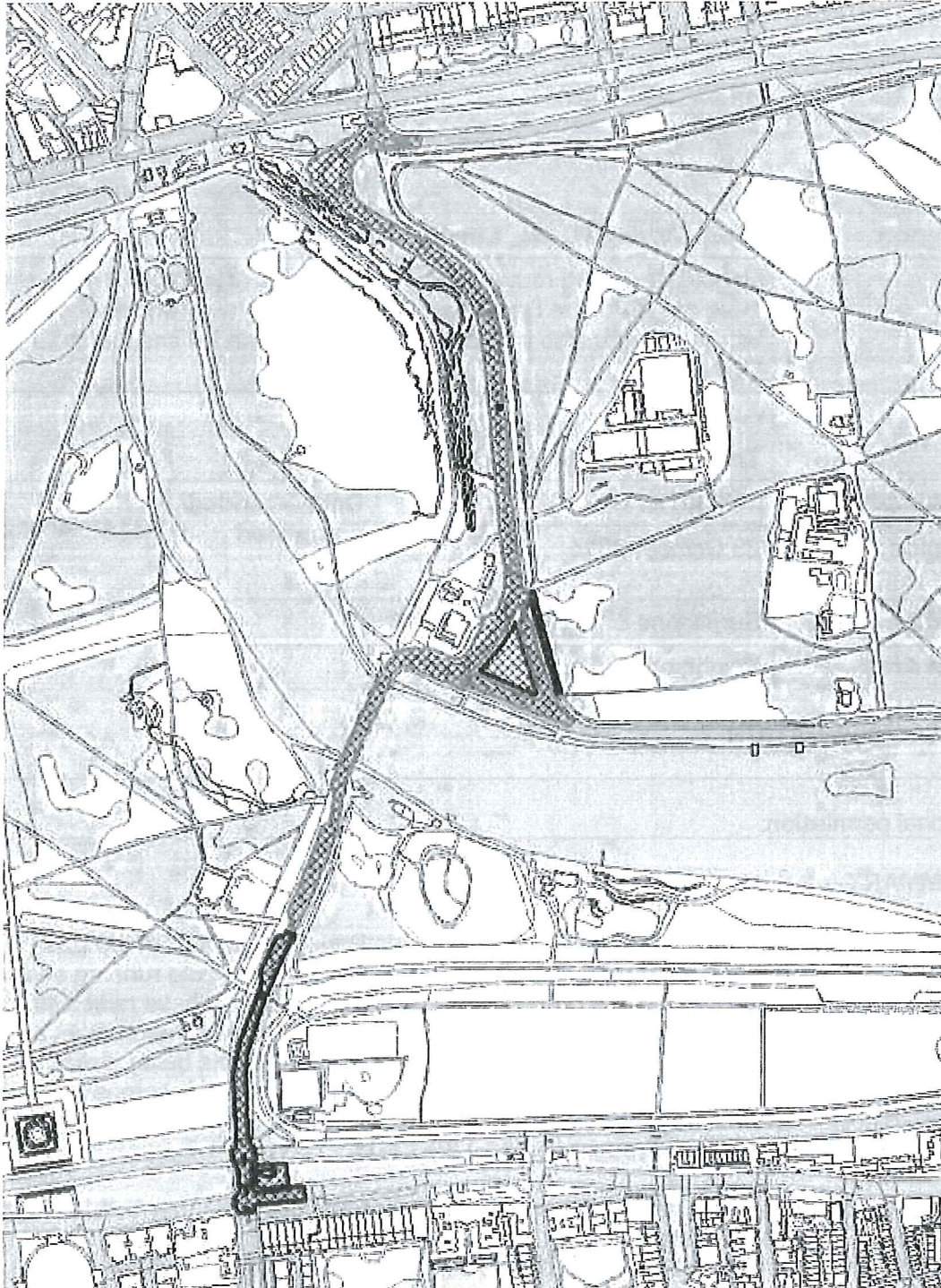
2. SUMMARY

The application is for works to West Carriage Drive within Hyde Park, to form part of the East-West cycle superhighway (EWCSH). It is proposed to create a segregated cycle route running adjacent to the southbound carriageway. The Licenced Taxi Drivers' Association (LTDA) have raised strong objections to the application on the grounds of inaccurate traffic modelling over the route as a whole. They also consider the segregated route presents a barrier for disabled people being picked up/dropped off by licenced taxis along West Carriage Drive. The other main concern is that this application should not be determined in advance of a ruling on a current Judicial Review regarding the whole East-West superhighway route brought about by the LTDA.

The objections are noted. It is not, however, considered that on this occasion they can be supported given the wider benefits of the proposed cycle superhighway and the application is considered acceptable in planning terms subject to the conditions set out in the draft decision letter.

Item No.

3. LOCATION PLANS



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4. PHOTOGRAPHS



West Carriage Drive (photo taken south of Serpentine Bridge)



West Carriage Drive (north of serpentine) with horse ride and footpath set back from carriageway.

5. CONSULTATIONS

Historic England

Authorisation to determine in line with national and local guidance.

The Royal Parks

Any response to be reported verbally.

Knightsbridge Association

Any response to be reported verbally.

South East Bayswater Residents Association

Any response to be reported verbally.

Friends Of Hyde Park & Kensington Gardens

Any response to be reported verbally.

Bayswater Residents Association

No comment.

London Historic Parks and Gardens

Any response to be reported verbally.

Thorney Island Society

No comment

Metropolitan Police - Property Services

Any response to be reported verbally.

Garden History Society

Any response to be reported verbally.

Highways Planning Manager

No objection.

Arboricultural Section

No objection subject to conditions.

Licenced Taxi Drivers Association (LTDA)

Object on the following grounds:

- Consider that planning permission is required for the entire East/West route.
- Any planning decision should be postponed until after the High Court has handed down judgement on the LTDA's application for Judicial Review.
- Do not consider that the traffic modelling for Lower Thames Street or Embankment is accurate. The works have led to greater vehicle congestion along the route and surrounding areas.
- The environmental impact is significantly worse than that originally predicted by TfL.
- TfL predictions for the use and take up by cyclists are flawed.

- Discrimination and accessibility issues for those less ambulant or wheelchair users requiring a black cab on West Carriage Drive – contend it is impossible to pick up/drop off on the southbound carriageway adjacent to the cycle route. There are no provisions to accommodate disabled access.
- Safety issues in that cyclists will be tempted to exceed the 20mph limit particularly southbound.
- Visitors unfamiliar with the concept of the cycle superhighway will potentially increase the risk of accidents and conflict with those cyclists familiar with the route.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site encompasses West Carriage Drive and small sections of South Carriage Drive and Serpentine Road at the points where they meet West Carriage Drive.

West Carriage Drive runs north/south across Hyde Park, essentially separating Hyde Park and Kensington Gardens. Hyde Park and Kensington Gardens are both Royal Parks and are designated as Metropolitan Open Land. They are a Grade I listed landscape.

The site is within the Royal Parks Conservation Area, and also the Knightsbridge Conservation Area at the southernmost point of the route. The proposed cycle route crosses the Grade II listed Serpentine Bridge.

To the south of the Serpentine Bridge, there are currently marked cycle routes adjacent to the vehicular carriageway on West Carriage Drive. They are marked routes at the same level as the footway; the northbound cycle route on the west side of the carriageway, and the southbound route on the east. There is no physical separation between the cycle route and the pedestrian footway.

Around the Serpentine Bridge area, the marked cycle route is within the carriageway, though is not physically separated from vehicles.

To the north of the Serpentine Bridge, there is a shared cycle/footpath which runs adjacent to the horse ride, and is well separated from the carriageway by a large grass verge.

6.2 Recent Relevant History

None directly relevant.

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7. THE PROPOSAL

This proposal forms part of the East West Cycle Superhighway Scheme currently being implemented by Transport for London on behalf of the Mayor. The East/West superhighway runs from Tower Hill to Paddington (with TfL consulting on extending the route beyond Paddington). A large section of the route proposed runs through the Royal Parks within Westminster, incorporating a route through St James's Park, Green Park and Hyde Park. This application solely relates to the section running along West Carriage Drive within Hyde Park. At the time of writing, applications have just been submitted for the sections of the route by St James's Park (Birdcage Walk and a section of the Mall) and along Constitution Hill, part of Green Park.

The cycle superhighway on West Carriage Drive will be a two way cycle lane, segregated from the vehicular route by a raised kerb. It is adjacent to the southbound vehicular lane. Works are currently underway to construct the cycle lane.

TfL do not consider that the works require planning permission as they believe that the construction of the cycle superhighway falls within 'permitted development' rights for highway authorities under Section 55 of the Town and Country Planning Act.

The LTDA contend that this position is wrong in law. The High Court have indicated, in granting permission for a Judicial Review of the entire route in respect of the need for planning permission, that there is an 'arguable case' that the Cycle Superhighway does require planning permission. The LTDA advise that a determination of this Judicial Review was to be made in early January 2016. The LTDA contend that any decision on this planning application should be postponed until after the High Court has handed down their judgment in respect of the application made by the LTDA for Judicial Review which is still awaited.

The maintenance and improvement of the public highway are generally exempt from the need for planning permission if undertaken by a local highway authority pursuant to s55 of the Act. In this instance however TfL is not the local highway authority for the Royal Parks, nor are the roads in question public highway, and as a consequence the City Council takes the view that planning permission is required. On land outside the Royal Parks, the council is satisfied that the normal s55 rights can apply to TfL and to other local highway authorities such as the City Council, acting as its agent.

Although TfL do not agree with the City Council's view that permission is required for the Cycle Superhighway within the boundaries of the Royal Parks, they agreed to submit an application for planning permission.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change of use is proposed as such there are no land use issues to consider.

8.2 Townscape and Design

The palette of materials proposed for the works to the footway, highway and proposed cycle route is a combination of asphalt, bauxite, granite setts and bonded gravel. These are considered appropriate to the surroundings and wider Conservation Areas. Whilst there will be works to the carriageway going over the Grade II listed Serpentine Bridge, they are to the upper level of the carriageway (i.e. new and constantly renewed fabric); these works will not alter the stonework on the bridge itself or those elements of the bridge considered to have special interest. It is not considered therefore that the works require listed building consent. The works are not considered to have any impact upon the setting of any other listed structure near the proposed route within the Royal Park.

The finish of the asphalt to the cycle superhighway is generally blue, however, given the sensitivities of the surrounding environment, a scheme more consistent with the Royal Parks roads is considered preferable in this location. TfL have confirmed that the finish of the asphalt will be black for the cycle route and red for the carriageway (similar to the finish on the Mall, at the request of the Royal Parks).

The works are acceptable in design and conservation terms, in line with policies S25 and S28 of the City Plan and DES1, DES9, DES10 and DES12.

8.3 Residential Amenity

The proposed cycle superhighway is not considered to have any negative impact on the amenity of local residents.

8.4 Transportation

Policy S41 relates to pedestrian movement and sustainable transport, aiming to support walking and other sustainable transport modes, including cycling. UDP policy TRANS 9 aims to make cycling safer and to promote cycling as an alternative to the private car. Part A(1) of this policy states that the City Council will implement traffic management measures to aid cyclists and improve safety such as cycle lanes or advance stop lines. TRANS 2 (road safety) and TRANS 3 (pedestrians) are also of relevance.

The creation of the segregated routes means that there are some on-street parking spaces just off the northbound carriageway which will be reconfigured and retained. There will be no loss of on street parking as a result of the proposals.

The pavement widths are generally improved. It is considered the scheme offers greater protection for pedestrians by removing the existing cycle routes that are not physically separated from the footpath.

One of the major concerns of the LTDA relates to TfL's traffic modelling in respect of Lower Thames Street and Victoria Embankment. They do not consider the modelling is accurate and comment that the works to construct the EWCSH have led to greater vehicle congestion along the route and surrounding areas.

TfL state that their 'traffic assignment model' used to produce the traffic modelling on their predictions for the Cycle Superhighway are based, is one of the most detailed models of its kind in the world for an urban road network. They state that both the wider context and the areas local to each section of the route have been modelled. TfL consider that the modelling provides a robust picture of the likely traffic impacts arising from the Cycle Superhighway once completed. TfL acknowledge that during construction of the route, there will inevitably be disruption to the road network, and comment that the monitoring of traffic conditions will not be completely accurate until the construction of the EWCSH is finished.

As TfL are the strategic transport authority for London, it is not considered that the City Council is in a position to challenge the traffic modelling done in relation to the cycle route as a whole given it is a strategic project spanning multiple boroughs.

The LTDA consider that TfL's predictions for the level of use of the EWCSH are flawed. They contend that as, in their view, TfL's modelling for congestion/environmental impact is inaccurate, the same will apply to the predictions relating to the use of the finished cycle route.

TfL states that its predictions of future cycle flows are based on extensive monitoring of cycle trends, annual growth and the increase in cycle flows on Cycle Superhighway routes already in use. They note that cycling during the morning rush hour has trebled since 2000.

Given the specific policies with the London Plan and Westminster's statutory development plans in relation to cycling and segregated routes, the proposed cycle route is welcomed. There is not considered to be any robust evidence that the route would not be used.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

The Licenced Taxi Drivers' Association have raised several issues regarding the potential impact upon the public being able to access black cabs from the pavement on West Carriage Drive. They make the point that black cabs are the only public carriage vehicles which are access compliant that run along West Carriage Drive. At present, cabs can stop on either side of the carriageway to pick up and set down passengers. The ramp within a cab is contained by the near side passenger door. With the cycle route in place therefore, it would be impossible for these taxis to stop and pick up/set down on the southbound carriageway. The LTDA comment that there are no provisions at all in the design of the cycle lane to improve access for disabled or less ambulant park users.

It is acknowledged that the proposals could potentially create a conflict and present issues for less ambulant people wishing to be picked up/dropped off on the southbound carriageway. As TfL correctly point out, the Superhighway will relocate the existing cycle track away from the western footway and onto the eastern carriageway, thus removing the existing conflict. For anyone wishing to take a cab or be dropped off on either footway, there is potential for conflict with cyclists given the existing cycle lanes are not physically separated from the footway. To the north of the Serpentine, on the east side of the

carriageway the footway is separated from the carriageway by a large grass verge and a sandy horse riding path – so accessing a taxi at this point is difficult in any event.

Clearly, the existing highway/footway layout presents potential conflicts for less ambulant people wishing to be picked up/set down on West Carriage Drive. With the cycle superhighway in place, there will not be the opportunity for cabs to access the kerb on the footway to the southbound section of carriageway to the south of the Serpentine in the same way they can at the moment. Officers consider that on balance, the benefit bought about by the presence of a segregated cycle lane in this location along with the improvements to the existing footways, outweighs the potential harm caused by a relatively small section of the southbound carriageway not being easily accessible for cab pick up/drop offs for less mobile park users.

Concern has also been raised about the speed of cyclists using the superhighway. The speed limit for all vehicles using this road is 30mph. Speed reducing measures are designed in to the route and include speed tables and rumble strips to slow cyclists at points where there is the potential for conflict with other park users (ie car park entrances, paths, other roads).

The LTDA also raise more general points about the safety of people who are unfamiliar with the area or local rules of the road, such as tourists. Hyde Park has a multitude of users with different requirements and conflict points inevitably arise. It is worth noting that throughout Hyde Park there are multiple shared routes used by cyclists and pedestrians, and it is not unusual to have shared routes. Officers do not consider there is any reason to believe that there would be increased danger to tourists from a well signposted, segregated cycle route. TfL state that they are working with the Royal Parks to provide new signage to help cyclists navigate through the park, encouraging the use of the shared routes by cyclists requiring a slower pace which may be more suitable for tourists seeking to experience the park.

It is not considered that the proposed cycle superhighway will prevent people accessing the park or travelling through it, and the proposals are in line with S29 Health, Safety and Wellbeing.

8.7 Other UDP/Westminster Policy Considerations

Trees

The proposed works require the removal of four trees adjacent to West Carriage Drive. All these trees are young lime trees which are easily replaced. The City Council has already agreed to their removal under Section 211 notifications.

There are a number of trees in close proximity to the works. For the main part, any new surfacing will replace existing hard standing so it should be possible to minimise any impact on nearby trees. Insufficient information has been submitted in this regard, but this can be mitigated by a condition to secure further details of the ways in which retained trees will be protected.

Biodiversity

Again, given that new surfacing generally replaces existing hard standing, it is not considered that there will be any undue impact on the biodiversity found in this part of

Hyde Park. The main impact is likely to be during construction works, which will only be temporary.

8.8 London Plan

Of particular relevance in the consideration of this application are policies 6.1 and 6.9. Policy 6.1 encourages close integration between transport and development, part b aims to "improve the capacity and accessibility of public transport, walking and cycling, particularly in areas of greatest demand". Policy 6.9 relates specifically to cycling, stating that the Mayor will "identify, promote and implement a network of cycle routes across London which will include Cycle Superhighways and Quietways". Paragraph 6.36 states that the aim of the Mayor is to enhance the conditions for cycling by improving the quality of the cycling network and improving the safety of, priority for and access to cycling"

8.9 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.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

The applicant has provided an 'environmental evaluation report' covering issues including biodiversity, cultural heritage, townscape, noise and vibration, emissions and water resources.

The principal impacts not already discussed in this report are noise/vibration and air quality.

In terms of noise, an assessment for impacts along the whole East-West route was carried out. In this park location, the report concludes that there would be a very slight decrease in noise levels from this road after the works are completed.

In terms of air quality, there is projected to be a slight improvement following the completion of works. There will be a short term potential increase in noise, vibration and diminution in air quality during construction work, however this is a temporary effect.

9. BACKGROUND PAPERS

1. Application form
2. Response from Thorney Island Society, dated 16 November 2015
3. Response from Historic England (Listed Builds/Con Areas), dated 24 November 2015
4. Letter from the Bayswater Residents' Association, dated 18 November 2015
5. Letter from the LTDA, Taxi House, 11 Woodfield Road, dated 29 December 2015

Item No.

- 6. Response from TfL, received 27 January 2016.
- 7. Memorandum from the Arboricultural manager dated 7 January 2016.

(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 MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT mmason@westminster.gov.uk

DRAFT DECISION LETTER

Address: West Carriage Drive, London, W2 2UH,

Proposal: Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Rd and South Carriage Drive.

Reference: 15/09917/FULL

Plan Nos: Environmental Evaluation Report dated October 2015; Planning and Design statement dated 23 October 2015; site plan; detailed site plan pt1, pt2, pt3; 60320925-E220-CP03-DWG-0102A; 103A; 104A; 105A; 106A; 107A; 108A; 109A; 110A; 112A; 0133rev2; 0134 rev2; 0135 rev2; 0136 rev2; 0137 rev2; 0138 rev2; 0139 rev2; 0140 rev2; 0141 rev2; 0143 rev2.

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must 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 residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on the approved drawings. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the

recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 4 If you cut down any trees so you can build this development, you must plant replacement trees in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of similar size and species to the one originally planted. (C31KA)

Reason:

To protect the trees and the character and appearance of this part of the Royal Parks Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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

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Agenda Item 13

Item No.

13

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	59 Greek Street, London, W1D 3DZ,		
Proposal	Use of part basement and part ground floor as two retail units (Class A1) and part basement and part ground and upper floors as residential (Class C3) to create up to 10 residential units, external alterations including infill of front lightwells and installation of pavement lights, removal of railings and new shop fronts.		
Agent	Jon Dingle Ltd		
On behalf of	Soho Housing Association		
Registered Number	16/00096/FULL	Date amended/ completed	6 January 2016
Date Application Received	6 January 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Refuse permission – loss of specialist housing.

2. SUMMARY

The property (comprising basement, ground and four upper floors) has a long-standing history as a hostel ('a sui generis' use), most recently used by Centrepoint to provide accommodation for homeless young people (26 bed-spaces). However, due to lack of funding they had to vacate the building in July 2014 and alternative accommodation was provided for the occupants in other nearby hostels. The freeholder, the Soho Housing Association (SHA), now wishes to convert the upper floors to 10 residential units and create two small Class A1 retail units on most of the basement and ground floor.

Council policy H 6 (C) of the Unitary Development Plan adopted January 2007 states:

"Planning permission will only be granted for the change of use of hostels to housing. The existing hostel must be surplus to the requirements of the existing operator and there must be no demand from another organisation for a hostel in that location."

The more recent adopted policy S15 of 'Westminster's City Plan: Strategic Policies' Adopted November 2013 states:

“Hostels... will be protected... All specialist housing floorspace and units will be protected to meet those specific needs except where the accommodation is needed to meet different residential needs as part of a published strategy by a local service provider. Where this exception applies, changes of use will only be to residential care or nursing homes, hostel, Houses in Multiple Occupation or dwelling houses use.”

The reasoned justification to Policy S15 notes that whilst it is important to safeguard specialist housing, this type of accommodation can become obsolete because of its layout, or changes in the delivery of local services or the client group it was intended to serve. Therefore, flexibility is required in order to deliver the published strategies of local service providers.

The applicant considers the hostel to be outdated and that considerable investment would be required to bring the building up to contemporary standards expected for modern hostel accommodation. Their costing exercise indicates that refurbishment as a hostel would cost about £725,000 (though this has not been assessed by the Council). The applicant also argues that insofar as Centrepoint had no funding, the premises are effectively surplus to their requirements, especially given the outdated nature of the accommodation. Furthermore the hostel use has been identified as being surplus to the requirements of the City Council, in terms of their role in providing accommodation for homeless people within Westminster, and they would be happy for it to be converted to intermediate rented accommodation (a situation previously confirmed by the Council's Housing department).

The planning policy presumption is that the building is retained for specialist housing purposes. Officers consider that it would not be necessary in this case for the applicant to undertake a marketing exercise to demonstrate that there is no demand for continued hostel use. However, there is a policy presumption that any proposed residential scheme should provide an alternative type of specialist housing. This could include conversion to affordable housing (such as intermediate rented housing), which would be secured in perpetuity by a S106 legal agreement.

The applicant is an acknowledged 'local service provider' and their published strategy sets out their aim to provide affordable housing to support local communities without financial support from local or central government in order to maintain their independence and financial sustainability. Their new developments include a mix of types of residential units as well as commercial spaces, with one use subsidising / funding another.

The applicant has offered to make the 9 No. 1-bedroom units available as affordable housing in the form of affordable rent at approximately 50% of the market rate, but only for a limited period of 30 years from the date of first occupation. This would be delivered without grant funding, with the subsidy being generated from the rent of the retail units and the 3-bedroom market unit on the fourth floor.

The nine units are offered as affordable housing for a 30-year period in order to allow SHA to value the building as market housing and therefore support their balance sheet, financial standing and ability to raise finance. They would seek to raise finance in future in order to acquire more property and deliver more affordable housing. They state that they have no intention other than to provide the units on an affordable basis in perpetuity, but they require the long term flexibility for these reasons. This is not a case based upon viability in terms of the delivery of the scheme, rather the long term financial stability of SHA.

The affordable units will be let at discounted rents to local residents who have been identified by SHA as being in housing need. This is entirely in accordance with the published strategy of this particular local service provider and therefore meets the planning policy test. However, in the long run there is no

guarantee that the accommodation would remain affordable after 30 years. Nor is there any guarantee that income generated by the proposals would provide alternative affordable housing investment within Westminster. These concerns are shared by the Council's Head of Affordable Housing and Private Sector Housing.

Furthermore, it is considered that the 3-bedroom unit should also be offered as affordable accommodation.

Therefore whilst sympathetic to the applicant's aims, the long term loss of all specialist housing from the site is contrary to the adopted policy and the application is recommended for refusal on these grounds.

The basement and ground floors have previously been used as communal accommodation for the hostel (rather than bed-spaces). Whilst the policy presumption is to also retain these floors as part of the specialist housing floorspace, it is considered that in this busy location, conversion of these floors to fully habitable living accommodation would not be ideal. This would also help generate income for this local service provider. The creation of two small retail units would be in accordance with policies encouraging new retail accommodation (UDP policy SS 4 and City Plan policies S6 and S7) and would help enliven the street frontage.

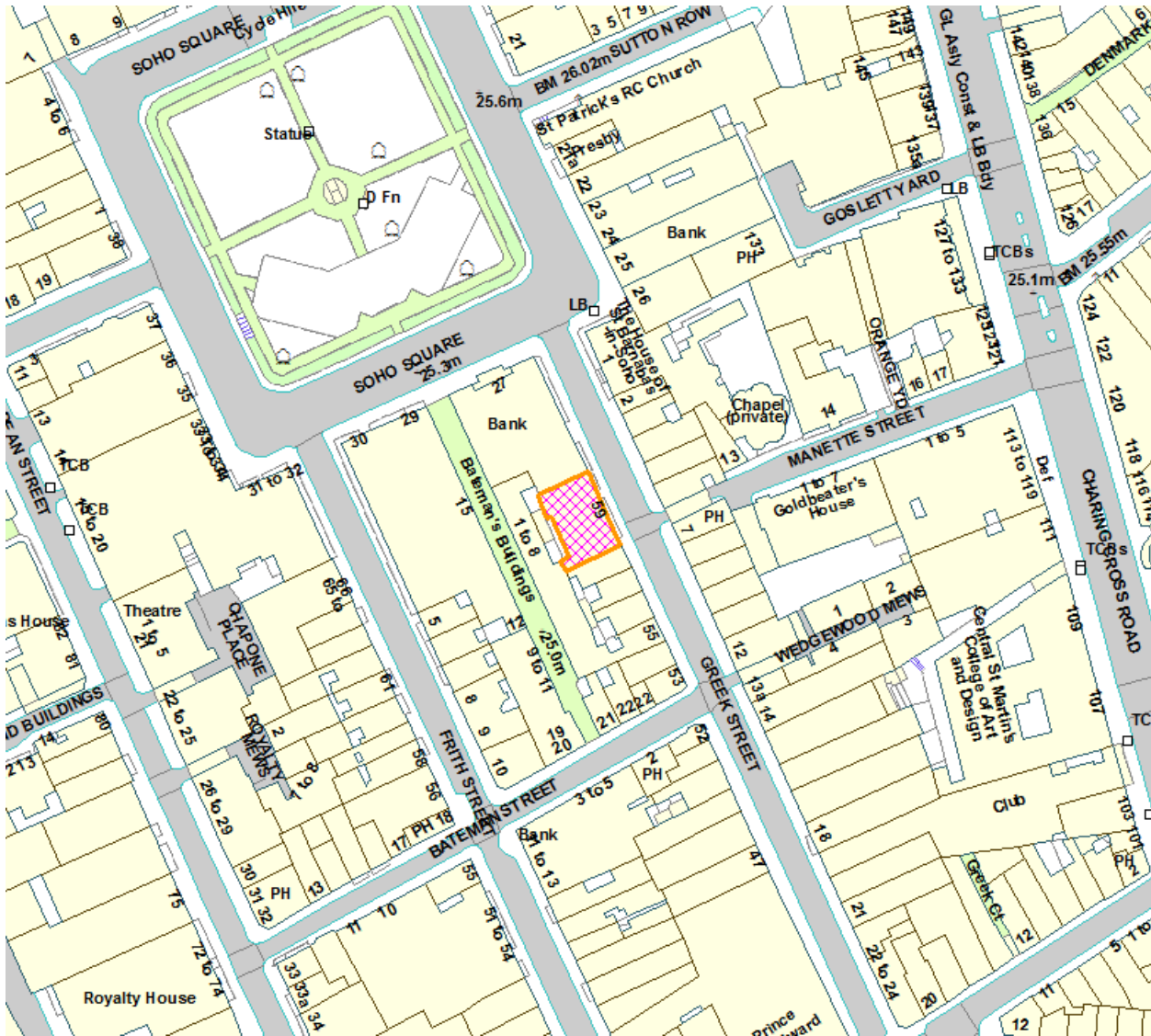
Policy H 5 of the UDP seeks to ensure an appropriate mix of unit sizes and a range of 1-, 2- and 3-bedroom units would be preferred. The mix of units proposed has been devised to ensure that the maximum number can be provided by SHA as affordably as possible to local residents. Given its small size and restrictions of converting the existing floorplates, the mix is considered to be acceptable in this instance, and the 3-bedroom unit is welcomed. City Plan policy S14 also seeks to optimise the number of residential units. Six of the proposed units are 35 sqm in size (the three other 1-bedroom units are 50/51 sqm and the 3-bedroom unit is 124 sqm). The minimum size prescribed by national housing standards/The London Plan is 37 sqm for a one person 1-bedroom unit – although six of the units are just below this, the standard of accommodation is considered to be acceptable.

The proposed alterations for the new shopfronts are acceptable and in keeping with the building's designation as an unlisted building of merit in the Soho Conservation Area Audit. There is no design objection to infilling the pavement lightwell in this instance.

Site constraints prevent the provision of on-site car parking but this is considered to be acceptable in this highly accessible location. 11 cycle storage spaces are provided at basement level for the flats, which is welcomed.

The one objection from the adjoining commercial occupier is mainly concerned with disruption during building works, which does not represent a sustainable reason for refusing permission. Although they also object to a door in the completed development causing noise nuisance from slamming, the risk of this is minimal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

No objection

CROSS LONDON RAIL LINKS LTD

Do not wish to comment.

HEAD OF AFFORDABLE HOUSING AND PRIVATE SECTOR HOUSING

Although he welcomes the proposed conversion to self-contained residential accommodation, of which nine of the units would be offered as intermediate rented affordable housing, he is concerned that this is only for a limited period and that the affordable housing should be offered in perpetuity;

He also notes that no financial viability evidence has been submitted in support of the period of affordable housing provision, nor any evidence that income generated from the proposal would subsequently be used to provide affordable housing elsewhere in Westminster.

ENVIRONMENTAL HEALTH

Initial holding objection about unacceptable layout (in terms of fire safety) and acceptable internal noise levels subsequently overcome by additional information, subject to the imposition of relevant conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 1 – one objection from the adjacent restaurant on grounds of potential disruption during building works, including noise, debris and dust, obstruction to access and impact on their prospective application for outdoor tables and chairs; also concerned about potential noise from slamming of a secondary door to one of the retail units.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 2 February 2016
3. Email from Crossrail Limited dated 20 January 2016
4. Memorandum dated 8 March 2016 and emails dated 16 and 23 March 2016 from the Council's Head of Affordable Housing and Private Sector Housing
5. Memoranda from Environmental Health Consultation Team dated 2 February and 30 March 2016
6. Letter from occupier of 58 Greek Street, dated 10 February 2016

(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 PAUL QUAYLE ON 020 7641 2547 OR BY EMAIL AT mhollington2@westminster.gov.uk

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 59 Greek Street, London, W1D 3DZ,

Proposal: Use of part basement and part ground floor as two retail units (Class A1) and part basement and part ground and upper floors as residential (Class C3) to create up to 10 residential units, external alterations including infill of front lightwells and installation of pavement lights, removal of railings and new shop fronts.

Reference: 16/00096/FULL

Plan Nos: 449 GA 101; 449 GA 102; 449 GA 103; 449 GA 104; 449 GA 105; 449 GA 106; 449 GA 107; 449 GA 201; 449 GA 202; 449 GA 203; 449 GA 204; 449 GA 205; 449 GA 206.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

Reason:

- 1 Your development would lead to the long term loss of specialist/affordable housing which would not meet policy H 6 (C) of the Unitary Development Plan adopted January 2007 and S15 of Westminster's City Plan: Strategic Policies adopted November 2013. We do not consider that the circumstances of your case justify an exception to our policy.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In particular, guidance was offered to the applicant at the pre-application stage by letter dated 11 December 2014 advising what amendments would be required to address those elements of the scheme considered unacceptable. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments: all of the proposed residential accommodation offered as intermediate rented affordable housing (in accordance with the Council's relevant housing guidelines), to be secured in perpetuity by S106 legal agreement.