

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	Development Site At Capland Street, Bedlow Close And Luton Street, London, NW8		
Proposal	Demolition of buildings and redevelopment to provide two six storey buildings above lower ground and row of three storey townhouses comprising up to 168 residential units with ancillary facilities (Class C3) and a Sports Hall (Class D2), and associated car park, energy centre and all other works incidental to the proposed development.		
Agent	DP9		
On behalf of	BY Developments Limited		
Registered Number	17/08619/FULL	Date amended/ completed	26 September 2017
Date Application Received	26 September 2017		
Historic Building Grade	Not applicable.		
Conservation Area	Site is not within a conservation area. Fisherton Street Conservation Area is located adjacent to the north side of the site.		

1. RECOMMENDATION

<p>1. Subject to referral to the Mayor of London, grant conditional permission, subject to the satisfactory completion of a section 106 agreement to secure the following:</p> <ul style="list-style-type: none"> a) Provision of 59 affordable units on-site (comprising of 40 social rented units and 19 intermediate units) at appropriate rental and eligibility levels; b) Provision of three social rented units on the Fisherton Street carpark site (ref: 17/09337/FULL), to be provided prior to the occupation of any market housing on the application site; c) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS) or an appropriate fall-back position if the CSDHS does not go ahead; d) Provision of a carbon offset payment (TBC); e) A payment of £3 million (index linked and payable on commencement of development) toward the Green Spine, wayfinding (Legible London) and public realm improvements surrounding the application site; f) Highway works associated with the development; g) Provision of lifetime car club membership (25 years) for each residential unit in the development;

- h) Provision of a Walkways Agreement to ensure that pedestrian routes through the development are open to the public 24 hours a day and maintained;
 - i) Provision of the sports and recreation facility for the local community and prior to occupation of the market housing;
 - j) Offering local employment opportunities during construction;
 - k) Offering local employment opportunities during operation of the sports and recreation hall; and
 - l) Payment of cost of monitoring the agreement.
2. If the section 106 agreement has not been completed within six weeks from of the date of the Committee's resolution, 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 Undertaking 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.
3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and alteration to parts of the public highway to enable this development to take place. That the Director of Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up orders

2. SUMMARY

The application site is bound by Luton Street to the north, Samford Street to the south, Penfold House to the east and Bedlow Close to the west. It is currently occupied by 14 vacant affordable homes and a building previously occupied by three children's services facilities providers. A large number of lock up storage units used by traders at the nearby Church Street market are also located on-site. Due to its historic use as a railway coal yard, it sits approximately 2-3 m below the ground level of surrounding streets.

There are no listed buildings within the application site and it is not located within a conservation area. However, the Fisherton Street Conservation Area is located to the north east of the application site.

The application site is located within the North Westminster Economic Development Area (NWEDA) and is a Strategic Proposals Site. It is also located within the Church Street Masterplan Area and Edgware Road Housing Zone.

The applicant proposes demolishing all existing buildings within the application site and

constructing two residential blocks each comprising of ground and five upper floors. These blocks would be separated by a new north/south pedestrian and cycle link (“the Green Spine”). This Green Spine would connect Fisherton Street to Salisbury Street and would be located at the same level as both streets, whilst also providing pedestrian access to flats within both blocks. A separate row of five, three storey town houses would be located on the area of the existing storage units. The proposal would provide 168 residential units (including 59 affordable units) and a community sports and recreation facility.

The key considerations are:

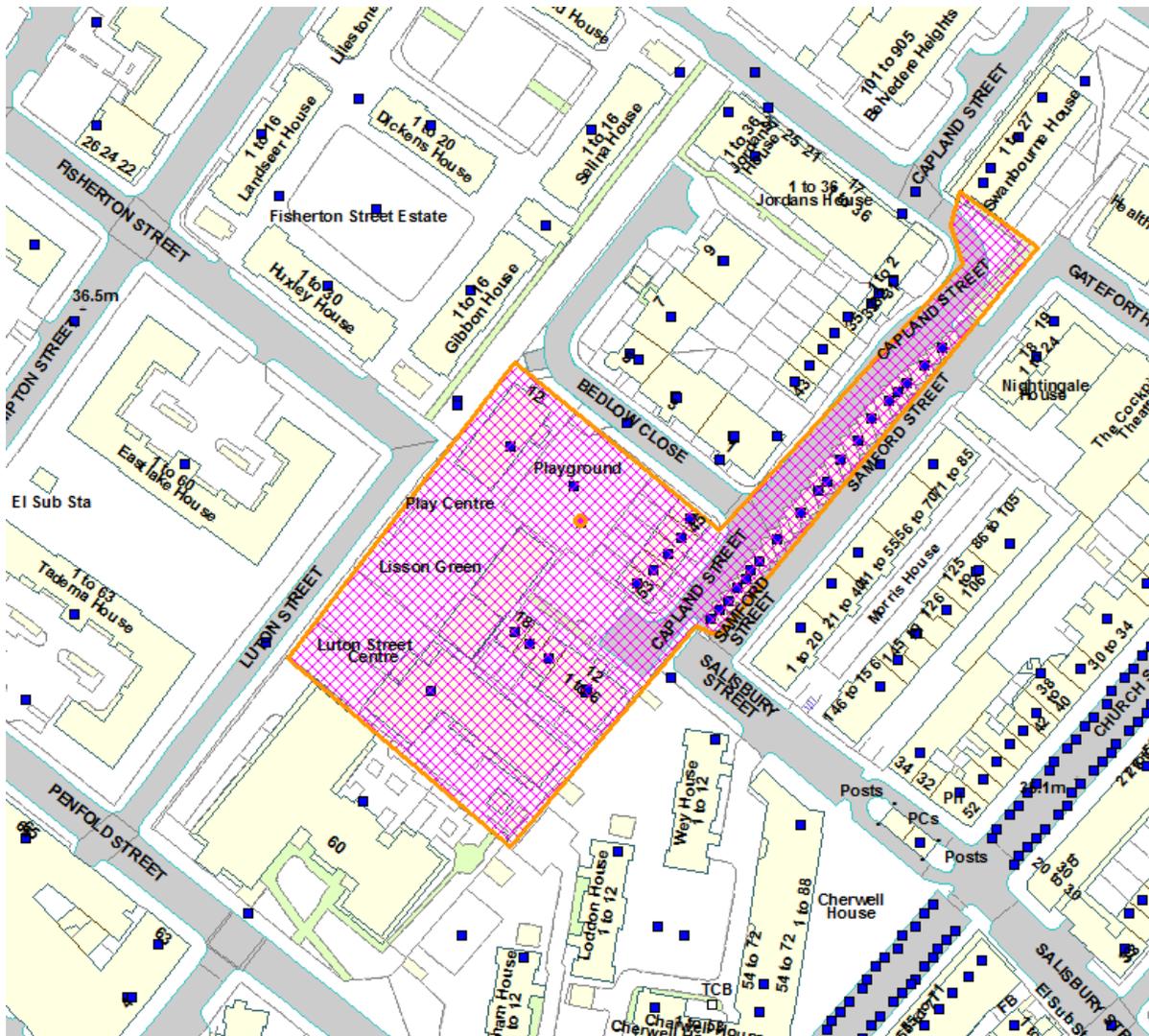
- Provision of new housing, including replacement and additional affordable housing;
- Provision of a social and community facility;
- Impact on the townscape and urban design of the area;
- Impact on the amenity of neighbouring residents, particularly from loss of light and increased sense of enclosure;
- Impact on the local highway network, including the provision of new car parking on-site and stopping up of highway; and
- Short term impact of construction on nearby residents and schools.

It is recognised that the proposed development would result in significant loss of daylight and sense of enclosure for residents on neighbouring sites, particularly those in Penfold Court and Bedlow Close. However, there are a number of significant public benefits arising from the development. These include:

- Provision of a high quality series of buildings and permeable public spaces that would contribute positively to the townscape in this area;
- Introduction of an attractive north/south pedestrian and cycle link at grade, that would greatly improve access in this part of the city;
- Provision of a significant level of market housing on-site;
- Provision of a policy compliant level of high quality affordable housing on-site;
- Provision of a community sports and recreation facility; and
- Significant public realm improvements around and throughout the site, including the first part of the City Council’s Green Spine project.

Whilst the harm to the amenity of neighbouring residents is acknowledged and regrettable, the public benefits of the development would outweigh this harm. The development would also accord with the development plan in all other respects and it is therefore recommended that planning permission is granted, subject to referral back to the Mayor of London, subject to a legal agreement and subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial View of Application Site as Seen from South



Existing Affordable Housing as Seen from Capland Street, Looking Toward the North West



Lock-up Storage Units on Samford Street, Looking Toward the South West



View Across the Application Site from Fisherton Street, Looking Toward the South East.



View Across the Application Site from Salisbury Street, Looking Toward the North West

5. CONSULTATIONS

GREATER LONDON AUTHORITY

London Plan and draft London Plan policies on estate regeneration, urban design and inclusive design, climate change and transport are relevant to this application. Whilst the principle of the proposal and the broad approach to housing delivery is supported in strategic planning terms, further discussion is required regarding the following issues:

- The estate regeneration scheme would result in no net loss of affordable housing with replacement homes being provided on an equivalent basis, plus an uplift in affordable housing. The applicant's viability assessment will be robustly interrogated to ensure the maximum amount of additional affordable housing is provided. Review mechanisms in accordance with the draft London Plan and the Mayor's Affordable Housing and Viability SPG will be secured;
- The overall design strategy is supported. The potential for further east-west links should be fully explored;
- Further information is required, including scope for further carbon savings, before an appropriate contribution to the Council's carbon offset fund is secured and
- Improvements to accessibility are welcomed, but the level of car parking should be reduced in accordance with draft London Plan Policy T6.1. Further information, conditions and obligations are required.

WARD COUNCILLORS FOR CHURCH STREET

Any response to be reported verbally.

LONDON UNDERGROUND LIMITED

Confirm that they have no comment to make on the application.

TRANSPORT FOR LONDON

Due to the site's accessible location the development should be car free except for disabled parking provision.

Clarification is sought on disabled blue badge for residents, visitors, users of the sports hall and staff. The applicant should also provide details of blue badge parking management to ensure non-blue badge holders do not use these spaces and this is secured by condition.

The proposed sports hall should include suitable arrangements for drop off and pick up for those not using a car especially people with less mobility.

The development should include adequate provision for larger bikes such as tricycles, cargo bikes and trailers via Sheffield stands or equivalent. The development should also include changing facilities, showers and lockers for those who cycle.

The proposed 'Green Spine' between Samford Street and Fisherton Street improves accessibility of the site, and increase the site's PTAL score from 1b to 6a. The link should be accessible to the public 24 hours a day, 7 days per week, and accessible for pedestrians and cyclists.

The applicant should carry out and Pedestrian Environment Review System (PERS) and Cycling Level of Service (CLOS) audits of local walking and cycling routes to key destinations.

Consideration should be given to providing new or updating wayfinding signage preferably Legible London at key decision points surrounding the site. This should be secured in the s106 agreement and/or by condition as appropriate.

THAMES WATER

Any response to be reported verbally.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

Any response to be reported verbally.

METROPOLITAN POLICE SERVICE

This is a high crime area and the development should achieve secure by design accreditation and certification.

All main access points to the blocks should be audio visual access controlled with two lines of security by means of an airlock system, with the inner most layer having audio access control.

The postal system should be a through the wall system. Each floor should be subdivided at the access point to the relevant floor.

The basement should be secured with security certificated products, be this roller shutter etc. If an arm barrier is used then skirting above and below should be fitted, and of a design to prevent pedestrian entry.

Stud partitions, from common parts of the building should be supported with 9mm plywood, or expanded metal mesh

All opening and accessible windows should be security certificated with laminated glass to BS EN 356:2000. P1A is a laminated standard lightwell windows.

All access doors should meet LPS1175-SR2.

Lighting should meet BS 5489 with 40 % uniformity. Bollard lighting is not acceptable.

Balcony's not above three meters or with climbing assistance next to them should be fitted with security certificated products.

LONDON FIRE SERVICES

Any response to be reported verbally.

WESTMINSTER PRIMARY CARE TRUST

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Cycle parking levels, trip generation and new links provided by Green Spine are supported.

Objects to loss of existing parking on-site and considers there to be insufficient parking on-site to support the proposed residential units. The proposal would also result in stopping up of highway in Samford and Capland Streets that is unlikely to be supported by the City Council as Highways Authority as it results in the loss of on-street parking spaces. Objects to lack of on-site servicing and waste collection. Also notes that vehicle waiting to enter basement car park are likely to block footway and carriageway.

Objection considered in greater detail below.

BUILDING CONTROL OFFICER

As the new construction provides support to the highway, an informative should be included to remind the applicant to obtain a Technical Approval from the City Councils highways engineers before beginning excavation.

WASTE PROJECT OFFICER

Object. The waste strategy proposed is not in line with the City Councils waste storage requirements. Objection considered further below.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

CHILDREN'S SERVICES

Support mixed tenure housing for strong local communities and for affordable housing to be provided on-site.

The proposal would result in a child yield of 124 children (66 primary and 58 secondary). At primary level, this can be accommodated within the capacity of existing schools. At secondary level the development will generate a requirement for between 70 and 110 additional school places. Request a financial contribution, in addition to CIL, to make provision for these additional school places.

Proposal would put added pressure on early childhood care provision. A financial contribution should be provided to address this.

Consider it important that play facilities are included within the development and are available to the whole community at affordable levels of charge.

Request that funding is allocated for existing local youth clubs to increase access to positive activities for young people. Request the following be included in s106 agreement:

- Apprenticeships in construction or business administration (from contractors);
- Work experience in construction, interior design, business admin, marketing etc (aimed at local schools and in partnership with IYSS); and
- Other employment opportunities (e.g. admin in the marketing suite etc).

All premises, play spaces, areas and facilities should be designed to ensure that they are fully accessible to children and young people with disabilities.

CITYWEST HOMES

Any response to be reported verbally.

GO GREEN PROGRAMME

Any response to be reported verbally.

HOUSING SERVICES (CHURCH ST REGENERATION)

Any response to be reported verbally.

WCC PARKS & GARDENS

Any response to be reported verbally.

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

WCC SPORT & LEISURE

Any response to be reported verbally.

WCC ADULT & COMMUNITY SERVICES

Any response to be reported verbally.

CHURCH ST. LARP CO-ORDINATOR

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Dismayed to see that a very high percentage of the housing on this site is now to be market housing. The first Church Street Futures Plan showed many more affordable units overall than currently.

No objection to appearance of units. Strong objection to the peculiar entrances to the affordable housing units through carports, (East Block, Bedlow Close and town houses, Capland Street) and to the high number of basement car parking spaces in the market housing. Central London has severe problems of pollution and congestion, and all residents need to be encouraged to use shared transport such as car clubs, and public transport. Residents should not be entitled as a matter of course to either on or off-street parking. This area is very well served by public transport.

The garage/entrance arrangement proposed for the affordable homes will result in those areas being used for storage of household bits and pieces, when they would be more useful as habitable rooms.

This remnant of the Marylebone Station Coal Yard Wall should be carefully preserved and maintained: it enriches the area historically and adds a clue to the cause of the abrupt change of level for this site. A plaque memorialising this use would teach residents about this use.

Support the extension of the Green Spine northwards across the site.

Use of Capland Street for construction traffic raises the level of risk for students and parents accessing the school along Capland Street. It may be that installing a new temporary entrance to the school site on Lisson Grove would mean less risk for local users. Otherwise, use of Capland St by construction traffic must be very carefully managed during working hours (and Saturday mornings if HGVs will also be arriving then). This issue needs to be looked at now and an acceptable plan devised.

The Air Quality assessment is silent on NO₂ and PM emissions. The District Heating Network should release the lowest possible amounts of NO₂ and PM emissions.

The number of car parking spaces proposed is excessive on this site, which has good public transport links. Development should be car free.

CHURCH STREET WARD NEIGHBOURHOOD FORUM

Overall, they support the scheme, particularly the Green Spine. Object to excessive car parking proposed and consider that the development should be car free, in accordance with draft London Plan. The car ports proposed are likely to be used as storage areas and would be better used as additional bedrooms, particularly for people with mobility issues.

Object to grey brick proposed, which is not consistent with the red brick that prevails in the area.

Consider that the City Council's 35% affordable housing target is only met by counting the re-provided units. This would set a misleading precedent for the interpretation of affordable housing ratios.

Consider that a private garden, matching the garden for the western/market housing block, should be provided for the eastern/affordable block.

The historic coal yard wall should be retained save for breaches necessary to provide access to the Green Spine.

The sports centre should have a discounted membership structure for local residents to address long-standing health and well-being needs of the local population.

Construction traffic on Capland Street should be minimised to protect students at Gateway Academy.

LUTON STREET REGENERATION WORKING GROUP

Object to the high proportion of market housing proposed. Additional affordable housing should be provided and increased in all other Church Street regeneration projects.

Object to the excessive level of car parking proposed. Westminster has high air pollution levels and this site has high public transport accessibility. Parking levels should be reduced.

Object to car ports proposed on Bedlow Close town houses. They will be used for storage and will become an eyesore. These car ports should be removed.

Object to grey brick proposed, which is not consistent with the red brick that prevails in the area.

Support Gateway Academy's request that construction traffic on Capland Street should be minimised. A gesture of compensation should be offered to the academy for the inconvenience construction will bring.

Consider that a private garden, matching the garden for the western/market housing block, should be provided for the eastern/affordable block. Development is not tenure blind given the absence of a comparable private garden for the latter.

The historic coal yard wall should be retained save for breaches necessary to provide access to the Green Spine. A historic plaque should be introduced at the Penfold Street end of the wall.

The sports centre should have a discounted membership structure for local residents to address long-standing health and well-being needs of the local population.

CHURCH STREET WARD PLANNING AND LICENSING GROUP

Excited about this original scheme and the link provided by the Green Spine.

Consider that the absence of a private garden space for the eastern block will be divisive in the community.

Car ports proposed for Bedlow Close town houses will be used for storage and should instead be additional bedrooms for the town houses.

Support concerns raised by other neighbourhood groups.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1026

Total No. of replies: 6

No. of objections: 5

No. in support: 1

In summary, the objectors raise the following matters:

- Proposed development is too high and in close proximity to Wey and Loddon Houses;
- Carports on Bedlow Close should be used as additional bedrooms;
- Local resident queries where the proposed development and other Church Street regeneration projects leave them;
- Local resident is concerned that the proposal may result in their needing to move;
- There has been no clear information as to where anyone will be moved to; which type of properties will replace the leaseholder properties; what size units will replace leaseholder properties; how much disruption will this cause to

leaseholder and tenants lives; how many new social houses will actually be built and how long the redevelopment will take;

- Proposal sounds like a major gentrification plan designed to price the community out of the homes and areas they have lived in for most, if not all of their lives;
- Concern that construction traffic using Capland Street would endanger school children at Gateway Academy. Request condition to prohibit construction traffic from using Capland Street;
- Unclear whether works will affect the Fisherton Street Estate.

In summary, the supporter advises that they are excited by the proposal as area is safe and they have support in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is bound by Luton Street to the north, Samford Street to the south, Penfold House to the east and Bedlow Close to the west. It is currently occupied by 14 vacant affordable homes and a building previously occupied by three children's services facilities providers. A large number of lock up storage units used by traders at the nearby Church Street market are also located on-site. Due to its historic use as a railway siding, it sits approximately 2-3 m below the ground level of surrounding streets

There are no listed buildings within the application site and it is not located within a conservation area. However, the Fisherton Street Conservation Area is located to the north east of the application site.

The application site is located within the North Westminster Economic Development Area (NWEDA) and a designated area of open space deficiency. Within NWEDA, the application site is a Strategic Proposals Site, designated for its potential contribution to sheltered housing, other new residential, social/community floorspace, play space and/or a new north/south link between Salisbury Street and Fisherton Street. A draft planning brief for the site was also prepared in 2011 but not adopted.

Although not part of the development plan, the application site is located within the Church Street Masterplan Area. The masterplan builds on the Futures Plan which was agreed in 2012, other developments underway in or nearby the area, and those that will start in 2018. It provides a renewed focus for the regeneration of Church Street.

Overall, the Church Street Masterplan includes proposals for around 1,750 new homes of all types, including more affordable homes for local people; a 40% increase in publicly accessible open space; a health and well-being hub and a new community hub; and improved access throughout the area by balancing the relationship between pedestrians, cars and bicycles.

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.

Properties surrounding the application site are in residential use. Most surrounding properties contain social housing, although Penfold Court to the south west of the site contains a sheltered housing scheme.

6.2 Relevant Planning History

6.2.1 Application Site

16/11038/EIASCR

Request for EIA screening opinion pursuant to regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) for redevelopment of this site as follows:

- Demolition of all existing buildings within the application site;
- Part demolition of the existing railway brick boundary walls;
- Construction of a single basement level that includes an indoor community sports facility;
- Construction of two main residential blocks each comprising of ground and five upper floors, and a row of 14 houses, to accommodate a total of 165 residential units; and
- Creation of a new pedestrian link through the Site from Fisherton Street to Salisbury Street.

Opinion issued on 1 December 2016 advising that EIA not required.

6.2.2 Fisherton Street Carpark

17/09337/FULL

Erection of three storey building comprising three dwellinghouses (Use Class C3) with associated amenity space, cycle parking and car parking.

This application is under consideration. The three dwellinghouses proposed would provide an off-site affordable housing contribution toward the proposed development and are also being reported to this committee.

6.2.3 Public Realm in Salisbury Street, Church Street, Broadley Gardens, Lisson Gardens And Lisson Street

17/06139/COFUL

Public Realm works to Salisbury Street, Church Street, Broadley Gardens, Lisson Gardens and Lisson Street (Phase 1 of the Green Spine Project)

This application is under consideration. The Green Spine Project would connect to the southern end of the north/south pedestrian link proposed through the application site. It is anticipated that it will be reported to a planning committee within the next four weeks.

7. THE PROPOSAL

The applicant proposes demolishing all existing buildings within the application site and constructing two residential blocks each comprising of ground and five upper floors. A separate row of five, three storey town houses would be located on the area of the existing storage units. The proposal would provide up to 168 residential units (Use Class C3) and a community sports and recreation facility (Use Class D2)

Both main residential blocks would be separated by a new north/south landscaped pedestrian and cycle link (“the Green Spine”). This Green Spine would connect Fisherton Street to Salisbury Street and would be located at the same level as both streets, whilst also providing pedestrian access to flats within both blocks. Part demolition of the existing railway brick boundary walls is proposed to enable access to the Green Spine.

Two levels (Lower Ground and Basement) would be located beneath both main blocks and the Green Spine. As the application site is currently lower than Fisherton and Salisbury Streets, lower ground floor level would be located at approximately current ground floor level. The lower ground floor would contain 76 car and 296 cycle parking spaces accessed from a ramp at the corner of Bedlow Close and Capland Street. It would also contain refuse stores, the energy centre, substation and general storage areas.

The new community sports and recreation facility would extend through the lower ground floor. It would provide three playing courts, located at basement level. This basement level is the only part of the application site where significant excavation beneath current ground levels would occur. The sports and recreation facility would be accessed from the Green Spine, at the south eastern corner of the western block. The roof of the sports and recreation facility would be located at ground floor level and would contain a private garden for residents within the western block.

Overall, the proposed development would provide the following floor areas:

Table 1: Floor Areas

LAND USE	EXISTING GIA (SQM)	PROPOSED GIA (SQM)	CHANGE
Residential	1276	17,722	+16,446
Children’s Services	1359	0	-1,359
Sports and Recreation	0	1,079	+1,079
Total	2635	18,801	

Of the 168 residential units proposed, 59 would be affordable. The 59 affordable units would include 14 replacement units for the existing units on-site. The affordable units would be located on the eastern side of the site, within the eastern block and proposed townhouses. The tenure split and mix of the units are set out below:

Table 2: Housing Mix and Tenure

TENURE	NUMBER OF BEDROOMS					TOTAL
	STUDIO	ONE	TWO	THREE	FOUR	
Private Sale	2	34	48	25	0	109
Intermediate	0	4	12	3	0	19
Social Rent	0	2	17	16	5	40
TOTAL UNITS	2	40	77	44	5	168
TOTAL (%)	1	24	46	26	3	

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Lock-up Storage Units

As a generic use, the lock-up storage units on Samford Street are not protected by development plan policy. However, the storage units are used by traders at the nearby Church Street Market and policies 4.8 of the London Plan (March 2016) (“London Plan”) and E9 of the Draft London Plan (December 2017) (“Draft London Plan”) seek to support retail markets. Accordingly, the City Council has permitted replacement storage at a site in nearby Venables Street (see ref: 15/07114/COFUL – granted 29 September 2015). Given the provision of replacement storage for Church Street Market on that site, the proposed development would be consistent with policies 4.8 of the London Plan and E9 of the Draft London Plan.

8.1.2 Social and Community Use

The proposed sports and recreation facility is supported in principle by policy 3.16 of the London Plan, policy S1 of the Draft London Plan, policy S34 of the Westminster City Plan (November 2016) (“the City Plan”) and SOC 1 and H10 of the Unitary Development Plan (January 2007).

The vacant children’s services floorspace on-site is also a social and community use and the above policies guard against its loss. When the proposed sports and recreation facility is considered, the proposal would result in the net loss of 280 sqm of social and community floorspace from the application site. However, the social and community facilities that previously occupied part of this site have been re-provided at the 27 Tresham Crescent redevelopment (see ref: 13/08537/COFUL). Accordingly, the existing social and community floorspace that would be lost has been adequately re-provided off-site and the proposal would be consistent with policy 3.16 of the London Plan, policy S1 of the Draft London Plan, policy S34 of the City Plan and policy SOC 1 of the UDP. A planning obligation is recommended to ensure that the sports and recreation facility remains available for the local communities’ use.

8.1.3 Residential Use

Policies H3 of the UDP and S14 of 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. As a Strategic Proposals Site located within the Edgware Road Housing Zone, the provision of new residential units on this site is also a priority. The additional affordable units would also provide decant space for the estate renewal programme stated within policy S12 of the City Plan. Accordingly, the provision of residential flats on this site is supported in principle.

Density

The proposed development would have a density of 268 u/ha. This falls within the upper limit of the appropriate density range set out in policy 3.4 of the London Plan (i.e. 215-405 u/ha or 650-1100 hr/ha for a site with PTAL 4-6). Whilst it is recognised that this site has a low PTAL of 2, it is surrounded by high PTAL ratings of 4 or greater. Accessibility across the site will also improve as a result of the development. Accordingly, the density proposed is considered optimal for the application site and consistent with policy 3.4 of the London Plan.

Affordable Housing

The proposal would result in the loss of 14 affordable housing units in Capland Street. However, these 14 units would be replaced on a like for like basis (i.e. social rent houses replaced with social rent houses). The designated replacement units would also have a floor area that exceeds that of the existing units to be demolished and overall, the proposed development would result in a net increase of 45 affordable units on-site (59 in total). Accordingly, replacement of these 14 units is supported by policy 3.14 of the London Plan, policy H10 of the Draft London Plan, policy S16 of the City Plan and policy H4 of the UDP.

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, affordable housing targets adopted in line with policy 3.11 of the London Plan and the specific circumstances of individual sites.

Policy H5 of the Draft London Plan sets a strategic target of 50% for all new homes delivered across London to be affordable. It aims to achieve this by, inter alia, requiring that 50 percent of housing on public sector land is affordable and through use of the threshold approach. Policy H5 also states that affordable housing should be provided on-site and should only be provided off-site or as cash in lieu in exceptional circumstances. Policy H6 of the Draft London Plan sets a threshold of 50% by habitable room for affordable housing provision on public sector land. Development that does not provide 50% affordable housing must follow the Viability Tested Route (detailed further in the Mayors Affordable Housing and Viability SPG ("Mayors Affordable Housing SPG")) and will be subject to Early and Late Stage Viability Reviews.

Policy S16 of the City Plan states that the City Council will aim for over 30% of new homes to be affordable homes and that development resulting in more than 1000 square metres of new residential floorspace will be required to provide a proportion of the floorspace as affordable floorspace. Policy S16 requires that this affordable floorspace is 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

The City Council's Interim Guidance Note on Affordable Housing (November 2013) ("the Interim Note") provides detail on the affordable housing levels to be sought on individual sites. It sets maximum floorspace proportions that have been derived from City wide viability appraisals. In this instance, the Interim Note requires that the applicant provide 35% of the uplift in floorspace or 5756 sqm GIA as affordable housing. This is based on a net increase in residential provision on-site of 16,446 sqm GIA.

The applicant proposes 59 affordable units within the eastern block and houses facing Bedlow and Capland Streets. When the replacement floorspace is deducted, this equates to 5418 sqm GIA or 33% of the total residential floorspace proposed on-site. It is understood that the provision of further affordable units would require them to be provided in the western block, which would result in mixed tenure floors that are unattractive to registered providers whilst also compromising the viability and therefore deliverability of this estate renewal scheme.

However, the applicant also proposes providing three additional social rented units on a donor site and that application is also before the Committee tonight (Fisherton Street Carpark – see ref: 17/09337/FULL). Taken together, both sites would provide 5828 sqm GIA of affordable floorspace or 35% of the total residential floor area proposed.

This affordable floorspace proposed exceeds the target in policy S16 of the City Plan and the maximum floorspace requirement set out in the Interim Note. The affordable housing target contained within policy S16 and the Interim Note has been adopted in line with policy 3.11 of the London Plan. Accordingly, it is considered the maximum reasonable amount of affordable housing for this site, as required by policy 3.12 of the London Plan and officers consider that further viability review is not necessary. To ensure that the full quantum of affordable housing is provided, it is recommended that linked delivery of both schemes is secured by section 106 agreement.

It is proposed that 40 of the affordable units would be provided as social rented units and 19 would be provided as intermediate units. This tenure split would be consistent with the City Council's preferred 60:40 social rent/intermediate tenure split, as set out in para. 4.14 of the City Plan.

The GLA have noted that, as an estate renewal scheme, the proposed development would be required to follow the Viability Tested Route contained within the Mayors Affordable Housing SPG and policy H6 of the Draft London Plan. The GLA also require Early and Late Stage Review Mechanisms in accordance with the same. The GLA also

request that the rent levels and eligibility criteria for all replacement and additional rented units must be confirmed and secured through a s106 agreement.

However, the Draft London Plan was first published in December 2017 and its first round of public consultation will not have been completed at the time of the Committees decision. The GLA indicate that the Draft London Plan will not progress to Examination in Public stage and final adoption until Autumn 2018 and Autumn 2019 respectively. The affordable housing targets in policies H5 and H6 of the Draft London Plan are likely to be contentious and are not based on any apparent viability or locally specific evidence that has been subject to examination, unlike policy S16 of the City Plan. The Mayors Affordable Housing SPG is also subject to legal challenge at present on several grounds, including the introduction of new policy via supplementary planning guidance. Notwithstanding this and as an SPG, the Mayors Affordable Housing SPG cannot have more weight than adopted and locally specific policy. Accordingly, and having regard to the tests set out in paragraph 216 of the NPPF, the Draft London Plan and Mayors Affordable Housing SPG have considerably less weight than adopted policies 3.11 and 3.12 of the London Plan and policy S16 of the City Plan.

It is also noted that the Mayor's Affordable Housing SPG caps additional affordable housing provision under the Viability Tested Route and early and late review stages at either 50% or the local plan strategic target (see footnote 10 on page 19, footnote 30 on page 45, para. 6 on page 57, para. 15 on page 61, para. 18 on page 64). As per policy S16 of the City Plan, the strategic target for Westminster is 30% and the current proposal exceeds this. The SPG provides no guidance as to when it may or may not be appropriate to use the local plan strategic target. However, it is clearly more appropriate to use the strategic target within policy S16 at present as it is adopted policy, satisfies the requirements of policies 3.11 and 3.12 of the adopted London Plan and has been tested against the requirements of paragraph 173 of the NPPF, unlike emerging policies in the Draft London Plan or guidance in the Mayors Affordable Housing SPG.

Notwithstanding the above, the applicant has provided a viability appraisal to the GLA to demonstrate that the affordable housing offer is the maximum reasonable amount that the scheme can provide. It is understood the GLA will be scrutinising this in greater detail in advance of Stage 2 referral. At this stage, the GLA have queried the size of the basement level and amount of parking proposed, considering that it adds significantly to the cost of building the development. However, the entire lower ground floor is in fact built at current ground level, minimising costly excavation and construction of retaining structures. Further excavation in this instance is limited to the area required for the new sports hall only. Accordingly, the build cost of the development is not considered high given this site's current circumstances.

Overall, officers consider that the affordable housing offer meets adopted policies and refusal of the development on the ground that it fails to meet emerging policy in the Draft London Plan and Mayors Affordable Housing SPG would not be sustainable given the tests within paragraph 216 of the NPPF.

It is recommended that the review mechanisms, rent levels and eligibility criteria requested by the GLA are secured through section 106 agreement. However, and given that the current proposal provides a level of affordable housing that exceeds Westminster's strategic target and provides an appropriate tenure mix, clarification on

what would be achieved through the review mechanisms is sought from the GLA at Stage 2.

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, 29% of the proposed units would be family sized, which falls short of the 33.3% required by policy H5 of the UDP. However, and as noted in paragraph 3.74 of the supporting text to this policy, this requirement will be applied with some flexibility. In this instance, the applicant has provided viability information that demonstrates that any deviation from the mix proposed is likely to result in the provision of less affordable units. The affordable units have also been designed to meet the specific needs of families on the City Council's housing waiting list and would, in themselves, meet policy H5 of the UDP. Accordingly, and given the flexibility within this policy, the shortfall would be consistent with policy H5 of the UDP in this instance.

Standard of Residential Accommodation

All of the proposed flats and houses would meet or exceed the Nationally Described Space Standard (March 2015) ("the Space Standard") as referred to by policy 3.5 of the London Plan.

The majority of the units are also dual aspect and do not have more than eight units per lift core, as required by the Mayor's Housing SPG (adopted 2016) ("the Housing SPG"). 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 within the western block would have access to the communal garden area above the community sports and recreation facility.

As noted by the GLA, the ground floor unit windows facing the Green Spine could be subject to anti-social behaviour if the green buffer proposed is not maintained. A condition requiring that this landscaping is retained is therefore recommended.

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 GIA (August 2017) (“the Internal Light Study”) to demonstrate light levels within the proposed flats in comparison to the BRE Guide. The results of the ADF assessments show that 80% of the proposed habitable rooms on the application site would have daylight levels that accord with BRE Guidelines. Overall the results are considered to show a good level of compliance for an urban area. Light levels to flats with low ADF figures 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.

Conditions are recommended to ensure that noise levels within flats are acceptable and not subject to excessive noise from the proposed sports and recreation facility. 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 Townscape and Design

8.2.1 Relevant Townscape and Design History

This site was first developed in the early/mid 19th century and was laid out with rows of terraced properties, with Salisbury Street continuing unbroken through the site. In the early 20th century the site was cleared to make way for a coal store for the Great Central Railway which ran into Marylebone, creating a major break in the permeability through this part of Lisson Grove. Though piecemeal development has since taken place on the site, Salisbury Street has not been restored across the site. The existing buildings on site are not considered of good design quality nor are they within a conservation area or otherwise protected and there are no objections to their demolition and replacement.

8.2.2 Urban Design and Public Realm

Whilst the scheme involves the creation of a several separate buildings, it is also important to assess the quality of the development as a whole in terms of its urban design. In these terms, the urban design is considered the arrangement and form of buildings and how this helps shape the open space, and the permeability and the legibility of pedestrians and vehicular routes. The particular issues related to the specific heights and massing of the buildings are considered elsewhere in this report.

The key feature of the urban design arrangement of the scheme is the creation of the Green Spine, which extends Salisbury Street at grade across the site to link up with Fisherton Street. This new link is flanked by the two main residential blocks proposed

in the scheme, with the pedestrian route along the link lined by the significant vegetation proposed to help create the green spine. The restoration of the original line of Salisbury Street at main street level will considerably improve pedestrian access through the area, as the current site represents a major break in north-south permeability through the Lisson Grove area. In addition, the restoration of this route, along with the considerable landscaping to either side of the pedestrian thoroughfare will help facilitate the long term vision for a green spine through this part of Lisson Grove, which is an important element in assisting the long term regeneration of the area. The landscaping along the route further defines and adds attractiveness to the pedestrian environment and the visual amenity of the area, and includes a small open space/seating area to the south end. Overall there is a significant increase in the extent and the quality of the landscaped public open space to the site. These aspects of the scheme are strongly welcomed in urban design terms and are considered a public benefit of significance. Both the GLA and St Marylebone Society make particular reference to the positive benefits of the scheme in these terms. The comments of the Church Street Ward Neighbourhood Forum regarding a perceived disparity in green amenity space are considered elsewhere in the report. The remaining elements of the wall to the former railway yard is being retained, except where required to open out the site to the north to create the green spine.

It is noted that the GLA consider that further opportunities for creating east-west links to Capland Street should be fully explored. However, Capland Street is well below the main street level of the green spine/main street level, and for any new routes to be publically accessible they would have to cut through the mansion block building on the east side of the green spine with consequent loss of internal floorspace. Such routes would also appear highly likely to create poorly overlooked access staircases raising concerns for the security of such a route. The Metropolitan Police advise that as a basic desire they would not wish to see any route between buildings, and they also note that this is a high crime area in their assessment. As such, though noting the GLA's comments, it is not considered appropriate to create a new route from the green spine to Capland Street.

The creation of a series of new buildings flanking both Samford Street and Capland Street will give an attractive frontage to these streets with greater potential for passive surveillance of the public realm than exists with the current run of lock up storage units in place. This will also provide a much greater definition of the street scene, which is welcomed in urban design terms.

One area where officers have some issues with the urban design quality is with regards to the entrances into the two main mansion block buildings. To the Green Spine, there are only two entrances to each side of the street, one of which is the sports hall/community room entrance. This is disappointing as there are greater opportunities, encouraged by officers, to introduce entrances directly to the ground floor flats from the green spine which would aid in providing a greater animation to the street scene. It is recognised that the surrounding mansions blocks also generally have few entrances, and that further entrances would cut into the green spine landscaping. Overall, notwithstanding the concerns, this is not considered as a reason for refusal.

In addition, access to the units fronting onto Bedlow Close is unorthodox, with entrance doors combined with car port doors, and this approach has attracted objections. It is

recognised that the footprint of these units are relatively small, and separate entrance and hallway areas would occupy further internal floorspace. A condition is recommended seeking further clarity on the design of the entrance, with an informative advising that the residential door should be designed as distinctively as is possible. The St Marylebone Society also refer to entrances through carports to the buildings on Capland Street. However, these are secondary entrances, with the main entrance well defined to Samford Street.

In summary the proposed arrangement of buildings and the resulting public realm are welcomed and are considered to accord with policies S28, S35 and S41 in the City Plan and policies DES1, DES 4 and ENV15 of the UDP.

8.2.3 Design Approach for Buildings Flanking Green Spine

To their main elevations fronting onto the Green Spine the two mansion block buildings present five sheer floors, and with a further floor level set back from the main street frontage. At approximately 16 metres, the width of the Green Spine is slightly narrower than is typically found between main building frontages of mansion blocks in the immediate vicinity. However, there are also several examples of much narrower streets in the surrounding area. Overall, though noting the relative height of the buildings flanking it, it is considered that the Green Spine will feel a generously proportioned and attractive section of townscape and the width of street being created is considered acceptable.

The buildings are generally higher by 1-2 storey's than the typical mansion block height in the surroundings, though again there is significant variety, and there are a number of much higher buildings in the surrounding area. Overall, they are considered to sit comfortably in the townscape in terms of height and bulk. The massing of these buildings is most clearly evident in the view from Bedlow Close from where seven floor levels would be visible. In this view however the lower two/three floors of the elevation are strongly defined as a distinct and separate row of townhouses not dissimilar to the height of the adjoining buildings in Bedlow Close, and with the top two floors recessed, which together will help break up the visual impression of the bulk facing onto this street. Overall the height, bulk and massing are considered acceptable.

The mansion blocks are characterised by having a good degree of visual solidity with windows recessed back from the main brick faced framework. A distinct vertical emphasis has been incorporated into the composition as first and second, and third and fourth floor windows are grouped vertically into paired openings. In addition, there is a regular rhythm of vertical bays defined by projecting balcony structures. Though the buildings present a long frontage onto the green spine, the vertical emphasis and regular projecting balcony features together result in a well-balanced composition. To the ground floor the elevation incorporates a rusticated brickwork finish giving some visual 'weight', grounding the development, with the main middle section and then the recessed top floor capping the composition. The upper floors are more plain in detail, but texture will come from the brickwork facing and visual interest from the balcony structures. Though overall the design is relatively plain, nonetheless with the rusticated base, the numbers of projecting balcony structures, and the profusion of vegetation around the base, the design is considered acceptable in design terms. It is also noted

that many of the mansion blocks surrounding have little in the way of decorative work to their elevations, yet sit comfortably in the townscape as a whole.

With the two banks of two storey windows grouped together, the ground floor appears relatively squat in the composition. However, with the visual 'weight' given to it by the prominent rustication the proportioning of the building is considered acceptable. The top floor similarly uses rusticated brickwork which visually separates it from the main elevations below

Some areas are considered to need further design development, such as the design of the entrance to the sports hall/community room which it is considered should be more defined as befitting an important public use, and the east facing top two floors of the eastern mansion block where the arrangement of windows is not fully assured. Such issues would be addressed by a consideration on later approval of detail applications, and overall the design is considered of sound quality and providing an attractive new section of townscape. The lack of differentiation between the two blocks in terms of their design approach, notwithstanding the different tenures of flats included within, is welcomed and supported by the GLA.

In terms of the facing materials, it is noted that objections have been received with regards to the brickwork proposed to be used. The applicants refer to a 'light warm grey / sandstone coloured brick', though also suggest that further design development is intended with regards to the choice. It is recognised that this differs from the more predominant red and yellow stock brickwork facings of the surrounding area. However, there is significant variety of facing materials in the wider Lisson Grove area and, as set out above the scheme is considered to be of sufficient scale to allow a differentiation from the surrounding context. The use of a paler grey brickwork would not contrast notably or harm the cohesiveness of the surroundings. Samples will however be secured by condition, and in view of the objections an informative is recommended advising of a desire for a 'warmth' to the colour of the brickwork chosen. The darker metal for framing windows and other external metalwork is considered to sit comfortably in the design of the buildings.

The rear elevation of the western block largely continues the design aesthetic of the front elevation, and wraps around a rear garden courtyard with landscaping. The rear elevation of the eastern block, clearly visible from Bedlow Close, has its larger massing broken up with townhouses projecting forward, a recessed top two floors and a middle section with more regular rhythm of window openings. The townhouses have a well composed arrangement of windows, and attractive rhythm of higher and lower elements along the frontage.

Overall, it is noted that the mansion block buildings are relatively plain in their detailing. It is also noted that they do not notably draw on the design detailing of the surrounding more historic mansion blocks. Nonetheless, the development proposed is considered of sufficient scale to hold its own design identity without a townscape requirement to defer to the surrounding more historic mansion blocks. The use of brickwork will help integrate the buildings however, and the mansion block format and scale sits comfortably with the surroundings. The brickwork will give some detailed interest to the elevations, as will other features such as the grouped bays of balcony structures.

Overall, these mansion block buildings are considered of sound architectural quality, and are considered acceptable in design terms.

8.2.4 Design Approach for Buildings Fronting Samford Street and Capland Street

These houses incorporate a brickwork facing and dark metal which follows that proposed for the mansion blocks flanking the green spine, which will help the houses integrate well with the wider scheme in terms of their general appearance.

These buildings generally have a freer and less rectilinear approach to the siting of windows, particularly to the Capland Street elevation, as the windows more closely respond to the internal arrangements of the houses rather than being grouped into windows lining up on the elevations. Notwithstanding that, the degree of informality is considered acceptable to the houses, and with the bold modelling of the terrace of houses, where each house has a strongly defined form flanked by lower height wings to each side, they will be seen as distinct and coherent brick forms within which the looser arrangement of windows will still remain visually contained.

They are considered of good design quality in their own right, both in terms of the attractiveness of the arrangement of window and door openings, and also the neatly detailed manner in which outdoor amenity space is incorporated between the building. They also represent a considerable improvement to the townscape quality of both Capland Street and Samford Street.

8.2.5 Impact on Setting of Fisherton Street Estate and Listed Buildings

The statutory duties in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 are of relevance, setting out that the local planning authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and also that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. Considerable importance and weight should be given to these duties, and the NPPF also makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation including development within its setting.

The Fisherton Street Estate Conservation Area lies to the immediate north of the application site. That conservation area is characterised by long brick faced mansion blocks set back from the street behind generous landscaped garden grounds. The scheme proposed is seen to slightly narrow the width between buildings as compared to the mansion blocks to the north side though only to a small degree and there will largely be a continuity of street scene with the conservation area. Though the brick differs in colour between the scheme proposed and the mansion blocks to the north (and elsewhere in the surroundings), nonetheless as a basic principle the use of brick as the facing material will help to an extent integrate the new buildings with the conservation area setting. Though the proposed blocks are higher than those found to the Fisherton Street Conservation Area and other areas adjoining to the north, they are not markedly so, and overall the new scheme will integrate well the surroundings and not adversely affect the setting of the Fisherton Street Conservation Area.

The scheme would not appear visible from the Lisson Grove Conservation Area to the south except in very long views north on Salisbury Street from the north-west corner of the conservation area. In those views the buildings would be distant and not markedly higher than the residential blocks to the south of the site and closer to the Conservation Area.

The application site is also a considerable distance from the nearest listed buildings which appear to be those on Lisson Grove south of the junction with Church Street, and a further listed building on Ashbridge Street to the south. As such there would be no impact on the setting of any listed buildings from the scheme proposed.

For the reasons set out above, the scheme proposed is not considered to harm the setting of either the Fisherton Street Estate Conservation Area or the Lisson Grove Conservation Area, nor the setting of any surrounding listed buildings.

8.2.6 Public Art

The lack of public art in a scheme of this significant scale is disappointing. However, it is recognised that separately within the scheme a significant investment is being made for the landscaping to define the green spine which is intended to run across the site. The applicants have also agreed to the suggestion of the St Marylebone Society to include a panel advising of the history of the Marylebone Station Coal Yard, which used to occupy the site. Whilst neither of these represent a contribution to public art per-se, in the context of this scheme, and given the significant benefits which the scheme represents in urban design terms through the restoration of the original route of Salisbury Street and creation of the green spine, the lack of public art is accepted in this context.

8.2.7 Design and Townscape Conclusion

Overall, restoration of a route at grade through the site, linking Salisbury Street and Fisherton Street is a considerable public benefit, and the buildings proposed are considered of sound architectural quality. The scheme overall is welcomed in design terms, and is considered in line with policies DES 1, DES 4, DES 9 and ENV 15 of the UDP and policies S25, S28, S35 and S41 of 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. 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 GIA ("the Light Study") to demonstrate compliance with the BRE Guide. The Light Study considers the properties below:

- 1-5 Bedlow Close;
- 1-16 Gibbon House;
- 1-60 Eastlake House;
- 1-63 Tadema House;
- 60 Penfold Court;
- Morris House;
- 31-43 Capland Street;
- Wey House;
- Loddon House;
- Wytham House;
- Nightingale House;
- Huxley House; and
- Charwell House.

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 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:

Table 3: Daylight Losses

SITE	VSC losses below 27%	No. of Windows With VSC Losses Exceeding 20%	VSC Losses (%)	No. of Rooms with NSL Losses Exceeding 20%	NSL Losses (%)
1-5 Bedlow Close	40 out of 64	55 out of 64	20 - 53	34 out of 45	30 - 75
1-16 Gibbon House	24 out of 101	23 out of 101	21 - 47	1 out of 48	24
1-60 Eastlake House	39 out of 86	51 out of 87	20 - 47	20 out of 55	21 - 63
1-63 Tadema House	12 out of 56	0 out of 56	NA	0 out of 32	NA
60 Penfold Court	19 out of 74	35 out of 74	20 - 90	6 out of 49	25 - 83
Morris House	32 out of 157	25 out of 157	20 - 32	5 out of 144	21 - 31
31-43 Capland Street	5 out of 79	7 out of 79	20 - 83	7 out of 44	21 - 32
Wey House	21 out of 43	22 out of 43	20 - 44	9 out of 41	21 - 40
Loddon House	9 out of 60	13 out of 60	21 - 91	2 out of 41	24 - 28
Wytham House	1 out of 43	0 out of 43	NA	0 out of 41	NA
Nightingale House	2 out of 76	0 out of 76	NA	0 out of 47	NA
Huxley House	0 out of 10	7 out of 10	20 - 51	0 out of 5	NA
Charwell House	0 out of 6	0 out of 6	NA	0 out of 6	NA
TOTAL	204 out of 855 (24%)	238 out of 856 (28%)		84 out of 598 (14%)	

Most of these losses would be relatively minor for a Central London site and would not result in VSC and NSL losses exceeding BRE Guidelines on the majority of neighbouring properties. However, and given the application sites largely undeveloped nature and its location approximately 2-3 metres below most surrounding sites, it is inevitable that development of this site would result in significant daylight losses for the occupants of neighbouring properties. Many of the transgressions arise from the existing, largely vacant and undeveloped nature of the site. This is an anomalous

feature in the locality, with all surrounding properties, including many of those affected, containing up to six storey buildings and on land that is already higher than the application site.

As can be seen above, several flats within 1-5 Bedlow Close, Penfold Court, 31-43 Capland Street and Loddon House would result in VSC losses of up to 90% and NSL losses of up to 83%. Penfold Court would be particularly badly affected, with nearly half of its windows having VSC losses exceeding BRE Guidelines and losses of up to 90%. Six rooms would also have high NSL losses of up to 83%. The affected rooms serve bedrooms and a largely glazed, communal dining area.

However, the affected windows and rooms rely almost entirely on light from over the application site. They are therefore un-neighbourly and would form an unreasonable constraint on any development of the site if measured by compliance with BRE guidance only. Furthermore, the location of these windows and rooms has resulted in an exaggerated loss of VSC and NSL given the undeveloped nature of the site at present.

Whilst regrettable, the BRE guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. The proposed development has been designed to be consistent with the scale of development that prevails in the area and is within the appropriate London Plan density range for this site. A reduction in the scale of development to meet BRE guidelines would fail to optimise housing delivery on this site whilst also resulting in a form of development that is incongruous with its surroundings.

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 Westminster 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 and affordable 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. Only rooms with a window facing within 90 degrees of due south are eligible for testing.

Table 4: Sunlight Losses

SITE	No. of Eligible Windows With Sunlight Loss Exceeding BRE Guidelines
1-5 Bedlow Close	4 out of 45

1-16 Gibbon House	2 out of 48
1-60 Eastlake House	0 out of 40
1-63 Tadema House	0 out of 18
60 Penfold Court	0 out of 27
Morris House	0 out of 19
31-43 Capland Street	0 out of 40
Nightingale House	0 out of 18
Huxley House	2 out of 5
TOTAL	8 out of 260

The sunlight loss proposed would be relatively modest for a Central London site such as this with only 3% having 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.

8.3.2 Sense of Enclosure

The proposed development would result in a significant increase in height and bulk on-site relative to the existing site. However, this is due largely to the application site being located approximately 4 m lower than most surrounding sites and the absence of significant buildings on-site at present.

With regards to the residential properties to the north west of the application site (i.e. 1-60 Eastlake House and Gibbon House), the proposed development would have a height of 20 metres above Luton Street. However, these properties would be separated from the application site by the width of Luton Street and garden areas (20 metres and 12 metres for Eastlake House and Gibbon House, respectively). The eastern block is also orientated so that only its narrow north elevation would be orientated toward Gibbon House at its closest point, thereby allowing sky views around the development for residents of Gibbon House. Accordingly, the proposed development would not result in a significant increase in sense of enclosure for the occupants of 1-60 Eastlake House and Gibbon House given this separation distance and the orientation of the proposed development.

With regards to the residential properties to the north east of the application site (1-5 Bedlow Close), they would see significant increases in height and bulk in comparison to the two storey dwellinghouses and open play area on-site at present. These properties are also located at the same low level as the application site, within the historic coal yard and are particularly susceptible to increases in sense of enclosure. The proposed eastern block would raise up to a total height of 22 metres above Bedlow Close when seen from these properties. However, the proposed townhouses would be located 12 metres from the facades of 1-5 Bedlow Close. These townhouses provide an

intermediate step in the bulk of the development when viewed from these properties, raising to a more modest height of three storeys (approximately 10 metres), with the larger height and bulk of the eastern block seen in the background. The proposed development would significantly increase sense of enclosure for the occupants of 1-5 Bedlow Close, although this is mitigated to a degree by the lower townhouses in the foreground.

With regards to the residential properties to the north west in Capland Street (31-43 Capland Street), these are also located at the same level as the application site within the historic coal yard. However, they are located opposite the more modest three storey height (approximately 10 metres) of the proposed townhouses and separated from them by the 12 metre width of Capland Street and front gardens. The proposed townhouses would also be located on the area presently occupied by the disused storage lockers, which have a height of approximately 6 metres above Capland Street. Given the separation distance noted, the modest height of the proposed townhouses in this location and the fact that they replace existing, albeit lower, buildings, the proposed development would not result in a significant increase in sense of enclosure for the occupants of 31-43 Capland Street.

With regards to the residential properties to the south east of the application site (Nightingale House, Morris House, Wey House, Loddon House), Nightingale and Morris Houses would be located opposite the modest two storey townhouses (approximately six metres) and/or the southern end of the eastern block (approximately 20 metres). Nightingale and Morris Houses would also be separated from the proposed townhouses development by the width of Samford Street (approximately 10 metres) and from the end of the eastern block by approximately 20 metres. The proposed townhouses also replace the existing, albeit lower, storage buildings in this position. Given the separation distances noted, the modest height of the townhouses and the orientation of the eastern block, the proposed development would not result in significant increases in sense of enclosure for the occupants of Nightingale and Morris Houses.

With regards to Wey and Loddon House, they would be located near the long south western elevation of the western block. However, they would be separated from it by at least 17 metres. Wey and Loddon Houses also have a diagonal orientation to the proposed western block, resulting in oblique views of the western block when seen from Wey and Loddon Houses. Accordingly, the proposed development would not result in significant increases in sense of enclosure for the occupants of Wey and Loddon Houses.

With regards to the residential property to the south west of the application site (Penfold Court), its lower levels are located at the same level as the application site, within the historic coal yard. The proposed western block and sports and recreation hall would result in a significant increase in height (approximately 25 metres) and bulk on the south western boundary of the application site. This would be particularly noticeable from the garden area at Penfold Court which is located immediately adjacent to the southern wing of the western block. The proposed western block would therefore significantly increase sense of enclosure for the occupants of Penfold Court.

However, the harm to the occupants of 1-5 Bedlow Close and Penfold Court must be considered in the context of the application site and the benefits of the development.

As noted above, the application site is unusual in that it sits approximately 4 metres below the prevailing ground level in this area and is largely devoid of substantial buildings. As such, any development that provides buildings of a comparable scale to the prevailing height and bulk of buildings in this locality will result in sense of enclosure harm to the occupants of neighbouring properties.

The application site is also designated as a proposals site within the City Plan and is located within the Edgware Road Housing Zone. Accordingly, development of the site is expected to provide a significant quantum of housing (including affordable housing) to optimise housing delivery on this site. As set out above, the density proposed is consistent with London Plan density levels for this site. The proposal also provides a vital north south link across the site, greatly improving pedestrian and cycle access through the area.

Given the above, and whilst recognising that the proposal will result in significant sense of enclosure for the occupants of 1-5 Bedlow close and Penfold Court, refusal of the development on this basis would not be sustainable given the benefits of the scheme and its significant contribution to housing delivery, including affordable housing.

8.3.3 Privacy

With the exception of Penfold Court, the proposed development is separated from all surrounding properties by the widths of Luton Street, Bedlow Close and Capland Street or, in the case of Wey and Loddon Houses, the width of a large parking area. The proposed development also faces either the front facades of most neighbouring properties or, in the case of Wey and Loddon Houses, a publicly accessible carpark. The proposed development is therefore separated from most neighbouring properties by spaces where neighbouring residents have less of an expectation of privacy. Accordingly, the proposed development is separated from most surrounding properties by adequate separation distances and spaces that are not private.

Penfold Court abuts the application site to the south west and therefore does not benefit from the separation distances and non-private spaces of other surrounding sites. However, the western block has been designed to not include any balconies near the boundary facing Penfold Court. The flats on the south western elevation of the western block also include secondary windows on that elevation. The northern wing of the western block is also located adjacent to a part of Penfold Court with no flank windows facing the application site.

To prevent overlooking of Penfold Court from windows in the southern wing of the western block, a condition is recommended that requires that these windows are obscure glazed and non-opening below 1.7 m above floor level. Subject to this condition, the proposed development would not result in unacceptable overlooking of the occupants of Penfold Court.

Given the above and subject to the recommended condition, 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.

8.3.4 Noise

It is proposed to install building services plant on the roof of the development. Plant and a substation are also located at several positions throughout the development. Conditions are recommended to ensure that noise from these sources does not cause 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. The views of the Environmental Health Officer are awaited and will be reported verbally to the Committee.

8.4 Transportation/Parking

8.4.1 Trip Generation.

TFL and the Highway Planning Manager have reviewed trip generation from the proposed development. They conclude that trip generation from the proposed development would not result in an unacceptable impact on the transport network. On this basis the Travel Plan suggested by the applicant is not considered necessary.

8.4.2 Car Parking

Loss of Existing Parking Spaces

The Highways Planning Manager has objected to the loss of the lock-up storage units on Samford Street. This is on the ground that the lock-up storage units are garages and therefore their loss would result in the loss of off-street parking. However, the lock-up storage units are not garages and have been used until very recently as storage for traders at Church Street market. Accordingly, the loss of these storage units does not result in the loss of off-street parking spaces.

The Highways Planning Manager has also objected to the net loss of 22 on-street parking spaces, noting that the loss of these spaces would take them out of public use in a part of the Controlled Parking Zone that is already heavily subscribed. These spaces are currently located on Bedlow Close and Capland Street and would be lost through stopping up of highway on the application site or to provide access to the townhouse garages and carpark level.

However, paragraph 5.158 of the supporting text to policy TRANS 26 of the UDP does allow for removal of on-street parking for the development of off-street parking where clear environmental or transport benefits can be demonstrated. In this instance, removal of these on-street parking spaces would allow for comprehensive redevelopment of the site and the benefits that accrue from this, including north-south access at grade across the site and provision of a significant level of housing (including a policy compliant level of housing). Loss of these spaces would also allow for the provision of a significant level of off-street parking on-site. Many of the spaces to be lost would have been used by the occupants of the now vacated affordable housing on-site, making them surplus to current requirements. Given the above, and having regard to paragraph 32 of the NPPF, which precludes refusal of development on transport grounds unless the impact is severe, refusal of the development on this basis would not be sustainable.

Proposed Car Parking

No car parking is proposed for the sports and recreation facility. This is consistent with policies TRANS21 and TRANS22 of the UDP.

A total of 88 car parking spaces are proposed for the residential units proposed. Of these, 76 would be for the exclusive use of the 109 market residential units (0.72 spaces per unit) and 12 would be for the 59 affordable residential units (0.20 spaces per unit). It is understood that the applicant has allocated the parking in this manner to subsidise the affordable housing offer and any reduction may result in a reduction in the number of affordable units proposed.

Policy TRANS23 of the UDP would require a maximum on-site parking provision of up to 193 spaces for the residential units. Policy TRANS23 of the UDP also 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. As the proposed 88 spaces are considerably less than the maximum set out in policy TRANS 23 of the UDP and parking occupancy on the streets surrounding the application site already exceeds 80%, the Highways Planning Manager has objected. The Highways Planning Manager also notes that the garages for the seven affordable townhouses facing Bedlow Close are 4.75 metres deep, which falls below the 4.9 metres required for a standard garage.

The Highways Planning Manager notes that households with one or more cars in the Church Street Ward is 28% (2011 Census figures). Based on the 168 residential units proposed, the development would generate an actual parking demand of 48 vehicles. While the 48 vehicles generated by the development could be accommodated by the 88 off-street car parking spaces proposed, the Highways Planning Manager considers that the allocation of spaces proposed would result in an additional on-street parking demand of 24 spaces. Given existing on-street parking occupancy, the Highways Planning Manager considers that the spaces cannot be accommodated on surrounding streets.

However, TFL and the GLA note that the site is located close to public transport services and local facilities, and the proposed development will improve the PTAL score of the site. On this basis they consider that the development should be car free and that, except for Blue Badge holders, residents should be exempt from on-street parking permits, in accordance with policy T6.1 of the Draft London Plan.

As set out above, the Draft London Plan has little to no weight when considered in the context of paragraph 216 of the NPPF. It would therefore not be reasonable to request that this development is car free on the basis of policy T6.1 of the Draft London Plan. The addendum to policy 6.13 of the adopted London Plan notes that development in areas with good public transport accessibility should aim to provide significantly less than one space per unit. The 88 spaces proposed would therefore meet policy 6.13 of the London Plan, would fall within the maximum standard within policy TRANS 23 of the UDP and would be ample for the actual parking demand noted by the Highways Planning Manager. Reductions in the number of spaces on-site or the manner they are allocated are also likely to result in a reduced affordable housing offer. Accordingly, and

having regard to paragraph 32 of the NPPF, refusal of the development on this basis would not be sustainable.

To further encourage reduced car ownership, the applicant has offered to provide lifetime car club membership for the proposed units. It is recommended that this is secured via section 106 agreement. Conditions are also recommended to secure appropriate management arrangements for the 17 Blue Badge spaces proposed and appropriate drop-off and pick facilities for users of the sports and recreation facility with impaired mobility. A condition is also recommended to ensure that 20% of the car parking spaces have active provision of electric vehicle charging points and 20% provide passive electric vehicle charging points, in accordance with policy 6.13 of the London Plan.

The Highways Planning Manager notes that the current position of the entrance gate to the car park level would result in vehicles queuing onto the footpath and potentially blocking Bedlow Close and Capland Street. A modification condition is therefore recommended that would require this gate to be moved further into the site.

8.4.3 Cycle Parking

Policy 6.9 of the London Plan requires 294 cycle parking spaces for the residential flats and 296 cycle parking spaces are proposed. It also requires one space per 8 staff for the sports and recreation facility. The applicant has provided no details of staff levels but indicated two cycle parking spaces are allocated for the sports and recreation facility. This would in effect allow up to 16 staff. On balance, this approach is considered reasonable and consistent with policy 6.9 of the London Plan. A condition is recommended to secure this cycle parking.

8.4.4 Proposed Changes to the Highway

The proposed development would require significant portions of highway in Capland and Samford Streets to be stopped up.

The Highways Planning Manager notes that the proposed levels required to implement the development may have an adverse impact on highways users and existing adjoining properties, including in terms of drainage and water runoff. However, this element is subject to a detailed highway design process by the Highway Authority, should permission be granted. Following this design process, changes may be required to the proposed scheme to accommodate the existing highway levels.

Within Samford Street, the applicant proposes widening the footway width and reducing the carriageway width to ensure a safe pedestrian environment for residents exiting the proposed townhouses. This would however affect vehicle flow in Samford Street and the surrounding area. To overcome this, the applicant proposes converting Samford Street to one-way working for vehicles.

Pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable the above changes to the highway to take place. If planning permission is granted, the highway will need to be stopped up prior to commencement of development. This is a separate statutory

process upon which valid objections may be made. If the necessary Traffic Management Order is unable to be progressed as a result of these objections, then the scheme will need to be revised to ensure safe pedestrian access to the new units is achievable. The recommendation includes provision for this separate process to commence should the committee be minded to grant permission.

The pedestrian link provided by the Green Spine is welcomed and consistent with policies S41 of the City Plan and TRANS3 of the UDP. To ensure that effective long-term management of the Green Spine is secured (including funding, security, anti-social behaviour) it is recommended that a robust Walkway Agreement is secured via section 106 agreement.

8.4.5 Servicing

Policies S42 of the City Plan and TRANS20 of the UDP require off-street servicing.

The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. Deliveries and goods left on the highway create an obstruction to pedestrians and have an adverse impact on the any improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists. A development which provided off-street servicing would contain and manage these issues internally and not at the expense of other highway users.

The applicant proposes two on-street servicing bays for the development, one on Samford Street and the other on Bedlow Close. These would be at the expense of other highway uses, such as car parking, cycle parking, electric vehicle charging points, cycle hire, car club bays which could be used by all of the surrounding community etc. Limited consideration has been given by the applicant to the impact of the movement of goods across the highway (footway) and the impact of this activity on pedestrians.

In terms of the proposed on-street loading bays, it is unlikely that loading bays would be progressed in these locations but rather some other form of on-street restriction, such as Single or Double Yellow Line with an appropriate loading restriction. This would enable the Highway Authority to manage the highway for the benefit of all highway users while accommodating the needs of the adjoining properties in the most efficient manner possible. It is recommended that provision for Single or Double Yellow Lines are secured through a Traffic Management Order.

The applicant has included a Servicing Management Plan (SMP) which contains overarching concepts to minimise the impact of on-street servicing. A more robust and focused SMP could minimise the impact of the proposed development on the highway network, so as not to have a significantly detrimental impact on other highway users (including pedestrians).

The SMP should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. It should also clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart

mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

The SMP should be responding to the physical layout of the site and provide robust procedures for any future occupant to follow, to ensure servicing occurs in an efficient manner. This will also ensure any future management company or occupant is clearly aware of their responsibilities.

A condition is recommended to secure a more robust SMP. Subject to this condition, the proposed development would be consistent with policies S41 and S42 of the City Plan and policies TRANS20 and TRANS3 of the UDP.

8.4.6 Waste Storage

The proposed development includes waste storage areas within the car park level and townhouses proposed. The Highways Planning Manager and Waste Project Officer are concerned that inadequate space is provided on-site for waste storage and that waste may therefore be stored on the highway. Conditions are recommended to require further details of waste storage and management. Subject to this condition, the proposed development would be consistent with policies S41 of the City Plan and policies TRANS3, TRANS 20 and ENV 12 of the UDP.

8.5 Economic Considerations

The proposed development would provide employment opportunities during construction, whilst the sports and recreation facility would provide ongoing employment opportunities for local residents. It is recommended that provision for this is secured via section 106 agreement.

8.6 Access

In accordance with policy 3.8 of the London Plan and policy D3 of the Draft London Plan, inclusive design principles have been imbedded within the development. All of the new build residential units will meet M4(2) standards and 10% of the units will be wheelchair accessible or adaptable, conforming to M4(3) standards. Accessible dwellings will be provided across all dwelling types and tenures, which is welcomed.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees and Biodiversity

The proposed development would not require the removal of any substantial 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 existing site has very limited habitat and therefore its redevelopment will have a negligible impact on local ecology. The proposed landscaping offers an opportunity to provide biodiversity enhancement. Conditions are therefore recommended to secure

appropriate hard and soft landscaping and bird and bat boxes. Subject to this condition, the proposal would be consistent with policy S38 of the City Plan.

8.7.2 Carbon Reduction

The development has been designed to achieve a 45% reduction in carbon dioxide emissions for the residential element and a 48% reduction for the non-domestic element, compared to a 2013 Building regulations baseline. As the residential part of the development would fall short of the zero carbon target, the GLA has requested that the applicant explore further opportunities for additional savings, such as the provision of photovoltaics, in accordance with policy 5.2 of the London Plan and policy S12 of the draft London Plan. If these savings cannot be achieved, a carbon off-set payment will need to be secured. Discussions on this matter are ongoing and the committee will be updated accordingly.

The proposed development has been designed to connect to the proposed Church Street District Heating Scheme (CSDHS). However, it is unclear if or when the CSDHS will be delivered. Accordingly, it is recommended that the development is subject to a legal agreement that requires a connection and supply agreement with the CSDHS owner (using all reasonable endeavours). Should the CSDHS not be delivered, an appropriate fall-back position and/or carbon offset payment should be secured.

Subject to clarification and the recommended legal agreement, the proposed development would be consistent with policy 5.2 of the London Plan, policy S12 of the Draft London Plan and policies S28, S39 and S40 of the City Plan.

8.7.3 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 approximately 3505 square metres of blue and green roofs as well as soft landscaping. Whilst this would not achieve greenfield run-off rates, it would provide significant attenuation at source for run-off from the proposed development compared to the existing site. Accordingly, the drainage system proposed is considered acceptable.

8.7.4 Contamination

Given this sites historic use as a coal yard and railway siding, it is highly likely that site contamination is present This has the potential to cause significant harm to future residents if not adequately mitigated. To ensure that this does occur, a condition is recommended requiring preparation of an adequate mitigation strategy. Subject to this condition, the proposed development would be consistent with policy ENV 8 of the UDP.

8.8 London Plan

The application is referable to the Mayor as it contains more than 150 flats and includes more than 15,000 square metres of floorspace on a site outside the Central Activities Zone. The Mayor has advised in his 'Stage 1' response received on 15 January 2018 (see background papers) that, as initially submitted, 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.

The first draft of the revised London Plan is currently being consulted upon. Consultation closes on 2 March 2018. It is at a very early stage of preparation and it is unclear what if any unresolved objections there may be to its policies given it has not passed its first round of public consultation. Accordingly, and having regard to paragraph 216 of the NPPF, the policies of the Draft London Plan have been given little weight. As set out above and where a conflict arises between the Draft London Plan and adopted policy, Draft London Plan policies have been disregarded.

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.

8.9 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

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

- a) Provision of 59 affordable units on-site (comprising of 40 social rented units and 19 intermediate units) at appropriate rental and eligibility levels;
- b) Provision of three social rented units on the Fisherton Street carpark site (ref: 17/09337/FULL), to be provided prior to the occupation of any market housing on the application site;
- c) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS) or an appropriate fall-back position if the CSDHS does not go ahead;
- d) Provision of a carbon offset payment (TBC);
- e) A payment of £3 million (index linked and payable on commencement of development) toward the Green Spine, wayfinding (Legible London) and public realm improvements surrounding the application site;
- f) Highway works associated with the development;
- g) Provision of lifetime car club membership (25 years) for each residential unit in the development;
- h) Provision of a Walkways Agreement to ensure that pedestrian routes through the development are open to the public 24 hours a day and maintained;
- i) Provision of the sports and recreation facility for the local community and prior to occupation of the market housing;
- j) Offering local employment opportunities during construction;

- k) Offering local employment opportunities during operation of the sports and recreation hall; and
- l) Payment of cost of monitoring the agreement.

The proposed development would be subject to Westminster's Community Infrastructure Levy (CIL). If permission is granted, the development would generate a CIL payment of £3,853,600.00, subject to any relief or exemptions available. It would also be liable for an additional Mayoral CIL payment of £963,400.00.

It is noted that the Children's Services have requested a financial contribution toward school places in the vicinity of the site. As school places are on the City Council's Regulation 123 list, such contributions are not permitted. However, at least, £578,040 of the Westminster CIL payment must be spent within the local area and can be spent on infrastructure items, including educational facilities, within the vicinity of the application site. It is recommended that Children's Services apply to use this CIL payment once the applicant has paid it.

8.11 Environmental Impact Assessment

As set out above, the applicant requested a screening opinion from the City Council and were advised on 1 December 2016 that an EIA was not required.

8.12 Other Issues

8.12.1 Basement

The applicant has provided a site specific Structural Method Statement prepared by a suitably qualified engineer to demonstrate that the proposed development can be built without endangering the structural stability of neighbouring buildings. A condition is also recommended to require that the applicant adhere to the City Council's Code of Construction Practice. Subject to this condition, the proposed development would satisfy policy CM28.1 A (2) of the City Plan.

As noted above, the lower ground floor level proposed will be constructed at current ground level due to the unique circumstances of this site. Further excavation is confined to the relatively small area of the proposed sports and recreation hall, located centrally within the application site. Whilst the proposed basement level would have more than one storey, this site is a highly accessible large site and the excavation proposed would not harm heritage assets. Accordingly, it falls within the exceptional circumstance set out in policy CM28.1 C (3). The proposed basement also meets all other size and location requirements set out in policy CM28.1 of the City Plan.

The proposed basement does not include 1.2 m soil depth over its top cover, as required by policy CM28.1 C (2) of the City Plan. However, this is confined to the areas beneath the Green Spine and private garden area at the western block where soil depths are at least 0.6 m, increasing to 1.3 m in places to allow tree planting. Whilst it is regrettable that a policy compliant soil depth has not been provided, the proposed development includes a comprehensive landscaping scheme, particularly on the Green Spine and represents a significant improvement in green infrastructure in comparison to the existing site which is largely devoid of vegetation. It is also recognised that further excavation

and the provision of thicker slabs to support a policy compliant soil depth may compromise the ability of this scheme to deliver the affordable housing offer proposed. In light of the reduced soil depth proposed, a condition is recommended requiring further details of landscaping to ensure that a sustainable and attractive landscaping scheme is secured. Subject to this condition and given the specific circumstances of this site, the soil depth proposed is acceptable in this particular instance.

Subject to the recommended conditions, the proposed development would be consistent with policy CM28.1 of the City Plan.

8.12.2 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 adherence to the City Council's Code of Construction Practice.

Gateway Academy have requested a condition that limits use of Capland Street to access for plant vehicles only which cannot, for reasons of size and site constraints, access the site via the other agreed points of access. This has also been suggested in the draft Construction Management Plan submitted by the applicant. A condition has been recommended to secure this.

Two objectors have suggested that the applicant should pay financial compensation to Gateway Academy for inconvenience caused during construction. This is not a material planning consideration. The recommended conditions limit harm from construction as far as is reasonably practicable under planning law.

8.12.3 Crime and Security

The proposed development has been reviewed by the Metropolitan Police Service who has raised no objection, but notes that this is a high crime area and recommends that the applicant work toward achieving Secure By Design Accreditation. A condition is recommended to secure appropriate security measures. Subject to this condition, the proposed development would accord with policy 7.13 of the London Plan.

8.12.4 Statement of Community Involvement

Local residents and have been consulted throughout development of the proposal. As set out in the Statement of Community Involvement that accompanied the application, two rounds of public consultation took place in 2015 and 2017. Feedback has generally been positive and the development has been amended where appropriate to address concerns of local residents.

3.12.5 Issues Raised in Representations

The issues raised in the representations received have largely been addressed above. The following is also noted.

Replacement Units and the City Council's 35% Affordable Housing Target

An objector considers that the 14 replacement units have been counted toward the 35% affordable housing target in policy S16 of the City Plan. However, this is not correct. The proposed development, together with the three townhouses at the Fisherton Street Car Park site, meets the 35% affordable housing target without including the 14 replacement units.

Private Garden Access

Several objectors consider that a private garden, matching the garden for the western/market housing block, should be provided for the eastern/affordable block.

However, provision of a similar garden area for the eastern block would not be possible without removing the Green Spine. The Green Spine is a significant public benefit of the scheme and its removal to provide private garden space would not be supported. As noted by the GLA, the proposed development provides adequate play space for the number of children this development is likely to support and a condition is recommended to secure appropriate play equipment in the garden area and green spine. It is also recommended that a £3 million contribution toward the wider Green Spine project and public realm improvements is secured by legal agreement to ensure, amongst other things, opportunities for play are secured in the wider area. Subject to this condition and obligation, the proposed development provides appropriate play space, in accordance with policy 3.6 of the London Plan and policy S4 of the Draft London Plan.

Air Quality

An objector notes that the Air Quality assessment is silent on N02 and PM emissions and that the CSDHS should release the lowest possible amounts of N02 and PM emissions.

The proposed development does not include the CSDHS, although it is intended that the proposed development will connect to it in time. Accordingly, it is beyond the scope of this application to require controls on N02 and PM emissions for the CSDHS.

Bedlow Close Townhouse Car Ports

Several objectors consider that the proposed car ports will not be used for car parking and will instead be used for unsightly storage and will result in antisocial behaviour. However, these spaces are required to provide an appropriate level of car parking on the application site. It would therefore not be appropriate to remove them.

Loss of Tenure

Two representations query whether they will be able to move back into the development once it is completed. However, these representations have not come from residents on the application site and instead have come from people who live nearby.

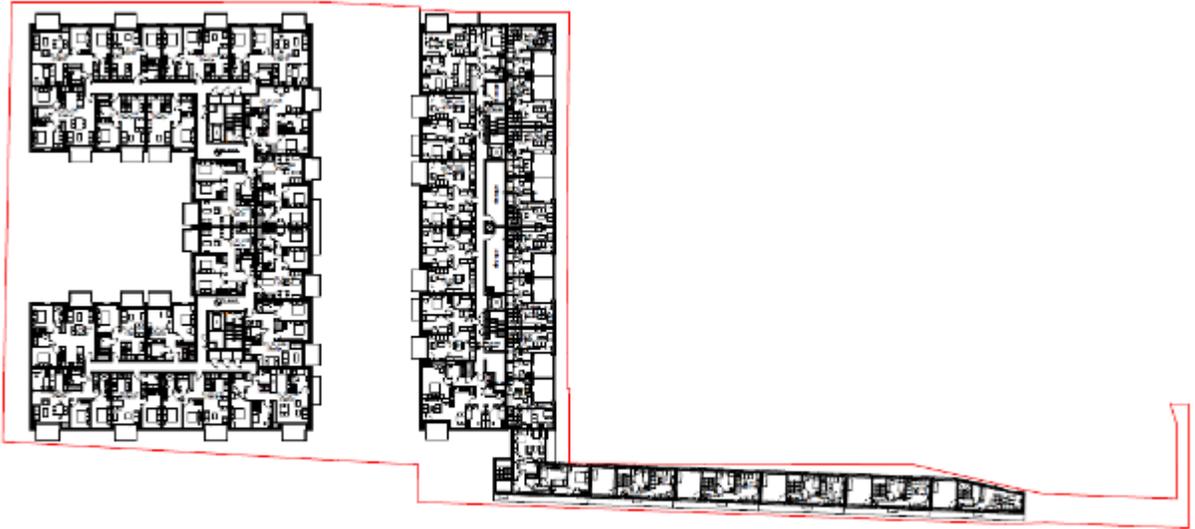
Notwithstanding this, officers understand that former residents of the application site will have be prioritised when it comes to occupying the affordable units.

9. BACKGROUND PAPERS

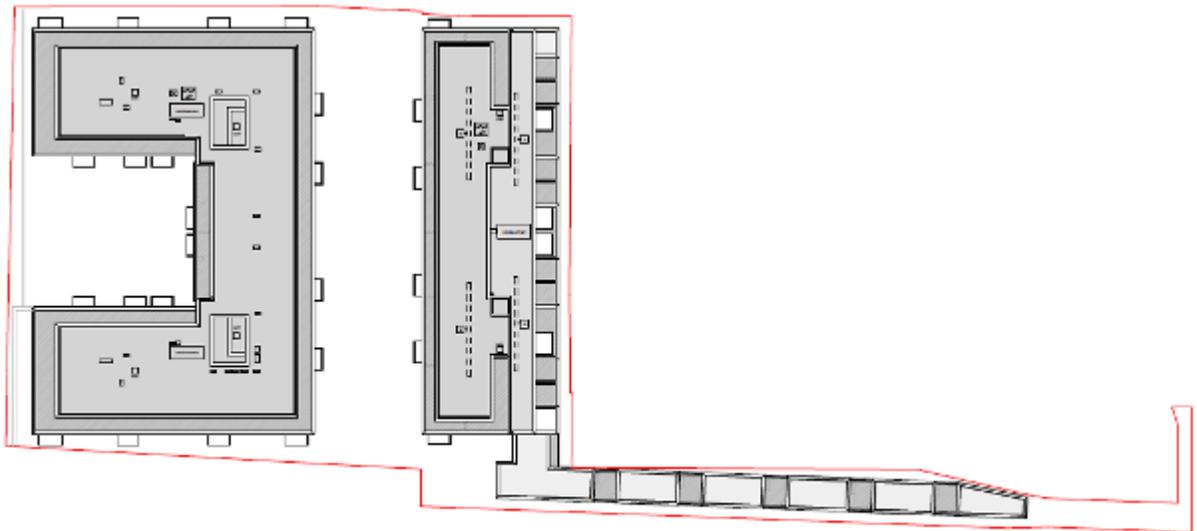
1. Response from the Greater London Authority, dated 15 January 2018
2. Response from Transport for London, dated 16 November 2017
3. Response from London Underground, dated 8 November 2017
4. Response from Building Control, dated 9 November 2017
5. Response from Highways Planning Manager, dated 19 January 2018
6. Response from Children's Services, dated 3 November 2017
7. Responses from The St Marylebone Society, dated 17 November 2017, 17 and 28 January 2018
8. Response from the Church Street Ward Neighbourhood Forum, dated 25 January 2018
9. Response from the Luton Street Regeneration Working Group, dated 26 January 2018
10. Response from the Church Street Ward Planning and Licensing Group, dated 29 January 2018
11. Letter from occupier of Flat 16, Selina House, Frampton Street, dated 26 October 2017
12. Letter from occupier of Flat 2, 29 Capland Street, London, dated 26 October 2017
13. Letter from occupier of 26 Jordans House, Capland Street, dated 27 October 2017
14. Letter from occupier of Flat 14, Swanbourne House, Capland Street, dated 11 November 2017
15. Letter from Gateway Academy, dated 17 November 2017
16. Letter from occupier of 113 Dalston lane, London, dated 21 January 2018
17. Letter from occupier of 17 Hatton Street, London, dated 25 January 2018

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

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



Proposed First Floor Plan



Proposed Roof Plan



1 | West Block - NW Elevation
1:100

North West Elevation of West Block



1 | West Block - SE Elevation
1:100

South East Elevation of West Block



1 | West Block - SW Elevation
1/16"



South West Elevation of West Block



1 | East Block - SW Elevation
1/16"



South West Elevation of East Block



1 | East Block - NW Elevation
1/100



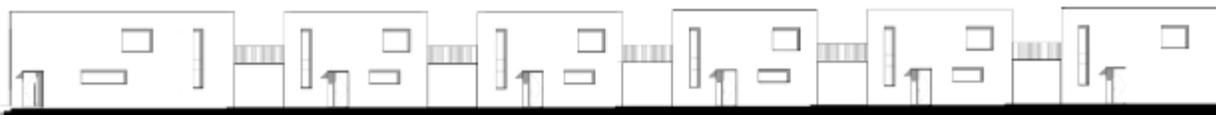
2 | East Block - SE Elevation
1/100

North West (left) and South East (Right) Elevations of East Block



1 | East Block - NE Elevation
1/100

North East (Bedlow Close) Elevation of East Block. Townhouses in Foreground.



3 | Capland Street Houses - SE Elevation



4 | Capland Street Houses - NW Elevation

Townhouses as seen from Samford Street (top) and Capland Street (bottom)



View of Proposed Western Block from Luton Street



View of Western and Eastern Blocks and Green Spine as Seen From Fisherton Street



View of Eastern Block and Townhouses as seen from Salisbury Street

DRAFT DECISION LETTER

- Address:** Development Site At Capland Street, Bedlow Close and Luton Street, London
- Proposal:** Demolition of buildings and redevelopment to provide two six storey buildings above lower ground and row of three storey townhouses comprising up to 168 residential units with ancillary facilities (Class C3) and a Sports Hall (Class D2), and associated car park, energy centre and all other works incidental to the proposed development.
- Reference:** 17/08619/FULL
- Plan Nos:** Drawing numbers 005001 Rev C, 005002 Rev C, 005003 Rev C, 005005 Rev A, 005010 Rev A, 005011 Rev A, 005097 Rev A, 005098 Rev A, 005099 Rev A, 005100 Rev A, 005101 Rev A, 005102 Rev A, 005103 Rev A, 005104 Rev A, 005105 Rev A, 005106 Rev A, 005201 Rev A, 005202 Rev A, 005203 Rev A, 005204 Rev A, 005205 Rev A, 005206 Rev A, 005301 Rev A, 005302 Rev A, 005303 Rev A, 005304 Rev A, 005305 Rev A, 005306 Rev A, 005307 Rev A, 005308 Rev A, 005309 Rev A, 100001 Rev 2, 120001 Rev 2, 210001 Rev 1, 210002 Rev 1, 210003 Rev 1, 210004 Rev 1, 210005, 220001 Rev 1, 220002, 220003 Rev 1, 220004, 220005, 230001 Rev 2, 230002 Rev 2, 230003 Rev 1, 230005

FOR INFORMATION ONLY: Air Quality Assessment by Encon Associates (dated August 2017); Design and Access Statement by Flanagan Lawrence (dated 21/09/2017), Drainage Strategy by Robert West (dated September 2017); Ecological Appraisal by Encon Associates (dated September 2017); Environmental Noise Assessment by Airo (dated 15 September 2017); Daylight and Sunlight Report by GIA (dated 12 September 2017); Daylight, Sunlight and Overshadowing Amenity Within the Site Luton Street by GIA (dated 24 August 2017); Landscaping Design and Access Statement by Gustafson, Porter and Bowman (dated September 2017); Planning Statement by DP9 (dated September 2017); Outline Acoustic Strategy by Airo (dated 15 September 2017); Sustainability Statement by Mendick Waring Limited (dated September 2017); Transport Assessment by Arup (dated 22 September 2017); Utilities Statement by Mendick Waring Limited (dated 19 September 2017); Structural Methodology Statement by Robert West (dated September 2017)

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:

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 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)

- 4 You are required to include specific provisions for limiting use of Capland Street to access for plant vehicles only which cannot, for reasons of size and site constraints, access the site via the other agreed points of access as part of the site environmental management plan or construction management plan required to comply with the Council's Code of Construction Practice referred to in condition 3.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 5 The brick facing to each building shall comprise complete bricks and not brick slips or other brick panelised 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)

- 6 You must apply to us for approval of a two sample panels of brickwork (one showing the rusticated area of brickwork facing and the other showing the plain area of brickwork facing - and each of which shall be no smaller than 1.5m x 1.5m) which shows the colour, texture, face bond and pointing. You must not start work on the cladding 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)

- 7 You must apply to us for approval of detailed drawings (plans/elevations/sections - as appropriate) including annotations to show materials and colour finish (as appropriate) of the following parts of the development:
- (a) Metalwork to elevations (comprising both balcony railings and spandrel panels between floor levels).
 - (b) Details of any centralised satellite dish and TV system(s) to serve the development.
 - (c) Entrance on facade to Sports Hall/Community room.
 - (d) Entrances (including vehicular entrances) to Bedlow Close and Capland Street.
 - (e) East facing elevation of top two floors (fourth and fifth floor levels) of mansion block on east side of green spine
 - (f) Any integral lighting around entrances.
 - (g) Methodology for ensuring visual impact of any expansion joints required in the brickwork facings are minimised.
 - (h) Balcony decks and undersides of balconies, and details of method of drainage of balconies.

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/ samples. (C26CB)

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 not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roofs, roof terraces or balconies. (C26NA)

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 drawings showing any ventilation and other services terminations at facade and roof level and associated equipment, and their colour finish as 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 drawings. Any screening associated with that work shall be put up before you use the machinery behind, and then maintained in that form for as long as the machinery remains in place

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 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)

- 11 You must apply to us for approval of any safety protection equipment, and window cleaning equipment to roof 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 drawings. (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)

- 12 You must provide a roof plan of the site showing the locations of all green and blue roofs, and you must then provide these bio-diversity features before you start to use any part of the development beneath each green or brown roof to be provided. Once installed, you must not remove any of these features.

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 detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. 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 (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 14 (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.

15 (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 (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.

- 16 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.

- 17 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.

- 18 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.

- 19 The development hereby approved shall not be occupied until a Servicing Management Plan (SMP) has been submitted to and approved in writing by the local planning authority. You must then carry out the development in accordance with the approved SMP.

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 (November 2016) and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 20 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)

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

- the location of 18 active Electric Vehicle Charging Points and 18 passive Electric Vehicle Charging Points within the lower ground floor 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 (March 2016).

- 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. 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 (March 2016).

- 23 Before occupation of the residential units, detailed drawings showing the location of at least 17 parking spaces for Blue Badge holders (or any other scheme that may supersede it) shall be submitted to and approved in writing by the City Council. The approved spaces shall be marked for the use of Blue Badge holders only and retained thereafter.

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 (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 24 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Relocation of the vehicular gates to the car parking level to enable cars to park within the site whilst waiting for the gates to open.

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.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 25 In the event that the development is unable to connect to the Church Street District Heating Scheme, details of an energy centre to be provided on-site (including 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 and S40 of Westminster's City Plan (November 2016).

- 26 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 provide the playspace / equipment before first occupation of the development.

Reason:

To ensure that the development provides play and information recreation space for children in accordance with Policy SOC6 of the Unitary Development Plan we adopted in January 2007 and Policy 3.6 in the London Plan (March 2016).

- 27 The three or more 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 (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 28 You must apply to us for approval of details of how waste is going to be stored and managed 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, make them available to everyone using the flats and sports and recreation facility and manage them in accordance with the approved details at all times.

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)

- 29 You must apply to us for approval of an informative plaque describing the historic use of the application site. You must not start work on the plaque until we have approved what you have sent us. Unless we agree an alternative date by which the plaque is to be provided, you must install the approved plaque on the Luton Street frontage within six months of occupation of the most immediately adjacent building as part of the development. You must then maintain the approved plaque 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)

- 30 The glass that you put in the south western elevation of the southern wing of the western block 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.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 31 You must not form any windows or other openings (other than those shown on the plans) in the outside walls or add extensions to the townhouses without our permission. This is despite the provisions of Classes A, B and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it)

Reason:

To protect the appearance of the property and the character of the area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R21DC)

- 32 Except for the terraces shown on the approved drawings, you must not use the roof of the buildings for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 33 **Pre Commencement Condition.** You must apply to us for approval of details of a security scheme for the development You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AB)

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 34 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 35 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 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)

- 36 Customers shall not be permitted within the sports and recreation facility premises before 0700 or after 2200 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 (November 2016) and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 37 **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)

- 38 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 (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

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 You are advised that a sample of each type of brick proposed to be used to face the exterior of the building needs to be submitted (along with all other facing materials) for approval under condition 10 of this decision letter. You are advised that it is the strong preference that the bricks chosen should have a warmth of colour, rather than a cold grey brick colour in

appearance.

You are further advised that the preference is for a complimentary but differing shade of brickwork to be used to distinguish the townhouse elements facing onto Bedlow Close from the rest of the composition of this mansion block, and also to the ground floor level of the mansion blocks facing onto the green spine

- 3 With regards to condition 5, you are advised that the strong preference would be for a Flemish bond for the brickwork, as it is considered that a stretcher bond would overly accentuate the very long frontages of these buildings
- 4 With regards to condition 7 (a), you are advised that the strong preference is for the metal panels between floor levels to incorporate a decorative element, either through advanced/recessed sections within the panels or through decorative work incorporated into the panels.

You are advised that with regards to condition 7 (c) the strong preference is for a more distinctive and visually prominent entrance to this part of the building, to highlight the entrance to the public uses within.

You are advised that with regards to condition 7 (d) further efforts are considered to be required to ensure that the residential entrances on Bedlow Close and Capland Street should be further emphasised in the design of the buildings.

You are further advised with regards to condition 7 (e) the strong preference is for a more consistent arrangement of windows to be included into the east facing elevation of these two floor levels, in place of the largely blank facades proposed

- 5 With regards to condition 11, you are strongly advised that the expectation is that any required safety protection for persons using the main roof for maintenance purposes will take the form of a mansafe (or similar) harness restraint system and not railings or other vertical edge protection structures visible from street level.
- 6 The SMP required by condition 19 should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. It should also clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

The SMP should be responding to the physical layout of the site and provide robust procedures for any future occupant to follow, to ensure servicing occurs in an efficient manner. This will also ensure any future management company or occupant is clearly aware of their responsibilities.

- 7 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 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. The agreement relates to:
- a) Provision of 59 affordable units on-site (comprising of 40 social rented units and 19 intermediate units) at appropriate rental and eligibility levels;
 - b) Provision of three social rented units on the Fisherton Street carpark site (see ref: 17/09337/FULL), to be provided prior to the occupation of any market housing on the application site;
 - c) Early and late stage affordable housing review mechanisms, in accordance with the Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance (August 2017);
 - d) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS) or an appropriate fall-back position if the CSDHS does not go ahead;
 - e) Provision of a carbon offset payment;
 - f) A payment of £3 million (index linked and payable on commencement of development) toward the Green Spine, wayfinding (Legible London) and public realm improvements surrounding the application site;
 - g) Payment of the cost of highway works associated with the development;
 - h) Provision of lifetime car club membership (25 years) for each residential unit in the development;
 - i) Provision of a Walkways Agreement to ensure that pedestrian routes through the development are open to the public 24 hours a day and maintained;
 - j) Use of the sports and recreation facility for the local community;
 - k) Offering local employment opportunities during construction;
 - l) Offering local employment opportunities during operation of the sports and recreation hall; and
 - m) Payment of cost of monitoring the agreement.
- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form**

immediately. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 10 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.

- 11 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)
- 12 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)

- 13 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing

and collecting waste. (I08AA)

- 14 The term 'clearly mark' in condition 28 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 15 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)
- 16 It is worth noting that the final decision on on-street parking is for the Council as Traffic Authority. As it a separate legal process, their outcome cannot be guaranteed. The changes the applicant wishes to make require agreement of the Traffic Authority. Please contact our Highways section with regards to this matter on 020 7641 2062.
- 17 Pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place. The Highway Authority would maintain an objection to the stopping up of Highway where there is not a demonstrated need or benefit. If planning permission is granted, the highway will need to be stopped up prior to commencement of development. This is a separate statutory process upon which valid objections may be made. Planning permission alone may not be sufficient to overcome valid objections that may be made.
- 18 It should be noted that none of the external works affecting the highway indicated on the submitted drawings have Highway Authority approval and are not consented as part of this application.

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.