

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB-COMMITTEE</b>	<b>Date</b> 26 September 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Church Street	
<b>Subject of Report</b>	<b>382-386 Edgware Road, London, W2 1EB</b>		
<b>Proposal</b>	Construction of a part two, part three storey extension to the existing building incorporating green roofs and a terrace; basement excavation and external facade alterations in association with the provision of four retail units at ground floor level and 7 residential units and additional office (Class B1) floorspace on the upper levels.		
<b>Agent</b>	Forward Planning and Development		
<b>On behalf of</b>	Edgware Road LLP		
<b>Registered Number</b>	17/04311/FULL	<b>Date amended/ completed</b>	6 June 2017
<b>Date Application Received</b>	17 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	None		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site contains an unlisted building that is not located within a conservation area, but forms part of the Core Frontage of the Church Street/ Edgware Road District Centre. It is located within the North Westminster Economic Development Area (NWEDA), the Edgware Road Housing Zone and is within the area covered by the City Council's Futures Plan/ draft Church Street Master Plan.

The applicant proposes construction of a part two, part three storey extension to the existing building incorporating green roofs and a terrace. The extensions would accommodate seven residential units and additional office floorspace. Basement excavation and external facade alterations are proposed in association with the provision of four retail units at ground floor level.

The key considerations are:

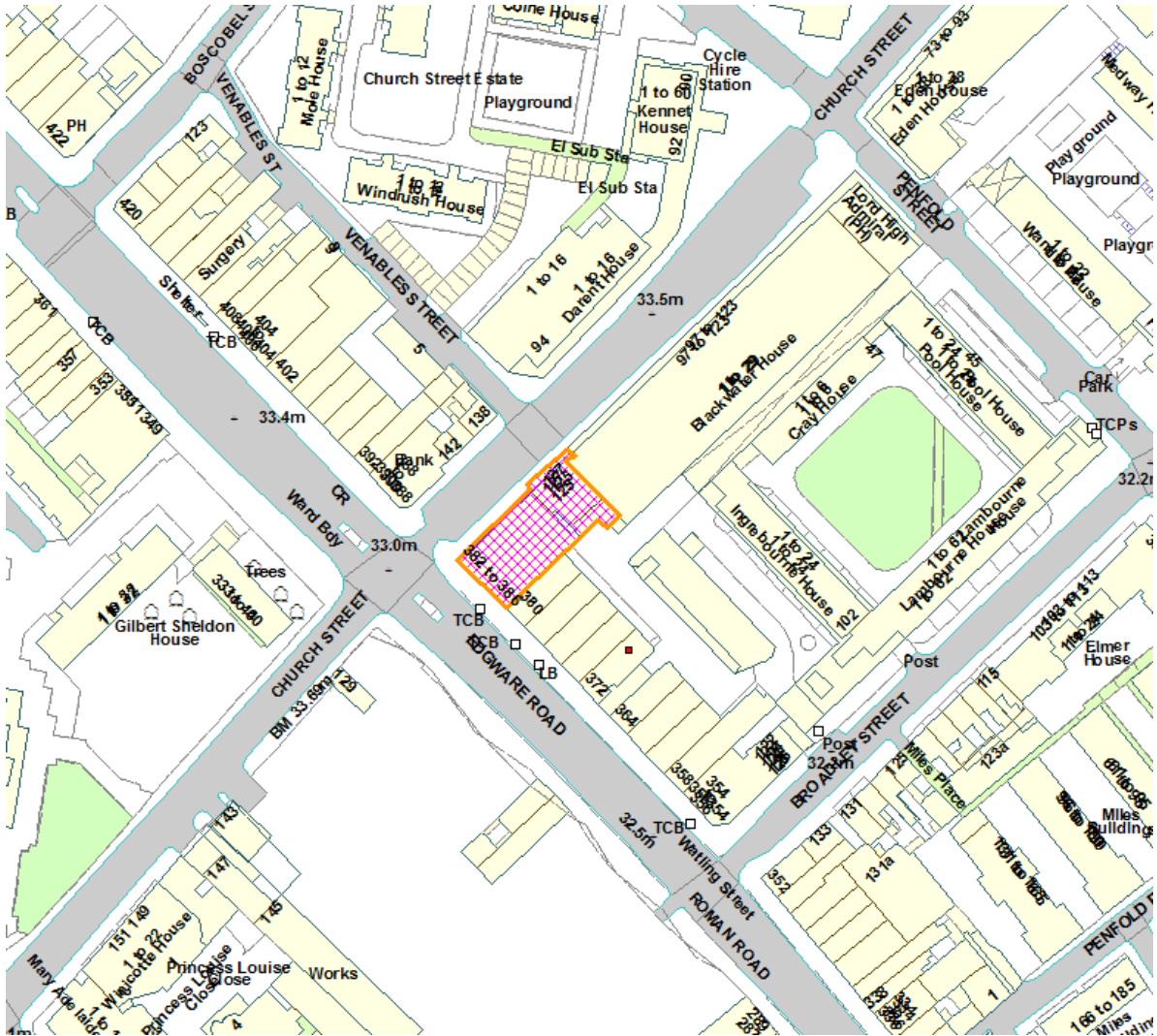
- The acceptability of providing 7 residential units and additional office accommodation in this

location.

- The impact of the proposed development on the appearance of this part of the City.
- The impact on the amenity of neighbouring residents.
- The impact on the operation of the public highway.

The proposals are considered to accord with City Council's policies within Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). Accordingly, it is recommended that permission is granted subject to the conditions set out in the draft decision letter appended to this report.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.  
 All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Application site as seen from Edgware Road.



Application site as seen from Church Street.

## 5. CONSULTATIONS

### COUNCILLOR GRAHAME

On behalf of residents strongly supports this application. It's a prominent building on the corner of Edgware Road and Church Street so will have a significant impact on improving the appearance of the entrance to Church Street. The proposal to have the corner section for offices and the adjacent block as residential, each with a different design, will add some interest. Hopes the rear of the buildings is of good design so that it improves the very scruffy area enclosed by Ingrebourne and Lambourne House and the back of the shops on Edgware Road and the entrance to Q Parks.

### ST MARYLEBONE SOCIETY

Like the design and appearance of the building, but feel that the shared entrance for office and residential is inadequate, and that bike and refuse storage in the basement is problematic. This is an opportunity for a decent size basement which would also benefit the shopkeepers on the ground floor and would mean the possibility of better common areas for the tenants of the upper floors.

### BUILDING CONTROL

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH OFFICER

Agrees with the noise monitoring so far with regard to establishing the ambient levels on Edgware Road and Church Street and to provide noise insulation targets. However, does not feel that the monitoring positions accurately reflect the ambient/background noise levels for the rear of the site to establish a suitable design criteria for the proposed plant and machinery. The proposed plant location is adjacent to a bedroom on the fourth floor. With the increase in height of the proposed building from two to four floors it would afford a greater level of screening from traffic noise on Edgware Road and to a lesser extent on Church Street. Potentially, there may be a lower background level at the rear for the proposed new residential properties.

### HIGHWAYS PLANNING MANAGER

Object to lack of parking on-site, but have recommended condition requiring lifetime car club membership for flats. Recommend conditions to secure appropriate cycle parking and waste storage on-site.

### HISTORIC ENGLAND ARCHAEOLOGY

Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding. The archaeological interest should be conserved by condition, should permission be granted.

### TRANSPORT FOR LONDON

The development entails construction activity directly adjacent to the Transport for London Road Network (TLRN) (i.e. Edgware Road). Request a condition/informative requiring that the developer obtain technical 'approval in principle' from TfL. This is to ensure that the public highway is not compromised by the development.

The Edgware Road frontage has a pedestrian crossing and double red line waiting and loading restrictions (i.e. no stopping at any time). As such, construction access to the site would be expected to take place from Church Street. The footway and carriageway on the TLRN must not be blocked during the construction. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic. All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions. No skips or construction materials should be kept on the footway or carriageway on the TLRN at any time.

The bike stores appear to be very small, particularly the office store. The lifts also don't look big enough to take a bike. As such it seems the cycle parking does not accord with London Cycle Design Standards.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23.

Total No. of replies: 2.

No. of objections: 1.

No. in support: 1.

In summary, the objector raises the following issue:

- The proposal affects the foundations of the ground floor retail units and the amenities thereto.

In summary, the supporter raises the following issue:

- The quality of the design and enhancements to the façade will significantly improve this strategic location which is directly opposite their redevelopment at West End Gate;
- Proposal would act as a high quality marker and gateway for the Church Street district; and
- Additional commercial floorspace and improvements to the retail frontages will contribute positively to regeneration of Edgware Road and Church Street.

ADVERTISEMENT/ SITE NOTICE: Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site contains an unlisted building of ground and first floors with a part basement located on the corner of Edgware Road and Church Street. The ground floor is currently occupied by four Class A retail units, with storage within the basement. The first floor is occupied by offices (Class B1), with access from Church Street. The building is not located within a conservation area.

The premises form part of the designated Core Frontage of the Church Street/ Edgware Road District Centre and is located within the North Westminster Economic Development Area (NWEDA).

Although not part of the development plan, the application site is located within the area covered by the City Council's Futures Plan. The Futures Plan was a plan for 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. The draft Church Street masterplan, currently out for consultation builds on the themes in the Futures Plan. Consultation is open until Sunday 29 October 2017.

The application site is also located within the 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.

## 6.2 Recent Relevant History

### 12/00938/FULL

Erection of two storey roof extension in connection with continued use of ground floor for retail (Class A1) use and nine residential units on upper floors (Class C3) (4 x 1-bed, 2 x 2-bed, 3 x 3-bed) with roof terraces. Installation of plant within screening and alterations to shopfronts on Church Street and Edgware Road elevations.

Application granted on 20 August 2013. This permission was never implemented and has now lapsed.

## 7. THE PROPOSAL

The applicant proposes extending and altering the existing building to create a part four and part five storey building. The rear part of the building, fronting Church Street, would retain the ground floor Class A retail units and seven residential units would be provided on the upper floors. The existing basement would be extended under the rear part of the site. The front part of the building, located on the corner of Church Street and Edgware Road, would contain three ground floor retail units and office floorspace on the upper floors. Both the residential and office uses would be accessed from a shared entrance on Church Street.

Extensive alterations to the ground floor shopfronts and existing facades are also proposed. No on-site car parking is proposed, although cycle parking for the office and residential units is proposed within the extended basement.

The proposed development would contain the following floor areas:

Use	Existing GIA (m <sup>2</sup> )	Proposed GIA (m <sup>2</sup> )	Net Change
Retail	484	431	-53
Office	381	836	+455
Residential	0	796	+796
<b>TOTAL</b>	<b>865</b>	<b>2063</b>	<b>1198</b>

The residential units would comprise of the following mix:

Number of Bedrooms	Number of Units
One	4
Two	2
Three	1
<b>TOTAL</b>	<b>7</b>

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Loss of Class A Retail Floorspace**

The proposed development would result in the loss of 53 m<sup>2</sup> of retail floorspace to provide circulation space for the flats and offices. Policy S21 of the City Plan protects retail floorspace throughout the City although does also cross-reference policy S12 which specifies that the City Council will be more flexible about uses within the Church Street/ Edgware Road District Centre. Policy SS6 of the UDP restricts loss of retail uses and units within District Centres.

In this instance, the proposal does not result in the loss of Class A retail units. The floorspace lost is also split between two units and is relatively modest in comparison to the size of the units themselves. The length of retail frontage would be largely retained. One of the affected units also in use as a Class A2 financial and professional services use, and therefore its floorspace is not protected by the development plan. The floorspace lost is also confined to storage and service space at the rear of the units only. Given the above and the flexibility permitted by policy S12, the loss of this relatively modest and secondary area of Class A retail floorspace is therefore acceptable in this instance.

#### **8.1.2 Provision of Office Floorspace**

The retention and uplift in office floorspace proposed is supported by policy S20 of the City Plan. It would also contribute to economic activity within NWEDA and is supported by policy S12 of the City Plan. Accordingly, the provision of additional office floorspace is acceptable in principle.

The application site is not located within the Core Central Activities Zone (CAZ) or an Opportunity Area and is not in the CAZ Frontage or a Named Street. Accordingly, the uplift in office floorspace is not subject to Policy S1 of the City Plan (Mixed Use in the Central Activities Zone).

#### **8.1.3 Provision of Residential**

Policies H3 of the UDP and Policy S14 of the City Plan seek to encourage the provision of more residential floorspace, including the creation of new residential units. Accordingly, the provision of residential accommodation is supported in principle.



The residential floorspace proposed does not exceed 1000m<sup>2</sup> and less than 10 residential units are proposed. Accordingly, the proposed development does not generate a requirement to make an affordable housing contribution pursuant to Policy S16 of the City Plan.

Policy H5 of the UDP requires approximately 33% 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, only 1 unit or 14% of the proposed units would be family sized. However, 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 number of family sized units may be appropriate in very busy, noisy environments. The application site is located in just such an environment, being located at the junction of Edgware Road and Church Street. Accordingly, this shortfall would be consistent with policy H5 of the UDP in this instance.

The size of the proposed flats are set out in the table below:

Flat	Size (m <sup>2</sup> / type of unit)	Minimum Requirement (m <sup>2</sup> )
1 (First Floor)	63 / 1b2p	50
2 (First Floor)	64 / 1b2p	50
3 (Second Floor)	83 / 2b4p	70
4 (Second Floor)	64 / 1b2p	50
5 (Third Floor)	76 / 2b4p	70
6 (Third Floor)	60 / 1b2p	50
7 (Fourth Floor)	129 / 3b6p	95

The proposed residential units would meet the Nationally Described Space Standard (March 2015) as reiterated in Policy 3.5 of the London Plan (March 2016) and the Mayor of London's Housing Supplementary Guidance (SPG). All flats would have access to a balcony. Six of the units would also be dual aspect ensuring satisfactory natural lighting levels. As such, the proposed residential units would provide an acceptable standard of accommodation.

## 8.2 Townscape and Design

The existing building dates from the earlier 20th century. It is considered to be of poor architectural quality in its own right and, at two stories high and with pronounced horizontal emphasis to its elevations, it sits poorly in its townscape context of principally four storey vertically proportioned terraced properties.

The new development is divided into three distinct sections; namely a section to the corner of Edgware Road and Church Street (hereafter referred to as the 'Edgware Road Block'), a section facing onto Church Street principally containing the proposed residential units (the 'Church Street Block'), and a glazed link building between these two main elements (the 'Link Block').

These three separate blocks differ in height and massing in response to their differing townscape contexts. This approach also helps to reduce the overall massing of this large development, allowing the three elements to read more as distinct vertical buildings in their own right, rather than a more imposing form of development unified across the whole site.

The Edgware Road Block covers ground to third floor levels, and rises to the peak of the gables found on the skyline of the terrace of Victorian properties adjacent. A slightly higher building to the street corner is a relatively common feature of Victorian townscape. The height and sheer form of this proposed block will slightly diminish the skyline impression of the gables to the adjacent terrace, and a building even higher than is currently proposed would be a significant concern to officers in terms of an unacceptable impact on the setting of the adjoining terrace. However, what is proposed in the application is a more appropriate townscape response than the existing two storey building on site and is considered acceptable when seen in context with the neighbouring Victorian properties.

As with the existing building, the development extends at ground floor level to the front boundary of the site, giving an appropriate definitive edge and frontage to the pavement. This includes the Edgware Road Block, which incorporates a shopfront which projects forward to match the projection of the other Edgware Road shopfronts to the terrace, with the upper floors set further back matching the more recessed building line of the upper floors to the remainder of the terrace. This emphasises the continuity of building lines in the townscape, and is considered acceptable in design terms.

The Church Street Block rises half a storey above the Edgware Road Block, and just over a full storey above the adjoining Blackwater House. However, this transition in scale between these building is considered acceptable in itself in this context and this block does not appear unduly large in the townscape.

The Link Block sits a floor level between both the two adjoining main blocks of the development and it will sit comfortably in this context, providing relief and modelling to the skyline of the overall development. In addition, its upper floors are slightly indented from the building line to church Street giving a further sense of modelling to the overall composition of the development.

The approach of creating the development with three distinct sections allows each element to be more carefully designed to respond to their immediate architectural context and more opportunity for varied visual interest, as discussed below.

### Edgware Road Block

The Edgware Road elevation is divided into two main elements, each three windows wide and separated by a wider section of brickwork detailing to the centre. This subtly divides the Edgware Road elevation into two more distinctly vertically emphasised elements which responds well to the vertically proportioned Victorian terraced properties adjacent. The proposed red brick facing of the building will also assist in ensuring it harmonises well with the adjoining terraced properties. In addition, the window openings subtly reduce in height as they rise from first to third floor levels, adding a further feature of interest and arranging the composition with a clear impression of it terminating above third floor level. The applicants have submitted a detailed drawing for this block, which shows that the elevations will incorporate a high level of detailed interest including corbelled brick banding defining floor levels, and with the vertical piers incorporating a darker blue fluted terracotta detail to their centre. The overall effect will be one of a richly detailed building and of a high quality finish. Further details of features not yet fully worked up, such as

windows and doors, and shopfront detailing, can be secured by the recommended conditions.

Though the ground floor shopfront rises to approximately the height of the shopfronts along the remainder of the terrace, the floor levels to the upper floors do not follow through with window levels on the adjoining terrace of properties as the office use requires a greater floor to ceiling height than exists to the Victorian terraced properties designed for residential use to their upper floors. In the context of the generally varied Edgware Road this is considered acceptable.

The applicants state that the parapet surrounding main roof level to the Edgware Road Block will comprise a decorative terracotta band with the name 'Church Street Market' incorporated, and that the intention is to collaborate with an artist in the further development of this feature. There are as yet no clear details of the specific form and detailing that this artwork would take. However, there is sufficient details included of the intentions to allow a consideration of the proposal, and to secure further details by condition. The incorporation of decorative terracotta detailing in the form of a parapet capping the elevations is welcomed in architectural terms and the further emphasis it will give to the presence of the adjoining Church Street.

Overall it is considered that this prominent corner block is of a high quality design in itself and will integrate successfully both with its surrounding context, and with the red brick faced West End Green development anticipated to the west side of this section of Edgware Road.

### Church Street Block

The front elevation of the building is arranged with three framed glazed openings to ground floor level, with the upper floors having a main central bay with glazing slightly recessed and balcony projecting forward and with this central bay flanked to each side by paired windows. The vertical and central emphasis this gives the composition is well considered, and it the degree of modelling and variation to window openings will help add interest to the elevation. The composition will be appropriately capped by the inset panels to the detailed brickwork parapet. The grey brickwork finish is considered appropriate in itself, and will distinguish it from the Edgware Road Block. The applicants have also submitted a detailing drawing of this block showing brickwork detailing of interest, including the paired window panels slightly inset from the main outer elevation, and other detailing of interest, all of which will assist in creating a quality new building.

The rear elevation has a simpler arrangement of window openings of more consistent size and arrangement to the elevation than the more varied front, and generally has a simpler architectural form with interest principally added through the incorporation of the relatively large balcony structures. A simpler architectural approach to rear elevations as compared to the grander street frontage is the same basic approach found to the Victorian buildings to the Edgware Road frontage which back onto this rear courtyard area, and the design still incorporates an acceptable rhythm of windows with the balcony structures not unduly compromising its character. There are no clear details shown in the submission of any brickwork detailing proposed for the rear elevation, however officers considered that some further interest could be added to the relatively plain rear elevation shown, and this would be secured by condition with an informative added to advise on what is desired.

The photovoltaic panels proposed to roof level are low profile and should not be visible from street level and should not unduly clutter the impression of the building from surrounding upper floor levels.

Overall, this block is a well-considered design that sits comfortably in the Church Street context.

### Link Block

Since the initial submission of the application proposals the architects have refined the design of its Church Street elevation, which now incorporates a greater sub-division of glazing rather than the much larger un-subdivided panes original proposed. The link block remains relatively plain, and with a quite striking glazed form. However, given that it is both lower in height and also recessed back from the two flanking blocks it will sit comfortably in context of the development as a whole and will provide a distinctive element defining clearly the main entrance and circulation core to the residential building.

Overall, the new development proposed is considered to represent a significant improvement in townscape and architectural quality as compared to the existing building on site. The proposed development is considered in line with Policies DES 1 and DES 4 in the UDP and Policies S25 and S28 in the City Plan.

## **8.3 Residential Amenity**

### **8.3.1 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. The supporting text to policy ENV 13 specifies that regard should be had to the BRE publication "Site Layout Planning for Daylight and Sunlight: A guide to good practice" (2011) ("the BRE Guide"). 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 Delva Patman Redler Chartered Surveyors ("the Light Study") as part of the application to demonstrate compliance with the BRE Guide. The Light Study considers the following adjacent or nearby residential properties that are eligible for testing in the BRE Guide:

- 388 Edgware Road;
- 138-142 Church Street;
- Derent House;
- Blackwater House;
- Ingrebourne House;
- 378-380 Edgware Road; and

- 388 Edgware Road.

Residential properties beyond these are considered too distant from the subject property to result in 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 very good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by affected 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.

The Light Study concludes that, of the 55 windows eligible for testing, nine would have VSC losses exceeding 20%. Of the 55 rooms tested, eight would also experience NSL losses exceeding 20%. The worst affected property in terms of VSC would be the first floor flat at 388 Edgware Road, which would have a VSC of 20 and a percentage loss of 26%. The NSL losses are of greater magnitude at up to 50%, with the worst affected properties being the first and second floor flats at 388 Edgware Road.

Where losses do exceed the BRE Guide, they are only marginally over what the BRE Guide deems noticeable and are not necessarily harmful. The losses are limited to windows at 138-142 Church Street and 388 Edgware Road only. The BRE Guide itself also states that it is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location like this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation. The proposed development would also result in a building that has a bulk and mass more consistent with the prevailing built environment in this area and that would remove the anomalous squat appearance of the existing building. In this context, the level of light loss is considered acceptable and does not warrant refusal of the development.

### Sunlight

The BRE Guide states that only windows with an orientation within 90 degrees of south are eligible for testing. It also states that rooms will appear reasonably sunlit provided that they receive 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.

The Light Study concludes that all of the 39 windows eligible for sunlight testing would meet the BRE Guide. Accordingly, the proposed development would not result in unacceptable loss of sunlight to neighbouring residential properties and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

### **8.3.2 Sense of Enclosure**

The proposed development would be separated from the residential flat opposite on Church Street and at 388 Edgware Road by the width of Church Street (approx. 17m). This separation distance ensures that the proposal would not result in a significantly increased sense of enclosure for the occupants of those properties.

The proposed development would also be located to the side of 378 and 380 Edgware Road and Blackwater House and would therefore not result in a significantly increased sense of enclosure for the occupants of those properties. All other residential properties would be located too far from the application site to be affected by sense of enclosure and therefore the proposed development would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

### **8.3.3 Privacy**

As noted above, the proposed development is separated from flats at Church Street and 388 Edgware Road by the width of Church Street. It is also located to the side of the immediately neighbouring properties at 380 Edgware Road and Blackwater House, which do not have windows facing the application site. It would also have a similar level of outlook to the existing building and Blackwater House. Accordingly, it is anticipated that the proposed development would not result in a significant loss of privacy for the occupants of surrounding properties and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

### **8.3.4 Noise**

It is proposed to install building services plant within the development. Environmental Health agree with the applicants noise monitoring and noise insulation target so far as they establish ambient levels on Edgware Road and Church Street. However, Environmental Health consider that they are insufficient for establishing suitable design criteria for the proposed plant and machinery and its effect on the proposed flats within the building. However, this matter could be dealt with via conditions requiring appropriate insulation levels and limiting plant noise. Subject to these conditions, the proposal would be consistent with Policies ENV6 and ENV7 of the UDP and Policy S32 of the City Plan.

## **8.4 Transportation/Parking**

### **8.4.1 Car Parking**

The proposed development has been reviewed by the Highways Planning Manager. The proposed reduction in Class A retail floorspace would not generate additional parking

demand, whilst the increase in office floorspace does not generate a requirement for on-site parking in terms of Policy TRANS 22 in the UDP. Accordingly, the absence of on-site parking for the proposed commercial uses is policy compliant.

No off-street parking is provided for the residential units, whilst policy TRANS23 of the UDP requires the provision of up to eight spaces. The Highways Planning Manager has objected to this, noting that on-street parking demand in the area exceeds 80%. However, the application site has a high level of public transport accessibility. The applicant has also offered lifetime (25 year) car club membership for the proposed flats, which would provide a degree of mitigation for the absence of on-site parking. This could be secured by condition. Subject to this condition, the absence of on-site parking for the proposed residential units is acceptable in this instance.

#### **8.4.2 Cycle Parking**

Policy 6.9 of the London Plan (March 2016) requires the provision of one cycle parking space per 90mm<sup>2</sup> of office floorspace. This equates to six spaces which have been provided within a basement cycle parking area. As such, the proposal is consistent with Policy 6.9 of the London Plan.

Policy 6.9 of the London Plan also requires the provision of ten cycle spaces for the residential part of the development, although only five are shown in the basement parking area. A condition is recommended to secure adequate cycle parking provision for the proposed flats. Subject to this condition, the proposal would be consistent with policy 6.9 of the London Plan.

#### **8.4.3 Servicing**

Policy TRANS20 of the UDP requires the provision of off-street servicing. No off-street servicing is provided for the development. However, the site is located within a Controlled Parking Zone, which means that locations with single and double yellow (where restrictions allow) lines permit loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service the proposal in a similar fashion to the existing use on site and given the size of the extension it is not expected that there will be a significant increase in servicing traffic associated with the site. Accordingly, the absence of on-site servicing is acceptable in this instance.

#### **8.4.4 Waste Provision**

The proposed development includes a dedicated waste store for the office use within the basement area. However, no dedicated waste store is shown for the residential flats. A condition is therefore recommended to secure adequate waste storage for the flats. Subject to this condition, the proposed development would accord with policy ENV 12 of the UDP.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

The proposed flats and office accommodation would be accessible by lift from street level. Overall the scheme is considered to comply with policy DES1 of the UDP and policy S28 in the City Plan in terms of accessibility.

## **8.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Basement Development**

The objector notes that the proposal affects the foundations of the retail units. The applicant has submitted a Structural Methodology Statement which demonstrates that the basement extension proposed can be safely built whilst taking into account the specific ground conditions of the application site. The applicant has also provided a signed pro-forma indicating that they will adhere to the City Council's Code of Construction Practice (CoCP). A condition is attached requiring compliance with the CoCP. Subject to this condition, the proposal complies with part A. 2 of policy CM 28.1 of the City Plan.

The basement extension itself would be single storey and confined to the area beneath the proposed extension. Accordingly, the proposed basement meets the size, location and depth limitations within policy CM28.1 of the City Plan.

### **8.7.2 Sustainability**

Although not a major development, the proposed development as a whole achieves carbon savings of 37.2% over Part L of the Building Regulations 2013. Solar photovoltaic panels are also proposed to maximise on-site renewable energy production. The applicants Sustainability Statement also demonstrates a holistic approach to sustainable design and construction. There will be a 40% reduction in typical internal water consumption rates and at least 80% of construction waste will be diverted from landfill. Accordingly, and although not a major development, the proposed development is consistent with the aspirations of Policy 5.2 of the London Plan and Policies S28 and S40 of the City Plan.

## **8.8 London Plan**

This application does not raise any 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**

Planning obligations are not relevant in the determination of this application.

Subject to any exemptions or relief that may be applicable, the estimated Westminster CIL payment would be £279,400.



### 8.11 Environmental Impact Assessment

The proposed development is not large enough to require an Environmental Impact Assessment.

### 8.12 Other Issues

TfL have raised several queries with the construction of the development and its impact in Edgware Road, particularly from obstruction caused by storage and access. TfL have also requested a condition/ informative requiring TfL's 'approval in principle' for the proposed works. A condition is therefore recommended requiring the submission and approval of a Construction Logistic Plan, to be agreed with TfL, before development commences.

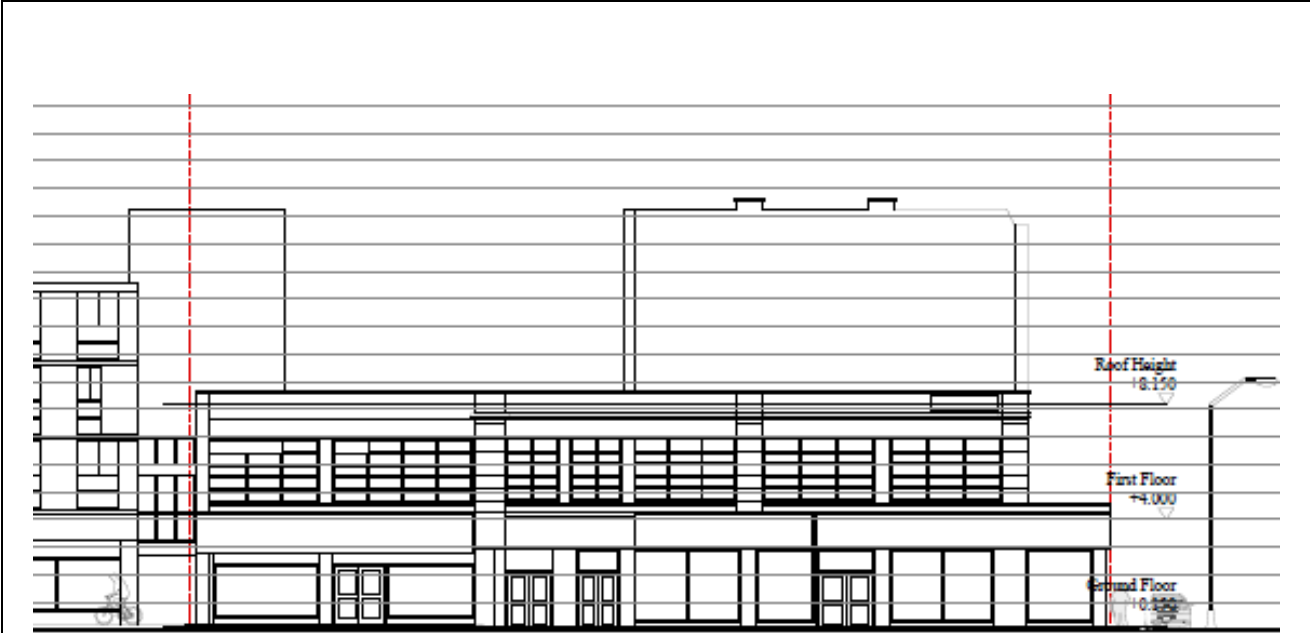
## 9 BACKGROUND PAPERS

1. Application form.
2. Response from Councillor Grahame dated 18 August 2017.
3. Response from Transport for London dated 30 June 2017.
4. Response from Historic England Archaeology dated 30 June 2017.
5. Response from Environmental Health Officer dated 8 June 2017.
6. Response from Highways Planning Manager dated 16 June 2017.
7. Response from The St Marylebone Society dated 14 June 2017.
8. Letter from occupier of 384 Edgware Road dated 5 July 2017.
9. Letter from occupier of Berkeley House, 380 Queenstown Road dated 9 August 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

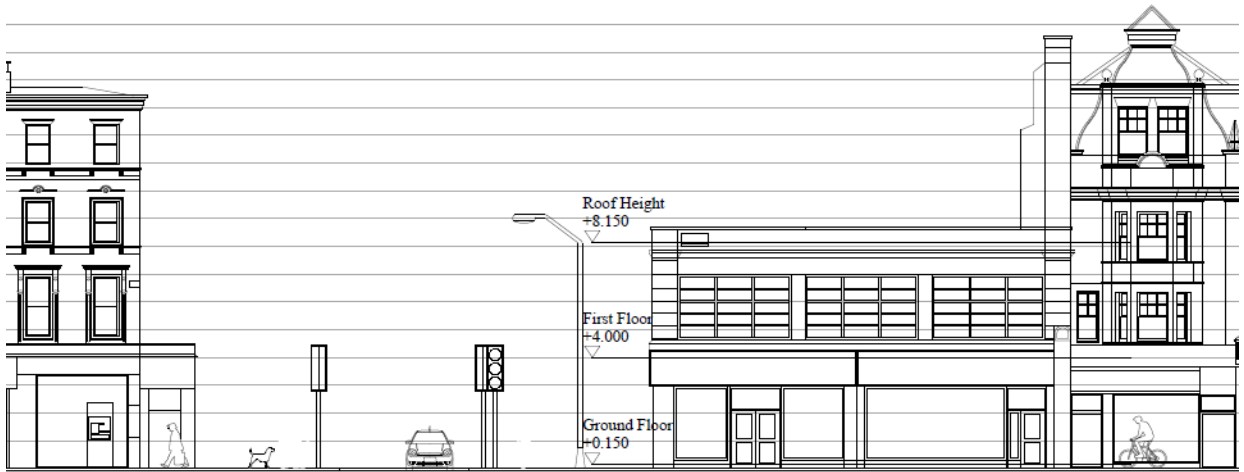
10 KEY DRAWINGS



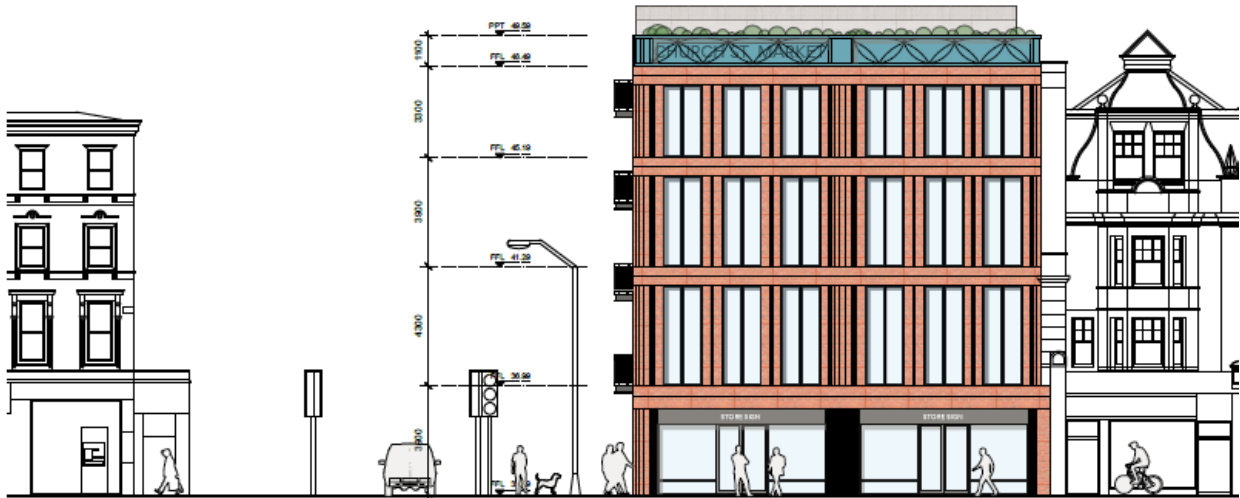
Existing Church Street Elevation.



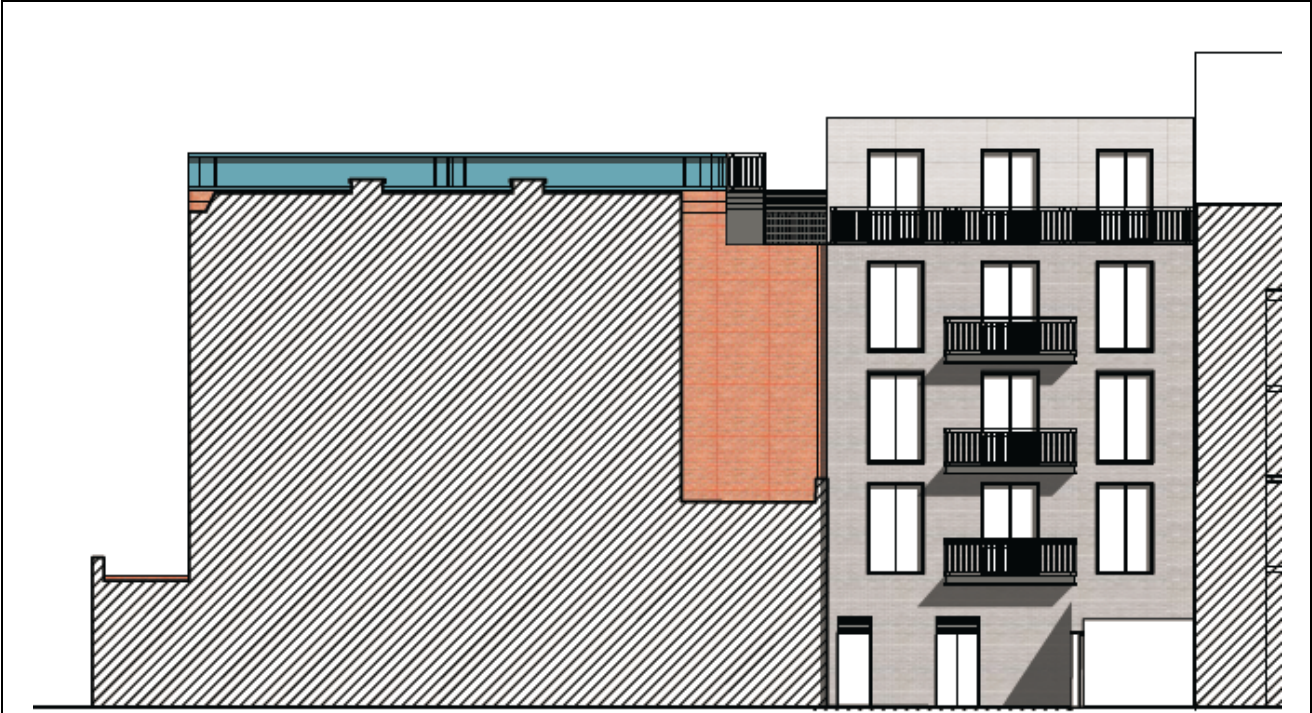
Proposed Church Street Elevation.



Existing Edgware Road Elevation.



Proposed Edgware Road Elevation.



-----

**Proposed Rear Elevation.**



**Visualisation of Proposed Development from junction of Edgware Road and Church Street.**

**DRAFT DECISION LETTER**

**Address:** 382-386 Edgware Road, London, W2 1EB,

**Proposal:** Construction of a part two, part three storey extension to the existing building incorporating green roofs and a terrace; basement excavation and external facade alterations in association with the provision of four retail units at ground floor level, 7 residential units and additional office (Class B1) floorspace.

**Plan Nos:** 00-111, 01-110, 01-111, 01-210, 01-211, 02-709 Rev B, 02-710 Rev C, 02-711 Rev D, 02-712 Rev D, 02-713 Rev E, 02-714 Rev E, 02-715 Rev E, 03-100 Rev C, 03-101 Rev C, 03-110, 05-200. Design and Access Statement dated 16/06/2017 (as amended by drawings hereby listed), Planning Statement dated 16 May 2017, Transport Statement dated May 2017, Sustainability Statement dated 15/05/017 (Issue 1), Environmental Noise Survey and Plant Assessment dated 17/05/2017 (Rev.6), Energy Assessment dated 15/05/2017 (Issue 1), Daylight and Sunlight Study dated March 2017, Statement of Community Involvement, Structural Methodology Statement dated 13.04.2017 (for information only).

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**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 piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 **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 how the demolition and construction works will be carried out to avoid disruption occurring on the adjacent Transport for London Road Network (TLRN) along Edgware Road. You must not commence 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 avoid hazard and obstruction to the public highway. This is as set out in TRANS 2 of our Unitary Development Plan that we adopted in January 2007.

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

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

B. The programme for post-investigation assessment and subsequent analysis, publication and 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 (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 5 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 6 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, or are subsequently approved under condition 12 of this permission. (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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies or external terrace areas. (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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 You must put up any plant screens for the plant and machinery shown on the approved drawings to main roof level of the lower height link building which fronts onto Church Street, and according 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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must apply to us for approval of an elevation/section/manufacturers specification (as appropriate) of the plant screen to the roof of the lower level link building which faces onto Church Street, and also confirmation of finished colour. 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/specifications. (C26DB)

Reason:

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

- 10 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under Class C of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)



**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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 11 You must apply to us for approval of the following sample panels of brickwork/terracotta:-

- sample panel of the area to first floor level to the eastern end of the Church Street elevation of the red brick section of the building which faces onto both Church Street and Edgware Road, and which includes the textured brickwork and the terracotta detailing in the area between the the most easterly window to this floor level on this elevation and the glazed link block beyond;
- sample panel of the area between first and second floor levels of the grey brick faced building facing onto Church Street, in the location incorporating the pair of narrower windows to the western side of the front elevation.

These samples shall be a minimum of 1m x 1m and shall show the colour, texture, face bond and pointing of the brickwork, and its integration with terracotta detailing. 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 12 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, and including confirmation of opening arrangement, and including materials and colour finish);
- (B) Shopfronts, including indicative locations for display of all external signage, and including any parapet features/detailing to the single storey element of the shopfront;
- (C) Panels to floor level of glazed link block/circulation core facing onto Church Street;
- (D) Details of ventilation and other services termination at façade or roof level; and
- (E) Details of any centralised satellite dish and tv system(s) to serve 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 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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 13 You must apply to us for approval of a scheme of public art comprising a decorative terracotta band around main roof level of the red brick faced building facing onto both Edgware Road and Church Street. 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 the scheme of public art that we approve according to the approved details within six months of occupation of the building directly below the art work. 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)

- 14 The external brick facing to the buildings shall be formed of complete bricks and not brick slips, brick panels or other similar cladding systems.

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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 15 You must apply to us for approval of 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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 16 You must apply to us for approval of an elevation drawing of the rear elevation of the grey brick building which fronts onto Church Street, with the drawing annotated to show brickwork detailing (cross-referenced to the brickwork detailing shown on drawing 03-110). 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. (C26DB)

Reason:

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

- 17 You must not carry out the amendments to the existing building incorporating the removal of sections of external elevation(s) unless it is part of the complete development of the site included

in this permission. You must carry out the amendments and development without interruption and according to the drawings we have approved. (C29BB)

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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 18 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.

- 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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 20 You must not use any part of the development until we have approved appropriate arrangements to secure the following.

-lifetime (25 year) car club membership for the flats.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 21 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on 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. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan (March 2016).

- 22 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the flats. (C14EC)

Reason:

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

**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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With regards to Condition 9, you are advised to consider whether a more boldly detailed capping to the projecting element of the shopfront could be incorporated into the design, either in the form of a more heavily moulded top to the brick banding currently shown to the top of the shopfront, or alternatively some form of decorative terracotta panels or decorative metalwork projecting from this element of the building.
- 3 With reference to Condition 16, it is considered that brickwork detailing should be incorporated to add interest to the rear elevation. As a minimum this should include a 'rusticated' brickwork detailing to ground floor level, with other details considered on their merits and welcomed in principle
- 4 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 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)

- 6 Under Condition 20 we are likely to accept a legal agreement under section 106 of the Town and Country Planning Act to secure lifetime car club membership for the flats. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.