

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	Marylebone Institute School House, 29 Cosway Street, London, NW1 6TH,		
Proposal	Demolition of existing buildings and structures and erection of new building of up to five storeys plus basement floor to provide 49 residential units (Class C3); with car and cycle parking, storage and plant rooms at basement level and landscaping to central garden and site frontages and associated works (linked to redevelopment of 2 Ashbridge Street and Ashmill Street Car Park sites that are also on this agenda – Items 2 and 3).		
Agent	Peter Brett Associates LLP		
On behalf of	Westminster City Council		
Registered Number	17/11404/COFUL	Date amended/ completed	5 June 2018
Date Application Received	22 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Lisson Grove		

1. RECOMMENDATION

1. Subject to no new issues being raised by London Underground prior to 20 August 2018, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following planning obligations:
 - i. Notice of commencement of development (three months prior to commencement).
 - ii. Provision of off-site affordable housing on the Repeater Station site, 2 Ashbridge Street and the Ashmill Street Car Park site (see Items 2 and 3 on this agenda) in accordance with the proposed tenure and unit size mix and to the affordability criteria agreed by the Head of Affordable Housing and Strategy, prior to occupation of the market housing on the application site.
 - iii. Provision of highway works outside the site in Cosway Street, Bell Street, Stalbridge Street and Shroton Street, including alterations to crossovers, provision of street trees, amendments to on-street parking bays

- iv. Dedication of public highway along the eastern side of Stalbridge Street and where necessary around the remain of the site.
- v. Provision of 'life time' (25 year) car club membership for each flat.
- vi. Subject to further study, provision of a carbon off-set payment of £82,683 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
- vii. Provision of link to future District Heat Network (DHN) and undertaking to make best endeavours to connect to a future DHN.
- viii. Offer local employment opportunities during construction.
- ix. Provision of costs for monitoring of agreement (£500 per head of term).

2. If the unilateral undertaking to secure the planning obligations has not been completed by 1 October 2018 then:
3. The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
4. The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site comprises a whole street block bounded by Cosway Street, Bell Street, Shroton Street and Stalbridge Street. The site does not contain any listed buildings, but does lie immediately to the north of Christ Church, a grade II* listed building and the site is located within the Lisson Grove Conservation Area.

The current application seeks permission to demolish all existing buildings on the site and redevelop the whole site to provide a 'U' shaped street block with frontages on to Cosway Street, Bell Street and Shroton Street, with a communal garden facing Stalbridge Street, to provide 49 market residential flats. The 'U' shaped block would be broken down into three distinct elements through the use of differing materials and detailed design such that the scheme would appear as three mansion blocks. The proposed development would range in height between 5 storeys at its southern end to four storeys at its northern end. A single storey basement is proposed under much of the site to provide parking, storage and ancillary plant area. The scheme would require the removal of five trees within the site and one street tree in Cosway Street.

The proposed development generates a policy requirement to provide affordable housing and this is proposed to be delivered off-site in the vicinity on the sites known as Repeater Station, 2 Ashbridge

Street and Ashmill Street Car Park, which are also on this Sub-Committee agenda (see Items 2 and 3).

The key issues in this case are:

- The acceptability of the proposed residential accommodation (mix, size of units and quality of accommodation).
- The acceptability of providing off-site affordable housing in the immediate vicinity of the site.
- The impact of the development on the appearance of the site and the character and appearance of the Lisson Grove Conservation Area, including the demolition of the 'school house' at the south eastern corner of the site.
- The impact on the setting of the neighbouring grade II* listed Christ Church.
- The impact on the amenity of neighbouring residents.
- The impact of the proposed development on the availability of on-street car parking for neighbouring residents.
- The acceptability of the removal of five trees on the site and one street tree.

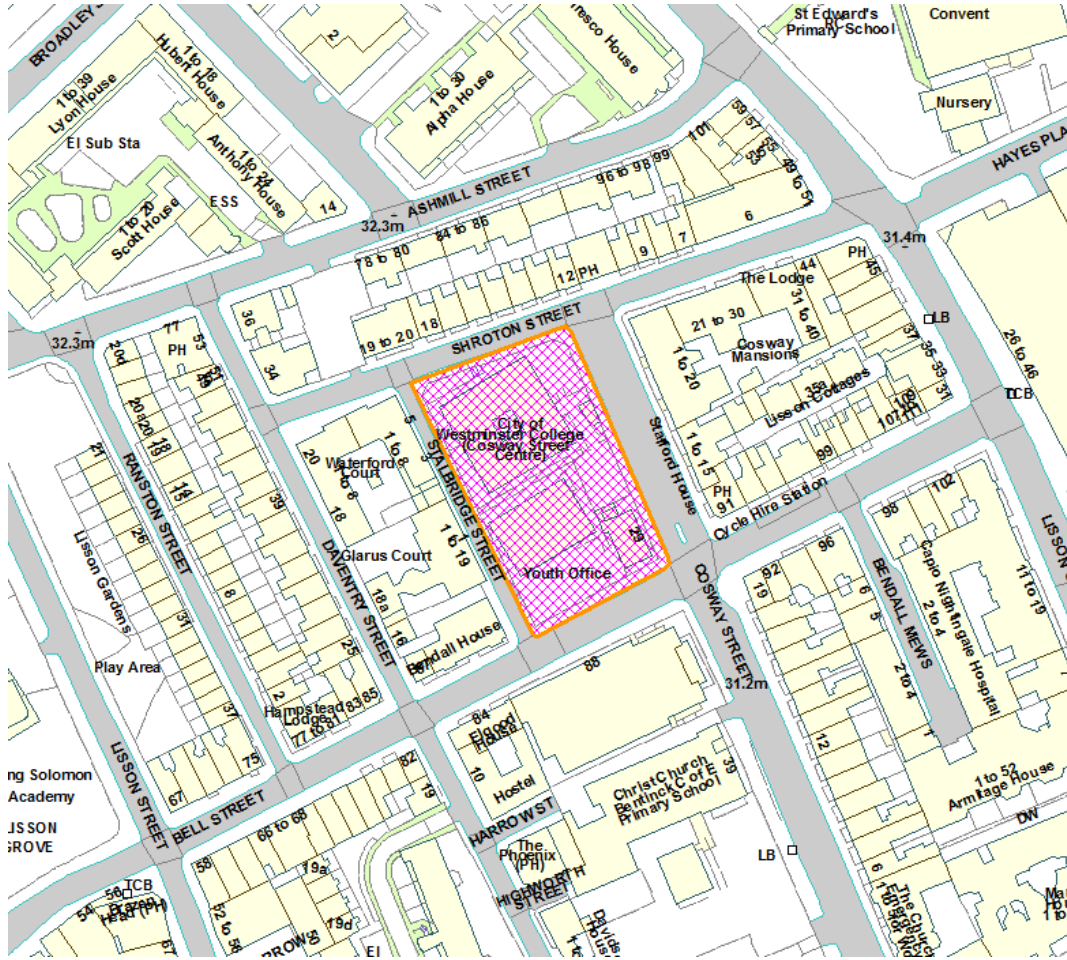
For the detailed reasons set out in this report and given the public benefits that the development would deliver, the proposed development is considered to be acceptable in land use, design and conservation, amenity, transportation and environmental terms and would accord with the relevant policies in the Unitary Development Plan we adopted in January 2007 ('the UDP') and Westminster's City Plan that we adopted in November 2016 ('the City Plan').

Whilst significant objection has been raised to the demolition of the existing school house, it is considered that the demolition of the school house would cause less than substantial harm to the significance of the relevant heritage assets (the Lisson Grove Conservation Area and the setting of the grade II* listed Christ Church). Site wide redevelopment would allow the delivery of additional residential floorspace and units on the site and repair the street scape to this entire street block within the conservation area, which is currently poorly defined and not consistent with the built form of the wider conservation area, and these are considered to represent a substantial public benefits which outweigh the less than substantial harm that would be caused by the demolition of the school house.

With regard to affordable housing provision, it is considered that in the particular circumstances of this case the wider benefits of the scheme, including maximisation of the total number of residential units and the affordable floorspace quantum that can be provided across the three sites outweighs the normal policy presumption for affordable housing to be provided on site, particularly given the close proximity of this site to both 'donor' sites and as the scheme would provide 35% affordable housing in compliance with the City Plan and UDP policies, which set the strategic affordable housing delivery targets for Westminster.

As such, the application is recommended for approval, subject to the conditions set out in the draft decision letter and completion of a unilateral undertaking to secure the planning obligations set out the recommendation in Section 1 of this report, which includes the provision of off-site affordable housing on the two 'donor' sites.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of the school house at the corner of Bell Street and Cosway Street (top) and view north along Cosway Street (bottom).



View of Shroton Street elevation (top) and view north along Stalbridge Street (bottom).

5. CONSULTATIONS

5.1 Responses to Consultation on Initially Submitted Scheme (January 2018)

WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

Objection on the following grounds:

- Do not consider scheme to be of the highest design and amenity standard, appropriate to the setting of the grade II* former church adjacent and the Lisson Grove Conservation Area. Proposal is contrary to the development plan and the NPPF.
- Old school house should be retained as is an unlisted heritage asset of merit that contributes to the conservation area's character.
- Note that the applicant's heritage consultant identifies the scheme to be harmful (a moderately adverse impact). Question if the heritage consultant is qualified to conclude this harm is outweighed by a scheme of 'exemplary design' and do not agree that the scheme is of exemplary design.
- No planning brief has been formally adopted and therefore all previous briefs should carry equal weight. Planning consultations between 2011 and 2013 resulted in agreement to keep the school house.
- Conservation Area Audit notes the school house to be of local importance in strategic views and these views should be considered.
- Do not consider the applicant's arguments for demolition of the building (expense of façade retention, floor heights and 3 storey scale) justify its demolition.
- Application has not been accompanied by a survey of the quality and detail of the existing building.
- Would support conversion rather than façade retention of the school house.
- Retention of the school house should be the starting point for the design rather than something to be cleared away because it doesn't fit the design.
- Detailed design and massing of the southern part of the scheme does not provide an appropriate setting for Christ Church.
- No architectural hierarchy across the site and development is too uniform.
- Roof scape is particularly poor with large flat roofs and expanses of PV panels (not convinced that the PVs will lie flat on the roof). This lacks grain and scale of surroundings which are all pitched roofs.
- Top two floors and plant room are well above the eaves of the church and this would dominate the setting of the church.
- Question need for a plant room on the roof.
- Question whether a similar proposal in another conservation area by a private developer would be supported by the City Council.
- Use of red brick supported.
- Concern that there is not passive or active solar design.
- Note the scheme has deep rooms and single aspect flats increasing need for artificial lighting.
- Controls needed to ensure items such as curtains, blinds, balconies etc. are consistent across the development when inhabited.

- Full height French doors and patios directly on to the street in Bell Street are inappropriate.
- Concern that balconies appear small and may overlook one another.
- Question whether sufficient storage is proposed.
- Welcome the retention of street trees in Cosway Street.
- Noise and security concerns arising from the proposed car lifts.
- Access to cycle store must be secure to ensure residents will use the storage.
- Question if the amount of parking proposed is required.
- Consider that a second chute should be provided for recycling and not taken out by concierge.

CHURCH STREET WARD NEIGHBOURHOOD FORUM

Objection to the demolition of the school house which should be retained. It is a heritage asset of merit and an integral part of the Lisson Grove Conservation Area. New building does not meet the highest design standards required for a building next to the grade II* listed Christ Church, especially the top floor treatment. Similar detailed design concerns as identified by the St. Marylebone Society. Note that they support the provision of this site as market housing to maximise community benefits, but that this should not be at the expense of significant historical assets. Urge the applicant to reconsider the design proposed.

CHURCH STREET WARD PLANNING AND LICENSING GROUP

Please that this long under developed site will be brought back into use as part of the Church Street Ward Masterplan. Any building in this prominent location in the conservation area needs to enhance the unusual and rare assembly of architectural styles in Cosway Street and adjacent streets. Deplore the demolition of the school house as consider it to be a landmark part of any good design for the main apartment block. School house forms historic link with Christ Church. Proposed block is a bland standard block with very unattractive shapes on the top storey. Building would be jarring next to the classical lines of Christ Church. No reason why the school house cannot be retained. Concerns with whole concept of proposed building and suggest that it is reconsidered.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

BUILDING CONTROL

Note that existence of ground water has been investigated, but that further consideration of the likelihood of local flooding or adverse impacts on the water table should be investigated. Proposal will provide support to the highway and therefore technical approval will be required from the City Council's highways engineers before construction.

CITYWEST HOMES

Any response to be reported verbally.

CLEANSING MANAGER

Objection. Waste chute should not be used for recycling waste as this affects the quality of recycling. Recycling waste should be collected by facilities management. Bins within individual stores should be marked 'W' and 'R'. Bins should be located within 10m of

their intended collection point. In this case it would be 14.5m away. Under counter waste and recycling bins should be provided in each flat.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Condition recommended to ensure there would not be noise transfer from the adjacent Bakerloo Line tunnel. Condition recommended to ensure the fabric of the proposed building protects occupiers from external noise sources. Conditions recommended to prevent noise and vibration from mechanical plant including submission of a supplementary acoustic report. Condition recommended to ensure that a filtration system is provided for the mechanical ventilation system to improve air quality within the residential accommodation. Informative recommended regarding the potential for contaminated land on the site.

HEAD OF AFFORDABLE HOUSING AND STRATEGY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

HISTORIC ENGLAND

Application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection, subject to the recommended conditions to secure a 2 stage scheme of site investigation to establish the archaeological interest of the site and to secure a scheme of historic building recording in respect of the former school house.

CHURCH STREET LARP

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 257.

Total No. of replies: 15.

No. of objections: 12.

No. in support: 0.

15 emails received raising objection all or some of the following grounds:

Land Use

- Excessive number of units on the site.
- Welcome the bringing back in to use of this long dormant site.

Design

- Old school house should be retained and turned in to flats or offices.
- Redevelopment of the site could reflect the detailing of a retained school house and not jar with surroundings as scheme does.
- Plaque setting out history of the school house should be placed on its wall and building retained in scheme.
- Proposed building is bland and less sympathetic to the overall feel and architecture of the immediate area.
- Balconies and roof terraces are out of character with the surrounding area.
- Building should be a maximum of four storeys.
- Question the form of the top floor and note that the window treatment for the whole scheme is dull and lifeless.
- Building would have a brutalist appearance and a jarring relationship with the listed former church.
- Imaginative scheme retaining the former school house could be aware winning and put the neighbourhood on the map.

Amenity

- Front elevation of scheme in Cosway Street will be much closer to neighbours than existing building.
- Proposed building will be a full floor higher than building opposite on north, east and west sides.
- Loss of light and a result of bulk and height of proposed development.
- Material loss of daylight and sunlight to neighbouring flats exceeding BRE Guidelines.
- Large number of neighbouring properties would suffer a material loss of light, in Cosway Street, Shroton Street and Stalbridge Street and this is unacceptable.
- Some daylight losses are significant and in excess of 40%.
- Daylight and sunlight assessment should be more detailed to allow spot assessments to be identified in terms of which windows they relate to.
- Daylight and sunlight assessment makes assertions that daylight losses will not be harmful but it is not clear on what basis these are made.
- Concerned that light loss to basement flats is dismissed on basis that they should have a lower expectation of daylight.
- Note that balconies and terraces would be provided but would be in an area where there are Significant Observed Effect Levels in terms of noise and air quality is poor.
- Balconies and terraces would cause noise disturbance to neighbours.
- Increased overlooking to neighbouring properties, particularly from proposed balconies.
- Distance to neighbouring buildings should be increased to lessen overlooking or alternatively the blocks should be re-orientated.

Transportation/ Parking

- Scheme will materially worsen availability of parking in the area.
- Increased pressure on on-street parking as is already difficult to find a space.
- Underground car park entrance would be better placed in Cosway Street where the road is wider.

Other Matters

- Request for additional time to comment due to delay in receiving consultation letter.
- Adverse impact on value of neighbouring properties and question if compensation will be provided.
- Question how confidence can be had in the decision making process when the City Council is the applicant and the decision maker.
- Should not be reliant on concierge to collect recycling.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Responses to Consultation on Revised Scheme (Amended Detailed Design and Form to All Facades) (June 2018)

WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

Note the architects have made some modifications, including moving the entrance away from the corner of the building, but original comments still stand. Proposal is not of high enough quality to justify the loss of the school house and the history it represents. If school house is demolished the replacement design must be exemplary, and enhance the conservation area. The Council must remember responsibility to guard and enhance the extraordinarily rich heritage of this area and should take the advice of their own planning department and heritage advisors. The views of the conservation officer on this issue should be made public. To Cosway Street, the bulk of the over scaled brick scallops of the proposed facade disguise window and door openings that have a bland, social-housing aspect. This is obvious when looking at the unadorned rear elevations. The south facade is directly opposite the finely detailed, Christ Church (grade II* listed) and rises higher than the box of the church. This church is the jewel at the heart of the Lisson Grove Conservation Area, and adjacent new structures should not overwhelm it.

CHURCH STREET WARD NEIGHBOURHOOD FORUM

Objection to the demolition of the school house which should be retained. It is a heritage asset of merit and an integral part of the Lisson Grove Conservation Area. New building does not meet the highest design standards required for a building next to the grade II* listed Christ Church, especially the top floor treatment on south side and its hard inelegant chamfered corners. Similar detailed design concerns as identified by the St. Marylebone Society. Note that they support the provision of this site as market housing to maximise community benefits, but that this should not be at the expense of significant historical assets. Urge the applicant to reconsider the design proposed.

CHURCH STREET WARD PLANNING AND LICENSING GROUP

Consider revised scheme to be unacceptable, but an improvement on the initially submitted scheme. Main entrances and roof levels have been improved, but curves to façade are pointless and don't improve bland appearance. Intention to demolish the school house appears to lack any appreciation of the architectural heritage of the site. Three flats could be accommodated in a retained school house. The site is of prime importance to the extensive regeneration plans for the area and must be an example of the finest 21st Century design.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

BUILDING CONTROL

Structural method statement does not show how existing structures are to be supported during construction. Content that investigation of existing structures and geology has been undertaken and the existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The proposals submitted are considered to be acceptable. Proposal will provide support to the highway and therefore technical approval will be required from the City Council's highways engineers before construction.

CHURCH STREET LARP

Any response to be reported verbally.

CITYWEST HOMES

Any response to be reported verbally.

CLEANSING MANAGER

Objection. Waste chute should not be used for recycling waste as this affects the quality of recycling. Recycling waste should be collected by facilities management. Bins within individual stores should be marked 'W' and 'R'. Bins should be located within 10m of their intended collection point. In this case it would be 14.5m away. Under counter waste and recycling bins should be provided in each flat.

DESIGNING OUT CRIME OFFICER

Request meeting with the applicant to discuss measures to design out crime and fear of crime.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HEAD OF AFFORDABLE HOUSING AND STRATEGY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objection to level of car parking proposed on-site (38 spaces for 49 flats) as will increase pressure on on-street residents parking. Survey data indicates existing on-street parking occupancy to be at 77% overnight and at 8% during daytime hours. Lifetime car club membership is recommended to mitigate the impact in terms of parking stress and should be secured via a legal agreement if permission is granted. Electric vehicle charging and cycle parking should be secured by condition. Whilst the cycle parking entrance is not ideal the arrangement is not objectionable. Concern that vehicle access to the basement is located in Stalbridge Street It has been demonstrated via tracking that vehicles will be able to access the car lifts, but no evidence provided in respect of whether Stalbridge Street can accommodate additional traffic. Would prefer to see on-site servicing bay to prevent servicing occurring on street. Door should be added to the side of the holding enclosure to prevent need to wheel bins onto the highway to get them into the holding enclosure. A Servicing Management Plan should be secured by

condition to manage the on-street servicing if permission is to be granted. This should clearly outline how servicing would occur on a daily basis and provide robust procedures for a future operator of the site to follow. Conditions and informatives recommended.

HISTORIC ENGLAND

Application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

LONDON UNDERGROUND

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 257.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

One email received raising objection on the following grounds:

- School house should not be demolished. It is a undesignated heritage asset and should be retained as per the NPPF.
- Design of the proposed building is unacceptably poor.
- Fully support the comments of the St. Marylebone Society.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a whole street block bounded by Cosway Street, Bell Street, Shroton Street and Stalbridge Street. The site does not contain any listed buildings, but does lie immediately to the north of Christ Church, a grade II* listed building and the site is located within the Lisson Grove Conservation Area.

The site is located within the North Westminster Economic Development Area (NWEDA), which encourages development that improves the quality and mix of housing. It is also within the Edgware Road Housing Zone designated by the Mayor, which seeks the delivery of 1,113 new homes in the area.

The City Council's Church Street Masterplan (December 2017) sets a target to deliver 1,010 new homes in the masterplan area over the next 15-20 year period. Whilst this is a material planning consideration, this is not an adopted development plan document and

has not been published or adopted by the City Council in its role as Local Planning Authority.

There is also a draft planning brief for this site; however, it was prepared in 2004 prior to the adoption of the current development plan documents and the NPPF. Furthermore, the planning brief was never adopted and consequently has very little weight.

The application site comprises a former site of Westminster College (before which it was used as a school). Westminster College vacated the site a number of years ago, since when the site has been used for 'mean-while' uses pending its future redevelopment (see Section 6.2). To the north of the site is a three storey square 1970's block comprising the main former college building, which is identified in the Lisson Grove Conservation Area Audit (2003) as a negative feature within the conservation area. To the southern half of the site are playground areas, with the former 'school house' at the south eastern corner at the junction of Bell Street and Cosway Street. The school house is a late Victorian building, post-dating the now demolished original school buildings on the northern end of the site (demolished to make way for the 1970's block). The school house is three storey in height, with a pitched roof and no formal front or rear elevations, owing to its isolated location within the former playground. Whilst the building is not identified as an unlisted building of merit in the Lisson Grove Conservation Area Audit, it is apparent that it is of value to the Lisson Grove Conservation Area and should therefore nevertheless be considered as an unlisted building of merit (see Section 6.2).

There is also a single storey temporary building on the site at present in the former playground area at the southern end of the site, but this only has a temporary permission and is required to be removed from the site on expiry of the temporary permission.

6.2 Recent Relevant History

07/03888/COFUL

Erection of single storey modular office building for use by Westminster Youth Services (measuring 21m width x 15.4m depth x 3.2m height) for a temporary period of three years.

Application Permitted 11 June 2007

10/02059/COFUL

Retention of the single storey modular office building for continued use by Westminster Youth Services (measuring 21m width x 15.4m depth x 3.2m height) for a further temporary period of 12 months.

Application Permitted 4 May 2010

11/07350/COFUL

Retention of the single storey modular office building (measuring 21m width x 15.4m depth x 3.2m height) with ten externally mounted air conditioning units for use by Westminster City Council's Home Library Service for a temporary period three years.

Application Permitted 23 September 2011

13/07211/COFUL

Temporary change of use of former Westminster College building (ground, first and second floors) to be used for offices, storage and post room associated with local

authority support services and National Union of Teachers. (Use permitted for a temporary period until 30 November 2015).

Application Permitted 19 November 2013

13/07212/COFUL

Temporary change of use of ground and first floor levels of the School House comprising of offices in association with local authority support services. (Use permitted for temporary period until 30 November 2015).

Application Permitted 19 November 2013

14/04884/COFUL

Use of the second floor of the School House as self-contained (Class C3) residential accommodation.

Application Permitted 19 August 2014

7. THE PROPOSAL

The scheme was initially submitted in January 2018 and was the subject of consultation with residents and local stakeholders in the first quarter of 2018. The initially submitted scheme received significant objection, particularly on detailed design and amenity grounds and in respect of the proposed demolition of the former school house at the corner of Bell Street and Cosway Street (see Section 6.1). In response to concerns raised by officers, local amenity groups and neighbouring residents, the applicants revised the scheme during the course of the application to reconsider and revise the detailed design and form of the proposed building, including relocation of entrances in Cosway Street. The number units (49) remains unaltered and the floor area proposed has only been increased marginally from 5,105m² to 5,135m². In revising the scheme, the applicants were also asked by officers to consider in more detail whether the school house could reasonably be retained and incorporated in to a coherent and well designed scheme for redevelopment of the whole site. The applicants provided a detailed response to this request and this is considered as part of the assessment in Section 6.2 of this report.

Following revision, the current application seeks permission to demolish all existing buildings on the site and redevelop the whole site to provide a 'U' shaped street block with frontages on to Cosway Street, Bell Street and Shroton Street, with a communal garden facing Stalbridge Street to provide 49 market residential flats. The 'U' shaped block would be broken down into three distinct elements through the use of differing materials and detailed design such that the scheme would appear as three mansion blocks. The proposed development would range in height between 5 storeys at its southern end to four storeys at its northern end. A single storey basement is proposed under much of the site to provide parking, storage and ancillary plant area. The scheme would require the removal of five trees within the site and one street tree in Cosway Street.

The scheme would deliver 5,135m² (GIA) of Class C3 residential floorspace on the site, which would comprise 49 market residential flats. The mix of units proposed is 16x1 bedroom flats, 21x2 bedroom flats and 12x3 bedroom flats.

The proposed development generates a policy requirement to provide affordable housing and this is proposed to be provided off-site in the vicinity of the site on the sites known as Repeater Station, 2 Ashbridge Street and Ashmill Street Car Park, which are also on this Sub-Committee agenda (see Items 2 and 3). The Ashbridge Street site would provide 26 affordable housing units (2,530m² – GIA), whilst 2 affordable housing units would be provided on the Ashmill Street Car Park Site (242m² – GIA). The floorspace of the proposed off-site affordable housing represents 35% of the total floorspace across the three sites. The affordable housing contains 40.4% of the habitable rooms across the three sites.

Table 1 – Existing and Proposed Floorspace on the Application Site

	Existing GIA (m ²)	Proposed GIA (m ²)	+/-
Education (Class D1)	1,656	0	-1,656
Residential (Class C3)	0	5,135	+5,135
Total	1,656	5,135	+3,479

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Existing Education Use

Given the Secretary of State for Education has previously declared the site surplus to educational requirements and as the City of Westminster College has moved to a new campus within the City at Paddington Green, it is considered that the requirements of SOC1 in the UDP and S34 in the City Plan have been met in terms of provision of alternative social and community floorspace/ the provision of a replacement social and community use facility. As such, it is not necessary for the redevelopment of this site to provide a replacement social and community use.

8.1.2 Proposed On-Site Market Housing

In light of the considerations set out in Section 8.1.1, the principle of residential redevelopment of this site is acceptable in land use terms and would accord with Policy H3 in the UDP and Policy S12 in the City Plan. Policy S12 encourages a range of uses within the North Westminster Economic Area (NWEDA), including developments that improve the quality and tenure mix of housing, which this scheme would achieve, particularly when considered in conjunction with its donor sites (see Section 8.1.3), and also contribute to other priorities, which include improvement of the public realm and local environment. The proposed development would deliver improvements to the local environment through significant enhancement to the street scape in Cosway Street, Shroton Street, Stalbridge Street and Bell Street by introducing a street block that is generally consistent in form and scale with adjacent buildings. It would also deliver improvements to the public highway in Stalbridge Street by widening the currently narrow pavement on the east side of the street.

The proposed development would provide 5,135m² (GIA) of residential floorspace to be used as 49 residential flats (Class C3). All of the flats on the site would be compliant with Policy 3.5 in the London Plan and the Government's Housing Technical Standards (2014) in terms of their size and none of the units would be excessive in size. As such, the proposed development would make optimal use of the residential floorspace to be provided on the site.

The development would have 143 habitable rooms and this results in a density of 2.9 habitable rooms per unit, 550 habitable rooms per hectare (hr/ha) and 188 units per hectare. The density of the development is within the range set out for an 'urban area' in Policy 3.4 in the London Plan. The density is marginally above the 250-500hr/ha range for sites in 'Zone 2' in Policy H11 in the UDP. However, part (B) of the policy states that *'Proposals for new housing developments that are above the density ranges... may be granted permission if they are in close proximity to public transport...'* as well as being consistent with design, amenity, parking and conservation policies. In this case, the site only a short distance from Marylebone Station and bus routes along Marylebone Road, which provide excellent public transport options. Furthermore, for the reasons set out in later sections of this report, the development is considered to be consistent with design and conservation, amenity and parking policies, subject to the mitigation measures to be secured and the recommended conditions. As such, the density of development proposed is acceptable and in accordance with Policy H11 in the UDP.

The proposed development would provide a mix of units comprising 16x1 bedroom flats (32.7%), 21x2 bedroom flats (42.9%) and 10x3 bedroom flats (24.5%). Whilst this falls below the normal policy requirement set out in Policy H5 in the UDP to provide 33% of all new units as 3 or more bedroom 'family sized' units, the cumulative mix across the application site and its two 'donor' affordable housing site in the immediate vicinity would include 32.5% family sized units. Given the proximity of the sites in this case, this approach is considered acceptable and the 0.5% shortfall in 'family sized' units is sufficiently negligible so as not to warrant withholding permission. However, it is recommended that the mix of units across the three sites is secured as part of the legal agreement to ensure that cumulatively they remain compliant with Policy H5.

Concerns have been expressed by the St. Marylebone Society about the daylight levels with the proposed flats and objectors have raised concerns regarding the noise and air quality that future occupiers will experience when using the proposed balconies and roof terraces.

In terms of daylight and sunlighting levels within the proposed residential accommodation, all of the habitable rooms would be compliant with the Building Research Establishment Guidelines 'Site Layout for Daylight and Sunlight Planning (2011)', whilst 44% of the rooms would be compliant in terms of the amount of sunlight they would receive. In terms of the sunlight levels to be achieved, this is considered acceptable in this case, as the need to follow the existing 'street block' pattern of development restricts the layout of the proposed development. As a consequence, a number of facades within the development, and the windows within those facades, necessarily face north or are screened from the path of the sun by other street facing parts of the development to the south of the site.

The provision of external amenity space for all of the flats within the development is welcomed from a residential standards perspective and would be consistent with the standards set out in the Mayor's 'Housing' SPG (2016). The benefit of providing these external amenity spaces, along with the communal garden at ground floor level to the centre of the site, which accords with Policy H10 in the UDP, is considered to outweigh the identified noise and air quality impacts when the amenity spaces are in use, particularly as measures are proposed to ensure that the design of the building would protect future residents from external noise and poor air quality when they are within the envelope of the building in accordance with Policies S31 and S32 in the City Plan (see Section 6.10). As such, the objections raised on these grounds are not reasonable grounds on which to withhold permission.

The scheme does not propose 25 or more 'family sized' units and the site is not in an area of accessible play space deficiency and therefore play space does not need to be provided on site.

8.1.3 Affordable Housing

The relevant policy in the UDP is Policy H4, whilst in the City Plan Policy S16 is relevant, along with the 'Interim Guidance Note on Affordable Housing Policy'. These policies set out a 'cascade' for determining how affordable housing should be provided. The policies require affordable housing to be provided on site, except where the Council as local planning authority considers that this is not practical or viable. In such cases, the policies direct that affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity will only be acceptable where the Council considers that the affordable housing being offered is greater and of a higher quality than would be possible on or off-site. A financial contribution in lieu will only be acceptable where the above options are not possible.

In the adopted London Plan (March 2016), Policies 3.11 and 3.12 are relevant. Policy 3.11 sets out that a tenure mix of 60% social or affordable rent and 40% intermediate rent or sale should be provided and Policy 3.12 references that the affordable housing provided should meet affordable housing need in the location it is proposed.

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% 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 a payment 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. The draft policy identifies that development that does not provide 50% affordable housing must follow the Viability Tested Route (detailed further in the Mayors Affordable Housing and Viability SPG (2017) (the 'Mayors Affordable Housing SPG') and will be subject to Early and Late Stage Viability Reviews.

In this case the Interim Guidance Note identifies that the three sites have a low existing use value and therefore UDP and City Plan policies require that 35% of the proposed residential floorspace should be provided as affordable housing.

The application proposes the provision of affordable housing off-site in the immediate vicinity of the application site on the Repeater Station site in Ashbridge Street and the Ashmill Street Car Park site (the ‘donor’ sites) (see Items 2 and 3 on this agenda). The Repeater Station site is 75m to the north of the application site, whilst the Ashmill Street Car Park site is less than 20m to the north west and immediately adjacent to the application site on the north side of Shroton Street. The proposed off-site affordable housing would comprise 2,520m² of floorspace on the Repeater Station site and 242m² of floorspace on the Ashmill Street Car Park site (2,772m² in combination). This represents 35.1% of the combined residential floorspace and 40.4% of the habitable rooms across the three sites. The applicant proposes that the tenure split of the affordable housing on the donor sites would be 60% social rented units and 40% intermediate units. The mix of affordable units proposed on the two donor sites is set out below:

Table 2 – Affordable Housing Mix Proposed on Donor Sites

Dwelling Type	No. of Units	% of Units
1b2p flat	6	21.4%
2b3p flat	4	14.3%
2b4p flat	5	17.9%
3b5p flat	11	39.3%
4b7p dwellinghouses	2	7.1%
Total	28	100%

With regard to the principle of providing affordable housing off-site, which has attracted a number of objections from neighbouring residents (in relation to this scheme and the linked schemes for the donor sites), officers are content that this is an appropriate approach, consistent with Policies H4 and S16, given the particular circumstances of this case. All three sites are in the immediate vicinity of one another (no more than 80m apart), such that even though they are on separate sites, they cumulatively contribute to a mixed and sustainable community in this part of the City. Furthermore, by utilising the sites in this way, they can be used more efficiently, thereby maximising the quantum of market and affordable housing that can be delivered across the three sites. In conclusion, it is both more practical and viable in this case to deliver the affordable housing derived from the market housing on the application site, off-site in the form proposed.

It is proposed that 60% of the affordable units would be provided as social rented units and 40% would be provided as intermediate units. This tenure split would be consistent with adopted London Plan policy and as set out in paragraph 4.14 of the City Plan. The Head of Affordable Housing and Supply’s observations on the extent to which the scheme would deliver a mix of units that would meet affordable housing need and on the affordability of the units will be reported verbally to the Sub-Committee. The mix of units, the rent level and eligibility criteria are to be secured via the unilateral undertaking.

The quantum of affordable floorspace proposed exceeds the target in Policy H4 in the UDP and S16 in the City Plan and the achieves the maximum required floorspace requirement set out in the Interim Guidance Note. The affordable housing target contained within Policy S16 and the Interim Guidance Note has been adopted in line with Policy 3.11 in 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 has been achieved under adopted development plan policies and therefore further viability review is not necessary in respect of these policies. To ensure that the full quantum of affordable housing is provided, it is recommended that linked delivery of the three schemes is secured via the unilateral undertaking and that the affordable housing on the donor sites is provided prior to occupation on the application site.

In terms of the Draft London Plan policies, the proposed development would be required to follow the Viability Tested Route identified in the Mayors Affordable Housing SPG and Policy H6 of the Draft London Plan. The Viability Tested Route would also entail Early and Late Stage Review Mechanisms. However, the Draft London Plan was first published in December 2017, with consultation running until March 2018, and the GLA's response to the first round of public consultation will not have been published by the time of the Sub-Committee's determination of the application. 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 in the City Plan. 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 48 of the NPPF (as revised in July 2018), 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 level (see footnote 10 on page 19, footnote 30 on page 45, paragraph 6 on page 57, paragraph 15 on page 61 and paragraph 18 on page 64). As per Policy S16 in 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 2012 NPPF (now paragraph 34 of the revised July 2018 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 demonstrate that the affordable housing offer (35.1% of the total .4% of the total habitable rooms) is the maximum reasonable amount that the three combined schemes can provide. The submitted viability assessment has been independently assessed on behalf of the City Council as the local planning authority. The independent assessors advise that the scheme could only viably deliver 26% of the floorspace as affordable housing. Given the development would provide 9% more floorspace than has been demonstrated to be viable, and as this is both in excess of the strategic target for Westminster and meets the locally specific threshold derived from the Interim Guidance Note (i.e. the requirement to provide 35% of the floorspace as affordable housing), it is considered that overall the affordable housing offer meets adopted policies. Therefore, withholding permission 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 48 of the NPPF (July 2018). In this context, it not considered that it is necessary or appropriate to require post permission review mechanisms given that Westminster's strategic target would be met and exceeded and the scheme provides an appropriate tenure mix.

8.2 Townscape and Design

8.2.1 Site History

Prior to the late eighteenth century the site in all likelihood was open farmland, but by the 1790's the street pattern started to be laid out and the earliest development on the site appears to be terraced housing on the south side of the site facing Bell Street shown on a map dated 1813. By the 1870's First Edition of the Ordnance Survey the whole of the site has been developed with terraced housing fronting all four sides of the site, as well as a small residential court or mews (Stephen Court) in the centre of the site. By the Second Edition Ordnance Survey of 1896 a notable change to the site occurred with the construction of the Stephen Street London Board School, which the map would suggest comprised two main wings occupying the central and northern part of the site. The school featured an L-shaped 'Boys & Girls' building facing on to Shroton Street and Cosway Street; and an 'Infants' block facing onto Stalbridge Street. The southern part of the site, facing Bell Street and the southern end of Cosway Street, still retained terraced housing. By the Third Edition of the Ordnance Survey (1916) the site appears to be solely in use by the school, with the addition of No.29 Cosway Street shown at the corner of Bell Street and Cosway Street. A date stone on No.29 reveals that It was constructed in 1899. The terraced houses which were shown on the south side of the site have been cleared away by 1916 and the vacant space created is likely to have formed a playground area for the school.

At some point in the 1960's or early 1970's the Victorian Board School was demolished and replaced by the modern 3 storey block that today occupies the northern half of the site. This building is shown on the 1974 Ordnance Survey map and is called Marylebone Grammar School.

8.2.2 Existing Buildings

No.29 Cosway Street is the 1899 school building and is arranged over three storeys. It is constructed in a yellow stock brick, with red brick dressings. The tile pitched roof includes brick gables on three sides, with a hip profile to the northern section. As a free-standing building it has four facades, although those to Bell Street and Cosway Street have the more formal arrangement with tall ground and first floor multi-pane timber windows recessed within red brick arches. The north and west facades are more informal in their arrangement of windows and have less embellishment to the brickwork. The architecture could be described as Queen Anne Revival, which was a common style adopted in the construction of London Board Schools. The entrance to the building is within the north façade. The internal layout features a stair bay to the north of the plan, with high-ceilinged rooms to ground and first floor rooms, with a more standard residential scale and layout to the rooms of the top floor. The layout and size of the rooms would suggest that the ground and first floor rooms were used as teaching spaces, while the top floor was in residential use.

The 1970's school block to the north of the site was used as the science department of Marylebone Grammar School and subsequently formed part of Westminster College. It is rather irregularly orientated to the street being set in from the site boundaries. It comprises three storeys and is sunk into the site with the ground floor set lower than the prevailing ground level of surrounding streets. It has a flat roof and a horizontal emphasis to its facades, with large expanses of glazing, facing brickwork and expressed floor structure.

The perimeter of the site has a variety of boundary treatments, but predominantly a low brick wall with railings above, which appears to be associated with the 1960's/70's school. However, a taller brick wall to the southern end of Stalbridge Street and along most of Bell Street is likely to be contemporary with No.29, the boundary to which is a black metal railing.

The former playground area is used for car parking and there is a single storey temporary building within the car park area.

8.2.3 Surrounding Townscape

The site lies within the Lisson Grove Conservation Area, which is predominantly residential in character, with the housing largely in the form of early to mid-nineteenth century terraced housing; and late nineteenth century and early twentieth century mansion blocks. The primary building material is brick with yellow stock and red brick being the main colour tones, sometimes seen in combination. Within the immediate vicinity of the application site are typical examples of the buildings found within the conservation area generally. On the east side of Cosway Street (opposite the application site) are the yellow brick Stafford House and red brick Cosway Mansions, which are 5-storey mansion blocks from the late nineteenth century. On the north side of Shroton Street there are 4-storey terraces of red brick and yellow brick housing, which date from the late nineteenth or early twentieth century.

On the west side of the site facing onto Stalbridge Street are Waterford Court and Glarus Court, which are 5-storey residential blocks, built in the late 1980's, primarily in red brick, with some stucco dressing.

While predominantly residential in character, there are some buildings within the area which have differing and non-residential functions, and within the immediate vicinity of the site, these include two public houses: No.91 Bell Street (formerly The Constitution) and No.11 Shroton Street (The Perseverance), which in both cases are architecturally distinct from their neighbours, with the Bell Street corner pub being ornately embellished including a corner turret and dome. There is also the polychrome brick former mission rooms for Christ Church (dated 1892) at Nos.19-20 Shroton Street.

On the south side of the application site, and a landmark building within the area, is the grade II* listed former Christ Church. This is a Commissioners' church of 1822-4 by Thomas Hardwick and completed by his son Philip. The east end, facing Cosway Street, is the principal façade, faced in stone with an Ionic portico and surmounted by a tower with freestanding columns and polygonal cupola. The longer Bell Street façade is relatively restrained, being faced in a creamy yellow brick with some stone dressings.

8.2.4 The Proposal

The application proposes to demolish all of the buildings on the site and redevelop the site with the erection of a residential block providing 49 units. The new building is arranged in a 'U' shaped plan with facades addressing Shroton Street, Cosway Street and Bell Street. The massing and design breaks the new building into 3 main elements:

- Block A - a sheer 5-storey block facing onto Bell Street, which is faced in a light-coloured grey/cream brick. The façades to this block will feature a scalloped profile to the brickwork, offering a vertical emphasis to the façade. The scallops would measure 4m wide and will, together with its height, ensure that this block has the greatest townscape presence. Reconstituted stone string course and parapet bands define the fourth floor as a top 'attic' storey and further emphasis to the hierarchy is provided by differing mortar colours;
- Block B – 4 sheer storeys with a set back fifth storey, which will face onto Cosway Street. This building will be in a differentiating stock brick and will maintain the scalloped design feature, but with a narrower width (2m) to the scallops, reflecting a slightly more subordinate townscape role, as well as alleviating the bulk. The two main entrances to the building are located within this block, each within a well-defined entrance bay in fluted reconstituted stone and a wider span of scalloped brickwork above;
- Block C – a four storey block facing onto Shroton Street with returns onto both Cosway Street and Stalbridge Street. The scalloped brickwork to this block will have a combination of wide and narrow scallops (3m and 1m) and will be in a redder brick tone.

Common elements to all of the facades include recessed balconies, reconstituted stone sills and lintels to the windows. The recessed balconies will be lined with brick to provide a solidity and robust quality to the architecture. The balcony railings will be in a powder-coated steel and will be curved to match the profile of the brick scallop.

The roofs to all the blocks are flat and will thus be able to include discreetly sited PV arrays and bio-diverse roofs.

The ground floor layout will include the two main entrances within the Cosway Street façade and there will be a visual link through these to a large communal garden (approximately 26m x 18m) around which the U-shaped block is formed. All of the ground floor flats have small courtyard gardens, with those to the street given extra privacy by raised sections of boundary wall. The Stalbridge Street side of the development is more functional featuring the car lift entrances to the basement car park, as well as a plant room and a sub-station. The communal garden level is raised above the height of the footway along Stalbridge Street and is bounded by a raised planter zone into which tree planting is proposed.

All the upper floor flats will have recessed balconies either facing onto the street or overlooking the communal garden and some of the fourth floor flats will have access to roof terraces. Most of the flats in Blocks A and C are dual aspect, with single aspect flats largely confined to Block B.

8.2.5 Impact on Townscape and Designated Heritage Assets

A key consideration is the impact the proposal will have on the townscape and in particular the affected designated heritage assets. In this case these are the Lisson Grove Conservation Area and the grade II* listed Christ Church. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

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

In terms of the demolition of the existing buildings on the site, the loss of No.29 Cosway Street is the main consideration as the other buildings on the site are considered to make a negative contribution to the townscape with their demolition and redevelopment is welcomed in principle. Indeed, the Lisson Grove Conservation Area Audit identifies the 1970's school block as a negative feature within the area. Somewhat inexplicably No.29 Cosway Street is not identified within the audit as an 'unlisted building of merit'; however, assessed against the criteria used by Historic England (Conservation Area Designation, Appraisal and Management, Historic England Advice Note 1), it is considered that this building should be regarded as making a positive contribution to the character and appearance of the conservation area and indeed the heritage statement which accompanies the application acknowledges this.

The loss of this building is one of the main grounds raised by consultees for objection to the application.

The NPPF (July 2018) at paragraph 201 indicates that the loss of a building which makes a positive contribution to the significance of a conservation area should be treated either as causing substantial harm or less than substantial harm, taking into account the relative significance of the element affected and its overall contribution to the significance of the conservation area. Similarly, Policy DES 9 in the UDP indicates that buildings identified as having local architectural, historical or topographical interest within adopted audits will enjoy a general presumption against demolition, and any demolition may be permitted if the design quality of the replacement development would result in an enhancement of the area's overall character or appearance. While No.29 is not identified within the audit as a positive contributor, this is considered to be an omission and further assessment of the site as part of this application process, means that the presumption against demolition ought to apply to this building.

It is thus concluded that the demolition of No.29 would have an adverse impact on the character and appearance of the conservation area, which would result in 'less than substantial harm' to the significance of the conservation area.

Design options to explore retention of No.29 have been undertaken by the applicant and these demonstrate that there are ways in which the site could be potentially developed while keeping the building, but these lead to design compromises. A challenge to a

redevelopment scheme which retains No.29 is that it was designed and built as a building to be seen and function in the round, i.e. it is freestanding and has two street facing facades, its entrance is in the north façade and it has windows which face onto the open yard to the west. If these characteristics are to be respected then any development needs to be set back from the facades and in terms of massing, needs to respectfully address the scale of the retained building, which is relatively small when compared with the prevailing building heights. In theory the facades of lesser importance (to west and north) could be seen as of lesser significance and new development could abut these facades, but again there ought to be some respect shown to the scale and massing of the retained building for the design to not appear entirely contrived. Having explored alternative options the applicants have progressed with the design which forms the current application.

It is considered that the replacement building is a well considered design that enhances the character and appearance of the Lisson Grove Conservation Area. As a residential block it complements the prevailing land use within the area and with several mansion blocks in the immediate vicinity it is of a form that underpins the character of the area. In terms of height, at 4 and 5 storeys, while slightly taller than some of its neighbours, it is not incongruously so. The use of brick as the prevailing facing material is appropriate and the use of differing brick tones in the differing brick blocks, is very much a feature of the conservation area, e.g. the yellow brick of Stafford House, abutting the red brick of Cosway Mansions.

The re-establishment of building lines to the street block is clearly an enhancement, while still providing a degree of defensible space to the ground floor flats.

In terms of the architecture, this has also raised some design objection, with questions notably raised about the merits of the scalloped/ fluted brickwork. While the form is quite bold and certainly novel, it nevertheless references the accented corners to buildings found in the immediate vicinity (e.g. No.91 Bell Street, formerly The Constitution Pub; and Bendall House to the west on Bell Street). It is a modern approach to embellishing a brick façade; and most importantly it provides a vertical emphasis to the facades, which responds to the narrower plot widths of terraced houses within the area.

With respect to the impact of the proposed scheme upon the setting of Christ Church, the loss of No.29 Cosway Street is not considered to harmfully impact upon this setting, as both buildings are considered to have an independence of form, function and date. The demolition of the other buildings and the redevelopment of the street block offers the opportunity to enhance the setting, with the current condition of the site arguably having a negative impact upon the setting of the listed building. In terms of the replacement building, while it rises higher than the main parapet line of the church, a point of concern raised in consultation responses, it is the case that other existing mansion blocks in the vicinity of the church are taller than the parapet level. As a residential block, the new development will complement the wider townscape within which the church sits and the church will continue to remain the landmark building of the area, without the new building competing with it or jarring in townscape views of the former church. The choice of a light-coloured brick tone for Block A which will be opposite the church complements the brick and stone of the church which is considered appropriate.

8.2.6 Design Conclusions

Overall the new development is considered to result in an enhancement to the character and appearance of the conservation area and would have no adverse impact upon the setting of the grade II* listed Christ Church. The loss of No.29 Cosway Street is a harmful component of the scheme and would result in less than substantial harm to the conservation area. Paragraph 196 of the NPPF (July 2018) indicates that where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, the scheme does deliver a number of public benefits which include the delivery of housing, enabling the provision of affordable housing, removing negative elements of the conservation area and enhancing the appearance of the site with a well-designed new building. It is considered that these benefits are meaningful and capable of outweighing the harm caused by the loss of the 1899 school house building.

The proposals are considered acceptable in terms of design, townscape and heritage impacts, and would accord with design policies S25 and S28 in the City Plan and Policies DES1, DES9 and DES10 in the UDP.

8.3 Residential Amenity

The application has received a significant number of objections on amenity grounds, with concerns raised by neighbouring residents on grounds of loss of daylight and sunlight, increased sense of enclosure, increased overlooking and noise disturbance from balconies and terraces.

The relevant policies to consideration of the amenity impacts of the proposed development are Policies ENV6 and ENV13 in the UDP and Policies S32 and S29 in the City Plan. The various amenity impacts of the proposed development are considered in turn in this section of the report, having regard to the objections raised, which are summarised in Section 5.

8.3.1 Daylight

The proposed development has been subject to a significant number of objections on loss of daylight and sunlight grounds from neighbouring residents. The proposed development has been modelled in a 'U' shaped form to try to limit its impact on daylight and sunlight with the greatest set back from the site boundary in Stalbridge Street owing to the narrow width of the existing public highway (approximately 5.5m). The building is proposed to be closer to other site boundaries in Shroton Street and Cosway Street where the public highway is approximately 9.5m and 14m wide respectively. To Bell Street the site faces Christ Church, which is no longer in church use and is used The Greenhouse Sports Centre. The building lines of the proposed building, relative to the back edge of the highway are broadly consistent with the prevailing building lines of buildings adjacent. The heights of proposed building would generally be a storey higher than surrounding buildings, although the four storey element to the northern end of the site would be consistent with the height of the mansion blocks to the east of the site and the southern five storey element would be consistent with the height of Bendall House to the west in Bell Street.

Policy ENV13 in the UDP sets out that in assessing daylight losses, the City Council will have regard to the guidance provided in the Building Research Establishment's Guidelines, 'Layout Planning for Daylight and Sunlight' (2011) ('the BRE Guidelines'). These guidelines set out that where a window would suffer a loss of 20% or more of its current Vertical Sky Component (VSC) value, the occupier of the room served by that window is likely to notice a change in the daylighting level within the room, unless the resultant VSC value remains above 27 VSC. Consequently, losses of daylight of 20% or more are considered to be 'material' and further consideration of the impact on these windows is warranted to establish whether the impact is so significant, having regard to the wider benefits of the development, so as to justify withholding permission. The applicants have submitted a daylight and sunlight assessment which sets out the daylight losses that would be caused by the proposed development. The degree of impact in terms of loss of daylight is considered in turn below in respect of each of the neighbouring buildings surrounding the site.

Buildings Opposite in Cosway Street

The buildings opposite in Cosway Street are south west facing and their front elevations would be separated from the proposed development by approximately 17.7m.

At the northern end of Cosway Street is Cosway Mansions, which is a red brick mansion block with two entrances from street level. It has a lower ground floor that is predominantly below street level, a ground floor and three upper floors. All of the windows in the building are located at the outside face of the façade and there are no over sailing balconies or other design features that would obstruct daylight. As a consequence, and owing to the limited scale and set back form of the existing buildings on the application site, the windows in Cosway Mansions currently receive extremely high levels of daylight for an urban location with the ground floor windows typically receiving between 28% and 32 VSC with windows at first floor level and above currently typically receiving 34 VSC or more. Existing daylight levels at lower ground floor level are lower, at between 17 and 28 VSC, but these daylight levels still represent extremely good daylighting levels for windows at lower ground floor level within an urban environment such as this.

The proposed scheme would result in a material loss of daylight to all 10 windows facing the application site at lower ground floor level. The reductions at lower ground floor level would be between 29% and 45% of existing VSC, but the windows would remain well daylit given their location within front lightwells with VSC values between 13 and 20 VSC. At ground floor level the proposal would again cause material losses to all 10 windows facing the application site. The reductions at ground floor level would be between 25% and 38% of existing VSC. However as at lower ground floor level, the windows would remain well daylit given their location with VSC values remaining between 20 and 22 VSC.

At first floor level 8 of the 10 site facing windows would suffer material losses of daylight, with the two windows to the northern end of the street not materially affected. The remainder of the windows would suffer losses of VSC between 22% and 31%, but would retain very good VSC values of between 24 to 26 VSC. At second floor and above there would be no material losses of daylight to windows in Cosway Mansions.

The next building to the south in Cosway Street is Stafford House, this is a mansion block with a similar arrangement to Cosway Mansions, with a lower ground floor level with only one front window in a shallow lightwell, a ground floor and three upper floors. The lower ground floor window would both suffer a material loss of daylight with 44%, but would retain a VSC of 14.6, which is a good level of light for a window within a lightwell. At ground floor level the four windows serving habitable rooms would all suffer material losses of between 31% and 39%, with resulting VSC values of between 17 and 20 VSC. At first floor level all four windows serving habitable rooms would suffer material losses of between 27% and 32%, with resulting VSC values of between 23 and 24 VSC. These are considered to remain good levels of daylight given their urban location and the losses, although material, are not considered to be grounds on which to withhold permission. The windows at second and third floor levels in Stafford House would not suffer any material losses.

At the junction of Cosway Street and Bell Street is 'The Bell House' public house (No.91 Bell Street) at the corner with Bell Street, which has HMO/ bedsit accommodation on the upper floors. The proposed development would cause relatively minor material losses to five windows at first floor level facing the site, with losses of between 20% to 24% of existing VSC levels. However, all of these windows would continue to have a VSC value of between 22 and 26 VSC and therefore the impact on these windows is not objectionable. The windows at second and third floor level would not suffer any material losses.

The applicant has also assessed the impact on No.19 Cosway Street, which is on the south side of the junction with Bell Street. The VSC data for this property demonstrates that properties to the south of Bell Street in Cosway Street would not suffer any material losses of daylight.

Buildings Opposite in Shroton Street

The buildings opposite in Shroton Street are south east facing and their front elevations would be separated from the proposed development by approximately 11.5m.

The proposed development would not have any material impact on the daylight reaching the Perseverance public house at No.11 or the ancillary residential accommodation on the upper floors.

To the west of the Perseverance public house in Shroton Street, directly opposite the application site, is a row of terrace properties between No's.12 and 18 Shroton Street. They each comprise four storeys with a lower ground (with front windows within lightwells), ground and two upper floors. Each property is split into an upper and lower maisonette.

At No.12 only one window at lower ground floor level would suffer a material loss of daylight, with a 21% loss. However, the window would retain a VSC value of 21 and this represents a very good level of daylight for a window at lower ground floor level.

At No.13 all four windows at lower ground, ground and first floor levels would suffer a material loss of daylight, with losses limited to between 21% to 27%. However, once again the affected windows would retain good VSC values of between 20 and 26.

The greatest impact to properties in Shroton Street would be to Nos.14 to 17, where all windows at all floor levels would suffer material losses (6 windows to each property). The material losses caused would predominantly range between 27% and 44% of existing VSC values, which due to the underdeveloped existing nature of the application site, are high. Given this, the resultant VSC levels of between 13 and 16 VSC at lower ground floor level, 16 to 19 VSC at ground floor level, 20 to 22 VSC at first floor level and 25 to 27 VSC at second floor level, is considered to be acceptable.

The daylight losses at No.18 would be limited to between lower ground and first floor level (4 windows) and the extent of losses and the resultant daylighting levels would be commensurate to those described above in respect of No.13 Shroton Street.

The building at Nos.19-20 has flats at first and second floor levels, but at these floor levels, the daylight losses would be consistent with the losses to the neighbouring property at No.18 and would not be so significant so as to withhold permission. The impact on the office windows would not be so severe as to have any significant effect on the quality or environment of office accommodation on the lower floors.

Buildings Opposite in Stalbridge Street

The buildings opposite in Stalbridge Street are north east facing and their front elevations would be separated from the proposed development by approximately 9m and 10.3m. This is increased from the limited 5.5m width of the public highway in Stalbridge Street due to the applicants proposal to widen the highway width to approximately 6m and to set the development back significantly from the south western boundary of the site to counter balance the un-neighbourly position of Glarus Court and Waterford Court, which are five storey buildings located on the back edge of the pavement on the opposite side of Stalbridge Street.

At the northern end of Stalbridge Street, Waterford Court faces the application site. There are three windows at ground floor level serving habitable rooms and two would suffer a material loss of daylight. However, the losses would be 24% and 27% and the resultant daylight levels of 16 and 17 VSC are considered to be acceptable given the unneighbourly position of these windows.

At first floor level to Waterford Court the losses caused to all 1 windows serving habitable rooms would be material, but would be limited to between 21% and 28% of existing VSC values. The resultant daylight levels would range between 19 and 22 VSC. At second floor level material losses would occur to 12 windows, but again they would be limited to between 22% and 29% of existing VSC values. The resultant daylight levels would range between 23 and 26 VS, which would continue to represent a good level of daylight. At third floor level only one window would suffer a material loss of light but this is due to it being located below the projecting cornice detailing at third floor level on Waterford Court.

To the south of Waterford Court on the west side of Stalbridge Street is Glarus Court, a four storey residential block. At ground floor level the windows serving habitable rooms would suffer large losses of between 31% and 55% existing VSC values. However, the existing daylight levels for these windows is exceptionally high for windows at ground floor level in an urban area and therefore, despite the losses that would be caused, the resultant VSC levels of between 13 and 18 VSC are acceptable.

The upper floors of Glarus Court would suffer consistent losses to all habitable windows, but given the high existing daylight levels to all floors, as at ground level, the resultant daylight levels would remain good for an urban location such as this. The resultant daylight levels at first floor level would be between 15 and 21 VSC and at second floor they would be between 18 and 24 VSC. At third floor level all windows serving habitable rooms would be materially affected but this is largely due the projecting cornice above these windows which has the effect of limiting their access to daylight. It is likely at this level without the cornice, the windows would not be affected by the proposed development to a material degree.

Buildings Opposite in Bell Street

The proposed development would cause a material loss of daylight to four windows in the Stalbridge elevation of Bendall House, with losses to these windows between 36% of the existing VSC value at second floor level rising to 54% at lower ground floor level. Whilst these losses would be significant, they would be caused to a very limited number of windows within Bendall House and the rooms appear to be bedrooms, rather than principal living rooms. Furthermore, the windows are currently very well daylit due to the lack of development on the application site and the windows would therefore continue to have VSC values of between 13 VSC at lower ground floor level, rising to 22 VSC at second floor level.

There would also be losses to one window in the corner bay windows of Bendall House at ground, first and second floor levels, but as these bay windows would have two other unaffected windows, it is not considered this amounts to a material impact.

Opposite the site on the south side of Bell Street is the Greenhouse Sports Centre located within the grade II* former Christ Church. This building has large north facing windows facing the application site. Whilst the windows may suffer some diminution of daylight, given their size and the use of the building as a sport centre (principally for table tennis), with internal sports lighting, it is not considered that the scheme would have an adverse impact in daylighting terms.

Daylight Conclusions

The BRE Guidelines make allowances in Appendix F for situations, such as on this site, where it is currently under developed relative to its neighbours and the neighbouring properties *'take more than their fair share of light'* as a result. In such circumstances, the BRE Guidelines advise that an indicative 'mirror image' development can be used to set an alternative VSC target for the proposed development to adhere to. The applicants have modelled a 'mirror image' development in their daylight and sunlight assessment and this demonstrates that the proposed development would have a greater impact on daylight than a 'mirror image' development, owing to its slightly larger bulk and height. Relative to the indicative 'mirror image' development, the proposed development cause slightly more daylight losses to most neighbouring properties in Cosway Street and Shroton Street. However, the indicative 'mirror image' development would cause substantially more daylight loss to neighbouring properties in Stalbridge Street than the proposed scheme.

Notwithstanding the scheme exceeding the impact that would be caused in Cosway Street and Shroton Street by a 'mirror image' development, for the reasons set out in this

section, it is considered that the daylight impact, whilst material and therefore appreciable to many neighbouring occupiers, would result in daylight levels being maintained which are typical of this scale of townscape within Westminster. Accordingly, despite the daylight losses that would occur, the impact that would be caused is considered to be acceptable and in accordance with Policy ENV13 in the UDP and Policy S29 in the City Plan. This is particularly the case when consideration is also given to the wider public benefits of the proposed development, including the provision of housing, the facilitation of affordable housing, on the donor sites, the overall enhancement of the character and appearance of the conservation area and the highway improvements in Stalbridge Street.

8.3.2 Sunlight

The BRE Guidelines require assessment of sunlight loss to neighbouring windows where they would face within 90 degrees of south. Consequently, predominantly north facing windows, such as windows facing the site in properties in Stalbridge Street and Bell Street, would not suffer any material loss of sunlight.

Cosway Street

Properties on the east side of Cosway Street face south west and therefore the windows in this elevation currently receive direct sunlight at certain times during the day. There are 55 rooms with windows in the front elevations of buildings along Cosway Street facing the application site (Cosway Mansions, Stafford House and The Bell House public House). Using the Annual Probable Sunlight Hours (APSH) method of assessment set out in the BRE Guidelines, 52 of the 55 rooms would not suffer a material loss of sunlight relative to the existing situation. The three rooms which fall marginally below BRE Guidance are the three ground floor windows located immediately to the north of the entrance porticos to Cosway Mansions (which has two entrances) and Stafford House. The windows only currently receive between 3 and 5 hours of winter sunlight due to the presence of these porticos, which obstructs sunlight from reaching the windows (other windows at ground floor level to these building typically currently receive between 11 to 15 hours of winter sun per year. As a result of the porticos, the proposed development opposite would have a disproportionate impact in terms of sunlight loss. Given the reason for these material losses relates to the design of these neighbouring buildings and as the material losses would only be caused to winter sunlight hours (annual probable sunlight hours would remain compliant with the BRE Guidelines), the impact on these windows is not considered to warrant withholding permission.

Shroton Street

Along the north side of Shroton Street the buildings face south east and therefore the windows in this front elevation currently receive direct sunlight at certain times during the day. There are 50 rooms with windows in the front elevations directly adjacent to the application site (between Nos.11 and 18). Of these rooms 46 would not suffer a material loss of sunlight relative to the existing situation. The four rooms which fall marginally below BRE Guidance are located at lower ground and ground floor levels at Nos.15 and 16 Shroton Street. The material losses of sunlight would only be caused to winter sunlight hours, which would be reduced to between 2 and 4 hours from between 7 and 10 hours at present. There would not be a material loss of annual sunlight hours to these windows. Given the losses would be confined to a small number of windows affecting

only two properties during winter months, it is not considered that the impact would be so harmful so as to warrant withholding permission.

In summary, whilst the proposed development would have an impact on sunlight reaching neighbouring windows, the impact would in the significant majority of cases be less than significant and in accordance with the BRE Guidelines. Only 7 windows would suffer losses of winter sunlight in excess of the BRE Guidelines and these limited losses are acceptable for the reasons set out. As such, in sunlight impact terms the scheme is considered to be in accordance with Policy ENV13 in the UDP and S29 in the City Plan.

8.3.3 Sense of Enclosure

The proposed development would be separated from adjacent windows by the width of the public highway around the boundary of the site. In Cosway Street this distance is 17.5m, in Shroton Street it is 11.5m and in Stalbridge Street it is between 8.5m and 10.5m. The proposed development would introduce building facades to Bell Street, Cosway Street and Shroton Street that are generally consistent with the building heights and building lines in this part of the Lisson Grove Conservation Area.

On this basis and as the site is currently underdeveloped in a form that it harmful to the character and appearance of the conservation area, it is not considered that the materially increased enclosure that would be caused in Cosway Street and Shroton Street would be so significant in this case so as to warrant withholding permission, as the resultant level of enclosure felt by neighbouring occupiers would be consistent with similar properties in the immediate vicinity.

The impact in Stalbridge Street would be slightly different owing to the communal garden providing some relief from the end elevations of the 'U' shaped block across the rest of the site. As such, windows to the centre of Stalbridge Street, where they would overlook the communal garden would be enclosed to a less than significant degree. At the north and south ends the degree of enclosure would be greater, but oblique views towards Shroton Street and Bell Street to the north and south and into the communal garden would remain and therefore the impact in these locations would again not be so significant so as to warrant withholding permission on sense of enclosure grounds.

8.3.4 Overlooking/ Loss of Privacy

The building is separated from buildings on the opposite sides of the surrounding streets by the distances referenced in Section 8.3.2 and has been designed with inset balconies and this assists in limiting the outlook they would provide towards the windows of neighbouring properties. Balconies have been omitted from the Stalbridge Street elevation where the development would be closest to neighbouring windows.

The proposed layout of the building and its design with inset balconies would minimise the extent to which the scheme would increase overlooking to neighbouring residential windows. Nevertheless, it is inevitable that residential development that mirrors the general building forms and building lines found within this part of the conservation area would lead to a material increase in overlooking relative to the existing situation on the site. Given the proposed development is in broad accordance with the scale and alignment of neighbouring buildings, relative to the back edge of the public highway (and

is set back much further in Stalbridge Street), the extent of overlooking that would be caused across the public highway, is not considered to be so significant so as to reasonably warrant withholding permission.

There is though one concern with regard to the size of the roof terrace at fourth floor roof level, which extends to the corner of Cosway Street and Bell Street. This terrace is considered to be excessive in size and likely to give rise to the perception of significant overlooking for neighbours opposite in Cosway Street owing to its size and open roof level location. An amending condition is therefore recommended requiring the terrace to be reduced in size.

8.3.5 Other Amenity Impacts

In terms of noise disturbance from proposed balconies and terraces, they would be located 17.5m from adjacent windows in Cosway Street and 11.5m from adjacent windows in Shroton Street. There are no terraces proposed to the Stalbridge Street elevation of the site. At these distances, the small terraces below roof level, which would be inset within the facades of the building, would not give rise to such significant noise disturbance to neighbouring occupiers so as to warrant withholding permission.

The terraces at fourth floor roof level to the Cosway Street elevation of the site are larger with one measuring 24m² and the other 103m². The smaller terrace would be held against the elevation of the top floor and would not be so large so as to give rise to noise concerns. The larger terrace is proposed to extend to the corner of the building at the junction of Cosway Street and Shroton Street. At this size the terrace has the potential to be used more intensely and given its prominent location it could cause noise disturbance. A condition is recommended, as referenced in Section 8.3.3, requiring the terrace to be significantly set back from the Shroton Street elevation so that it is more proportionate in scale to the residential unit to which it relates.

The communal garden to the rear would be screened from neighbouring properties in Stalbridge Street by the proposed trees at the site boundary and this would serve to contain noise arising from the use of the garden area.

Concern has been expressed regarding the operation of the car lifts; however, as they would be set back approximately 10m from Waterford Court on the opposite side of Stalbridge Street and contained within the envelope of the building, it is not considered that their mechanical operation would give rise to noise disturbance.

Subject to the recommended conditions, the proposals in considered to be acceptable in noise amenity terms and in accordance with Policy ENV6 in the UDP and Policy S32 in the City Plan.

8.4 Transportation/ Parking

8.4.1 Trip Generation, Car Parking and Vehicular Site Access

The majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes. Consequently, trip generation modelling indicates that the proposed development will not have a significantly detrimental impact

on the safety or operation of the highway network as a result of increased vehicle movements.

The Highways Planning Manager notes that he has concerns regarding the location of the vehicle access to the proposed development in Stalbridge Street. This street is the narrowest highway and has the narrowest carriageway. However, whilst no alternative locations have been investigated, it has been demonstrated using vehicular tracking that the entrance to the car lifts is accessible to vehicles. Following revisions to the scheme the Highways Planning Manager is content that the access to the car lifts and visibility splays for vehicles leaving the car lifts in Stalbridge Street are acceptable and would not affect highway safety. The Highways Planning Manager highlights that it has not been demonstrated that Stalbridge Street is able to accommodate the additional vehicle traffic arising from the position of the vehicular access. However, the number and frequency of trips generated is likely to be low and it is noted that a similar access already exists on Stalbridge Street serving the parking for Waterford Court opposite. Given these considerations, and as more prominent location of the vehicular access to the basement one of the other street facades would have a much more harmful impact on the appearance of the building, the location proposed is considered to be acceptable.

The Highways Planning Manager raises objection to the level of on-site parking proposed, which comprises 38 spaces for 49 flats. He highlights the existing level of on-street parking occupancy, which is at 77% overnight (slightly below the level of serious deficiency of 80%) and at 82% during the daytime. Policy TRANS23 requires up to a maximum of 1 parking space per 1 or 2 bedroom unit and 1.5 parking spaces per 3 or more bedroom unit. Whilst the occupancy levels are relatively high on street, the parking ratio proposed would be 0.78 spaces per residential unit, which represents a relatively high ratio for on-site parking. Furthermore, the available space at basement level has been maximised and car ownership levels in the Church Street Ward were recorded as 28% at the 2011 Census. Accordingly, subject to mitigation of the shortfall in on-street parking by provision of lifetime (25 year) car club membership for each flat, it is not considered that permission could reasonably be withheld on parking grounds despite the objection raised.

The reinstatement pavements in place of the redundant vehicle accesses in Cosway and Stalbridge Street is welcomed and will improve the pedestrian environment, consistent with S41 and TRANS3. The additional curb line to be reinstated in Cosway Street (where an existing crossover is to be removed) may also allow for the provision of two additional on street parking bays, which can be secured via the unilateral undertaking as part of the highway works.

8.4.2 Servicing

The Highways Planning Manager notes that Policies S42 and TRANS20 seek the provision of off-street servicing, whereas it is proposed to service the development on-street. Given this is a wholly residential scheme, where servicing will predominantly be limited to waste and recycling collection, the provision of an off-street servicing facility is not considered to be proportionate to the impact that servicing would have on the safety and function of the public highway. However, the support for on-street servicing is only on the basis that a robust and focused Servicing Management Plan (SMP) is secured by condition. 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,

Whilst the principle of on-street servicing is supported in this case, as currently designed the waste presentation store is Stalbridge Street is not as it would only accessible directly from the street. As a result, large refuse and recycling bins would need to be manoeuvred on the footway to access the holding area. It is recommended that an amending condition is imposed to require this store to be redesigned so that a door is inserted in the vehicle access side of the street level bin store, thereby reducing conflict with pedestrians.

In summary, subject to the recommended conditions, it is considered that given the proposed use of the site and the size of the proposed development, on-street servicing can be supported in this case as an exception to the normal policy presumptions of Policies TRANS20 and S42.

8.4.3 Other Transportation Considerations

The proposed development alters the building line/ existing highway boundary in various places, particularly along Stalbridge Street, where the highway boundary is proposed to be set back into the existing site, to allow for the creation of a wider pedestrian footway. Given the existing and increased pedestrian and vehicular activity that this development will create, this highway improvement is welcomed and considered an enhancement of the existing highway environment for pedestrians that would in accordance with Policies S41 and TRANS3.

Conditions are recommended to prevent doors opening over the highway, provide a vehicle signalling system prioritising inbound cars using the car lifts, secure the provision of electric car charging points and the cycling parking in accordance with the relevant London Plan policies.

8.5 Economic Considerations

The proposed development is in compliance with the development plan for the reasons set out elsewhere in this report and the economic benefits of the development, particularly during the construction phase given this is a wholly residential scheme, are therefore welcomed.

8.6 Access

The proposed development would be fully accessible, with step free level access provided to the building from street level and lift access to all floors. The scheme includes 10% of units that meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (5 units at ground floor level) (i.e. they are designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users). Five disabled parking spaces are proposed within the basement, which could be used in conjunction with the wheelchair accessible units. As such, in terms of accessibility, the scheme accords with Policies DES1, H8 and TRANS27 in the UDP, Policy S28 in the City Plan and Policy 3.8 in the London Plan.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development and Construction Impact

The proposed development includes basement development to form the basement floor necessary to provide parking, storage, plant and equipment floorspace. Policy CM28.1 in the City Plan is applicable when assessing basement development.

The applicant has provided a structural methodology statement including ground investigation details, including consideration of the ground conditions, drainage, water environment and flood risk. Following supplementary ground investigation information being submitted Building Control are content with this element of the document. Building Control have asked for details of structural support for retained structures on the site, but the proposal is to clear the site and therefore submission of such details is not considered necessary in this instance. The applicant has agreed to comply with the requirements of the Code of Construction Practice and a condition is recommended to ensure compliance and to secure monitoring of construction works by the Environmental Inspectorate at the applicant's expense. A further condition controlling the hours of work is recommended. On this basis it is considered that Parts A(1), (2), (4) and (5) of the policy have been met.

Part (A)(3) requires assessment of the impact of basement development on railway lines and tunnels. The Bakerloo Line underground tunnel runs below Bell Street to the south of the site and a condition (as is commonly sought by London Underground for development within the safeguarding zones for underground tunnels), is recommended to require full details of the below ground structures so that these can be approved in conjunction with London Underground. The recommendation in Section 1 of this report reflects that London Underground have until 19 August 2018 to comment on the application and if they request further details in addition to the recommended condition then this request will be reported back to a future Sub-Committee meeting.

Part (A)(6) of the policy requires the safeguarding of significant archaeological deposits. Historic England advise that whilst the site is not within an Archaeological Priority Area (APA), it is within 200m of the Tier 2 Watling Street Roman Road APA, it is appropriate to require a two stage archaeological investigation by condition. Subject to the recommended condition it is considered that this part of the basement development policy has been met.

In terms of Parts (B) and (C) of the policy, these only apply to *'Basements development to new build residential incorporating basements adjoining residential properties where there is potential for impact on those adjoining properties'*. Given the site comprises an entire street block separated from neighbouring properties by public highway in surrounding streets, there are no adjoining properties in this case and therefore these parts of the policy are not applicable.

Part (D) of the policy relates to basements extending under the public highway and is not applicable as this is not proposed in this case.

8.7.2 Background Noise and Ground Borne Vibration

The applicant has assessed the existing noise environment around the site and this demonstrates that it is subject to existing 'significant impact', with existing noise levels during daytime hours between 57 and 65dB and between 52 and 59dB at night. Noise insulation measures are proposed in the fabric of the building and glazing to ensure the internal noise levels within the proposed flats. To prevent overheating in summer as a result of the noise and thermal insulation measures proposed, a mechanical ventilation system with air conditioning is proposed so that windows and doors can remain closed if necessary to prevent exposure to the 'Significant Observed Adverse Effect Level' (SOAEL). A condition is recommended to ensure the internal noise environment within the flats complies with Policy ENV6 in the UDP and Policy S32 in the City Plan and to ensure the mechanical ventilation system is provided.

Due to the proximity of the Bakerloo Line London Underground tunnel, the development could suffer from ground borne vibration if appropriate mitigation measures are not incorporated into the structural design of the proposed building. The applicants structural engineer predicts that isolation of the building on structural bearing. Environmental Health do not object to the principle of this method of mitigation, but recommend a condition to ensure the mitigation measures deliver the necessary attenuation. Subject to this condition, the scheme would be acceptable and compliant with Policy ENV6 in terms of vibration.

8.7.3 Mechanical Plant

The applicant has provided an assessment of the existing background noise level and Environmental Health are content that this demonstrates that mechanical plant on the site should be capable of complying with Policy ENV7 in the UDP and Policy S32 in the City Plan. However, this is subject to conditions to control future noise and vibration from mechanical plant and to require a supplementary acoustic report that demonstrates that the mechanical plant, when it has been specified, would accord with the requirements of the aforementioned policies.

8.7.4 Waste and Recycling

The Cleansing Manager objects to the use of a chute system for the collection of recyclable material from the flats in the proposed development, but such a system is not proposed for recycling, only for residual waste. Recyclable materials are to be collected by the building management team and transferred by them to the basement level stores. This is considered to be an appropriate system for recycling collection that would prevent the contamination of recycling with residual waste that can occur when chutes are used for both waste streams. As such, it is not considered that the Cleansing Managers concerns on this issue can reasonably be supported.

The Cleansing Manager's other concerns regarding the transfer distance between the refuse holding area and the collection vehicle, the identification of the waste and recycling bins and the provision of under counter bins can be resolved by condition. In terms of the transfer distance between the holding area and the collection point, this is only marginally in excess of the distance set out in the City Council's informal guidance document and would not be objectionable, provided details of the surface and level changes between the holding area and the collection point are clarified, to ensure a

large wheeled bin can be pushed across them, and the access to the holding area is amended as discussed in Section 8.4.2.

8.7.5 Sustainability and Energy Strategy

The proposed development would have a communal gas fired heating system, combined with a substantial array of photovoltaic panels at roof level. The building would be highly insulated in accordance with Building Regulation requirements and would have low air permeability. As reference in Section 8.7.7 mechanical cooling is proposed to avoid the potential for overheating.

The relevant policies are Policies S39 and S40 in the City Plan and the policies in Chapter 5 of the London Plan (March 2016). The approach set out in the preceding paragraph would deliver a 3% CO₂ emissions savings relative to the baseline level (2013 Building Regulations) as part of the 'be Lean' element of the energy hierarchy and no saving as part of the 'be clean' element, set out in Policy 5.2 in the London Plan. This limited saving is disappointing, but it accepted that a scheme of this limited size would mean a Combined Heat and Power (CHP) system would be unlikely to be viable. However, the scheme would provide a more substantial and welcome improvement than is often achieved on developments of similar scale through use of on-site renewable energy technology in the form of a 223m² array of photovoltaic (PV) panels at roof level. These would deliver a 28.4% reduction in regulated CO₂ emissions. This CO₂ emission saving from the 'be green' element of the energy hierarchy would accord with Policy S40 in the City Plan and Policy 5.7 in the London Plan. Conditions are recommended to secure the provision of the PV panels and ensure compliance with the energy strategy. The overall CO₂ emissions reduction would be 30.5% relative to the baseline.

The applicant acknowledges that the energy strategy is not fully compliant with London Plan policies and has confirmed that a carbon off-set payment of £82,683 is offered to mitigate the shortfall in the proposed strategy and to allow the development closer achieve being 'Zero Carbon', as defined by the Mayors 'Energy Planning' guidance document (March 2016). Furthermore, the applicant has agreed to provide a future connection to allow connection of the site to a District Heat Network (DHN), should one be successfully established in the Church Street area as part of future schemes forming part of the Church Street Masterplan. This would accord with Policies S12 and S39 in the City Plan. It is recommended that the financial contribution towards carbon off-setting and the provision of a future connection point, along with an undertaking to make best endeavours to connect to a DHN if one is established, are secured via the unilateral undertaking.

8.7.6 Tree Removal, Landscaping and Biodiversity

Whilst the Arboricultural Manager has yet to comment on the proposed development, it is considered that the wider benefits of the proposed development in terms of the provision of residential accommodation and in design and townscape terms outweigh the loss of 5 trees on the site and one street tree in Cosway Street. Whilst the trees within the site provide a green screen around the unattractive former college building on the northern end of the site, they are incompatible with the redevelopment of the site in a form that is more consistent with the wider townscape within the Lisson Grove Conservation Area. Given this, their loss is considered acceptable and would be

mitigated by the provision of four new trees at the boundary of the site along Stalbridge Street within the proposed communal garden.

The scheme proposes the retention of the existing street trees, which are generally of relatively small form and this is likely to be achievable as the boundary of the site is likely to form a root barrier owing to the boundary walls and immediate change in level on the application site where the ground level is significantly lower. One larger street tree is proposed to be removed in Cosway Street as it would conflict with one of the entrances to the proposed development. However, it is proposed to provide a new street tree, a tree at the junction of Shroton Street and Stalbridge Street and trees along the boundary of the site within the communal garden facing Stalbridge Street, so as to mitigate the loss of existing trees. Subject to these replacement street trees being secured as part of the unilateral undertaking and by condition, and further details of tree protection and tree pruning for the retained street trees being secured by condition, the scheme would accord with Policy ENV16 in the UDP.

The existing site is predominantly hard landscaped and of low ecological value. The predominantly soft landscaped communal space proposed to the centre of the site has the potential to enhance the appearance of the site and significantly improve its contribution to biodiversity in this part of the City. It is recommended that the details of the landscaping for this area, including tree and shrub planting and precise soil depths, along with details of planting to the frontages of the site are secured by condition to ensure the landscaping accords with Policies ENV4, ENV16 and ENV17 in the UDP and Policy S38 in the City Plan.

8.7.7 Air Quality

The applicants have provided an Air Quality Assessment (AQA). This demonstrates the development will be 'air quality neutral'. It does though highlight that the site is in an area of poor air quality with high background concentrations of NO₂. Therefore, mitigation measures are necessary to limit the impact on occupants of the development of poor air quality. Environmental Health concur with the conclusion of the assessment that NO_x filtration should be provided in the air intakes to the mechanical ventilation system for the building and a condition is recommended to ensure this is provided so the scheme accords with Policy S31 in the City Plan.

The AQA also highlights the potential for the construction phase to have an adverse impact on local air quality and measures such as dust suppression techniques are recommended. These will be delivered by the recommended condition requiring compliance with the Code of Construction Practice (see Section 8.7.1).

8.7.8 Flood Risk and Drainage

The applicant has submitted a Flood Risk Assessment, which includes consideration of drainage matters. Whilst the site is not within a designated surface water flooding hot spot, as identified in the Basement Development SPD (2014), the applicant has identified a heightened risk of surface water flooding to the north of the site. Design measures are recommended to ensure surface water flooding is directed away from the proposed development, but it is not clear what these measures will comprise and how

they have been incorporated into the scheme. It is therefore recommended that further details are secured by condition to ensure compliance with Policy S30 in the City Plan.

The assessment submitted makes reference to sustainable urban drainage systems (SUDS) in the context of them being identified at a later design stage. A condition is recommended to require further details of SUDS.

The scheme does propose a 176m² surface water storage tank which will allow water runoff to be attenuated so that it is discharged into the sewer at a lower rate that is closer to the greenfield run off rate. A condition is recommended to ensure this attenuation tank is provided. Subject to the recommended conditions the scheme would comply with Policy S30 in the City Plan and Policies 5.12 and 5.13 in the London Plan (March 2016).

8.7.9 Crime and Security

The Designing Out Crime Officer at the Metropolitan Police has requested the opportunity to discuss crime prevention measures with the applicant in response to reconsultation on the scheme in June 2018. Whilst this does not amount to an objection to the scheme, it is evident that the crime prevention and security measures proposed are not clearly identified in the application submission and a condition is recommended to ensure these are identified and delivered as part of the scheme in accordance with Policy 7.3 in the London Plan (March 2016), Policy S29 in the City Plan and Policy DES1 in the UDP.

8.8 London Plan

The application does not raise strategic issues and is not referable to the Mayor of London. Where relevant policies in the London Plan (March 2016) are referred to elsewhere in this report.

Whilst the Mayor of London published a draft new London Plan for consultation in December 2017, the response to the issues raised during the consultation period has yet to be published and the draft new London Plan has yet to be examined in public by an Inspector. Consequently, it is considered to have very little weight for development control purposes at the present time.

8.9 National Policy/Guidance Considerations

Whilst the City Plan and UDP were adopted prior to the recent publication of the latest version of the NPPF on 24 July 2018, paragraph 213 of the latest version of the NPPF states '*...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'. The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise. The proposal has been assessed in light of the recently published NPPF.

8.10 Planning Obligations

As set out in earlier sections of this report, it is recommended that the following planning obligations, which are required to make the proposed development acceptable, are secured via a unilateral undertaking:

- i. Notice of commencement of development (three months prior to commencement).
- ii. Provision of off-site affordable housing on the Repeater Station site, 2 Ashbridge Street and the Ashmill Street Car Park site (see Items 2 and 3 on this agenda) in accordance with the proposed tenure and unit size mix and to the affordability criteria agreed by the Head of Affordable Housing and Strategy, prior to occupation of the market housing on the application site.
- iii. Provision of highway works outside the site in Cosway Street, Bell Street, Stalbridge Street and Shroton Street, including alterations to crossovers, provision of street trees, amendments to on-street parking bays
- iv. Dedication of public highway along the eastern side of Stalbridge Street and where necessary around the remain of the site.
- v. Provision of 'life time' (25 year) car club membership for each flat.
- vi. Subject to further study, provision of a carbon off-set payment of £82,683 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
- vii. Provision of link to future District Heat Network (DHN) and undertaking to make best endeavours to connect to a future DHN.
- viii. Offer local employment opportunities during construction.
- ix. Provision of costs for monitoring of agreement (£500 per head of term).

The estimated CIL payment for the proposed development is £826,744 for Westminster's CIL and £251,174 for the Mayoral CIL.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental considerations have been covered in other sections of this report.

8.12 Other Issues

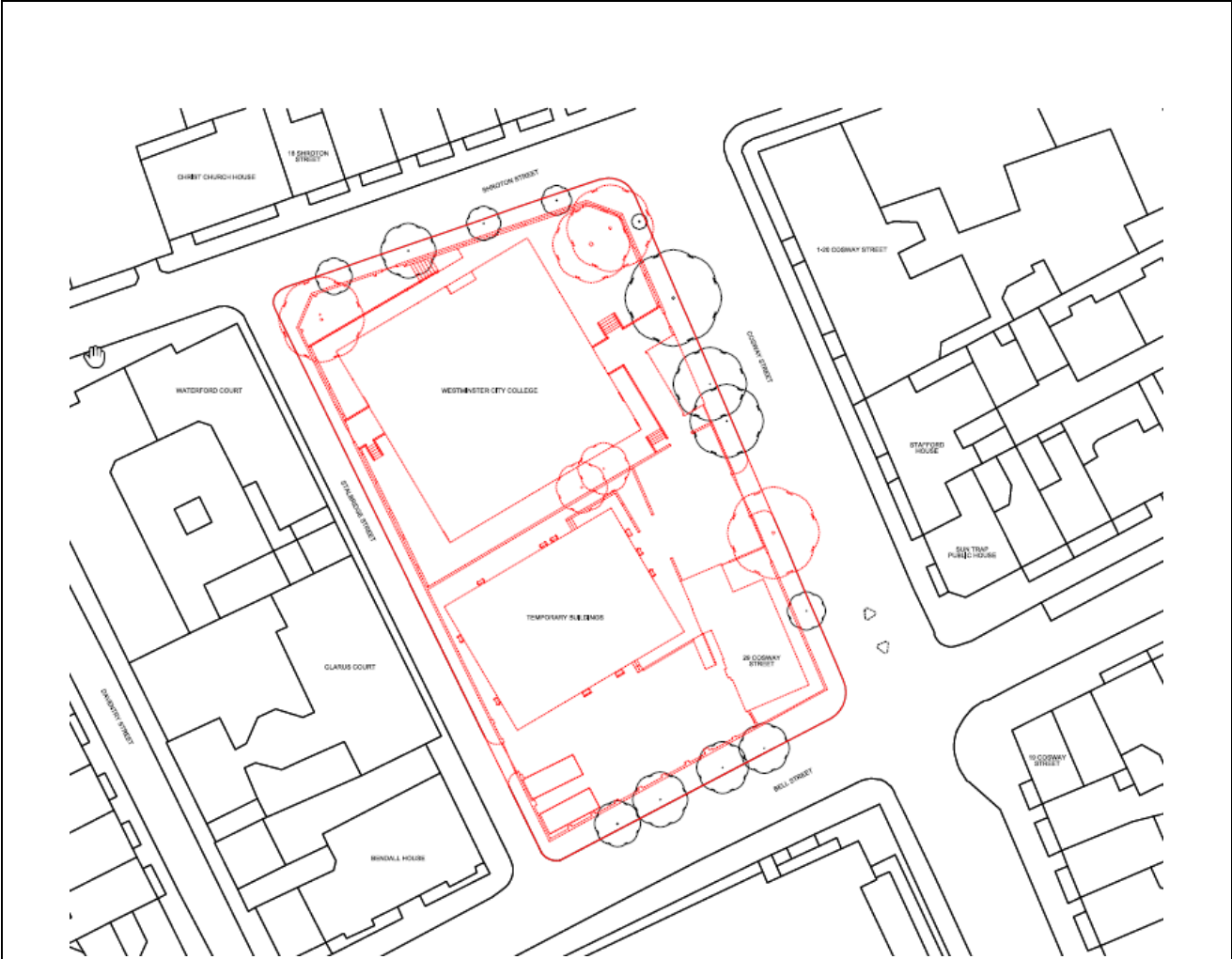
The applicant has submitted a Statement of Community Engagement with the application. This document sets out the local engagement the applicant undertook in advance of submitting the application with local residents and other stakeholders. It is also noted that earlier stakeholder involvement has taken place in respect of these sites as part of the preparation of the housing strategy for the Church Street area; namely the Church Street Masterplan, which was adopted by Full Council in December 2017.

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

Item No.
1

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

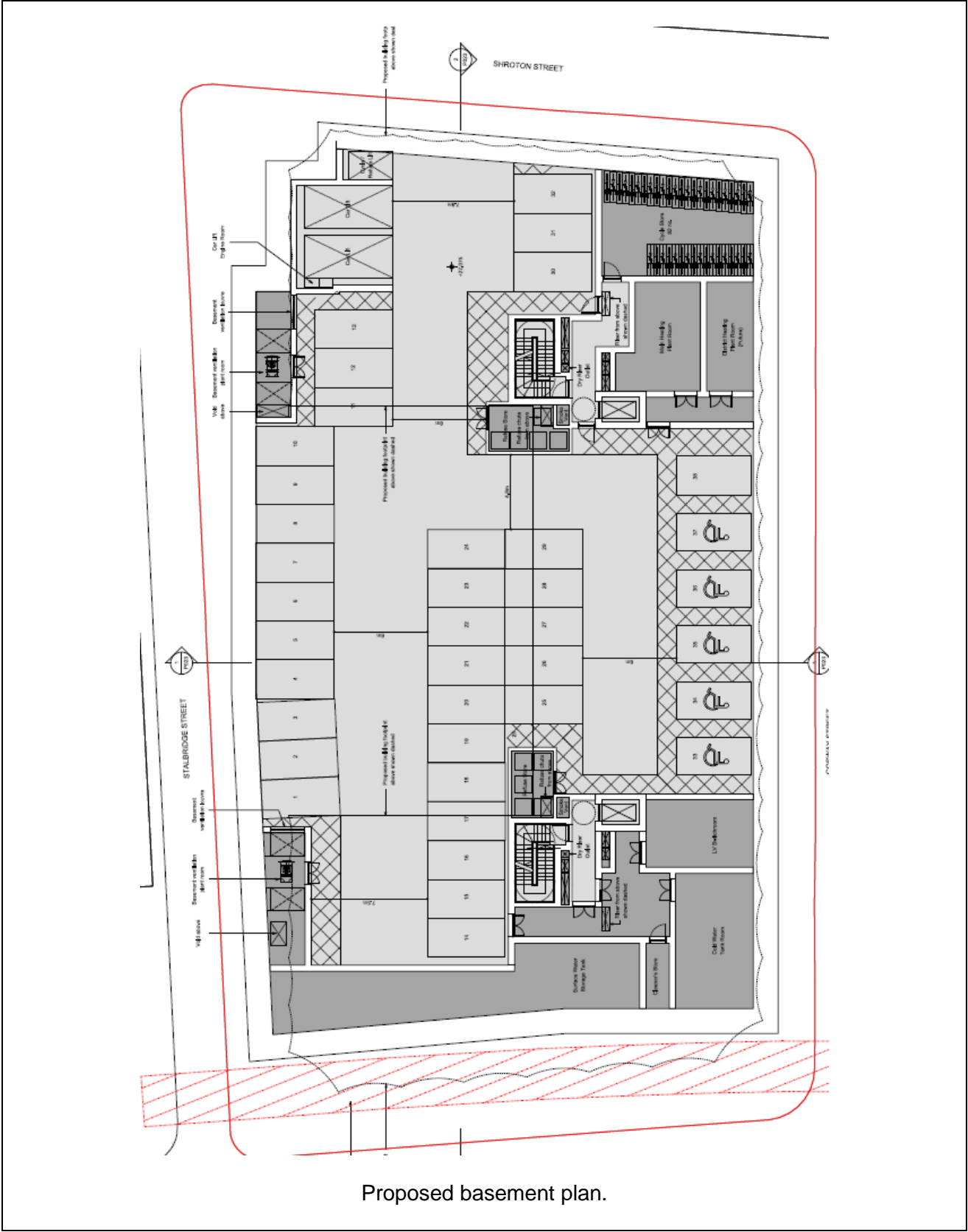
9. KEY DRAWINGS



Existing buildings and trees to be demolished/ removed from the application site.



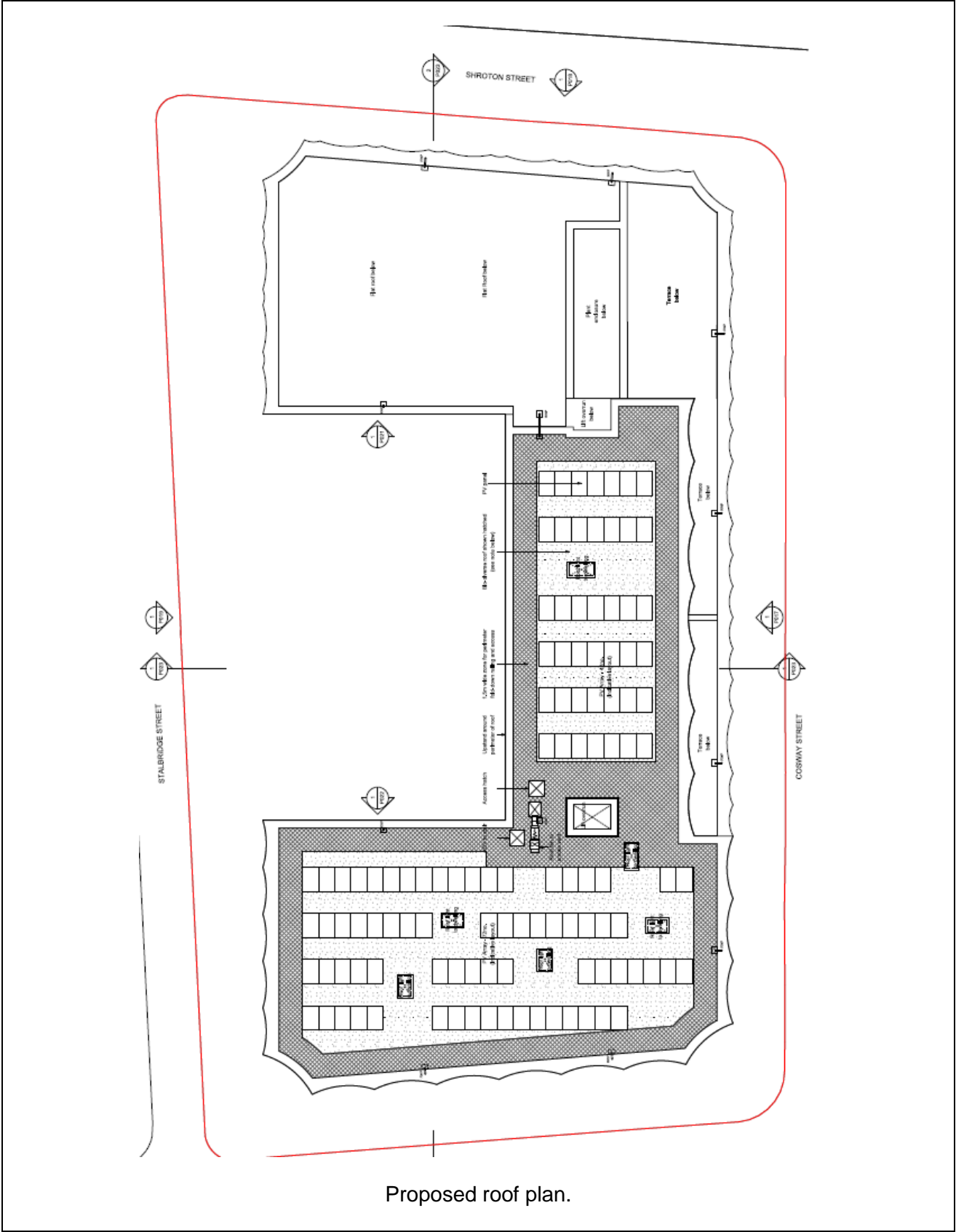
Proposed ground floor plan.



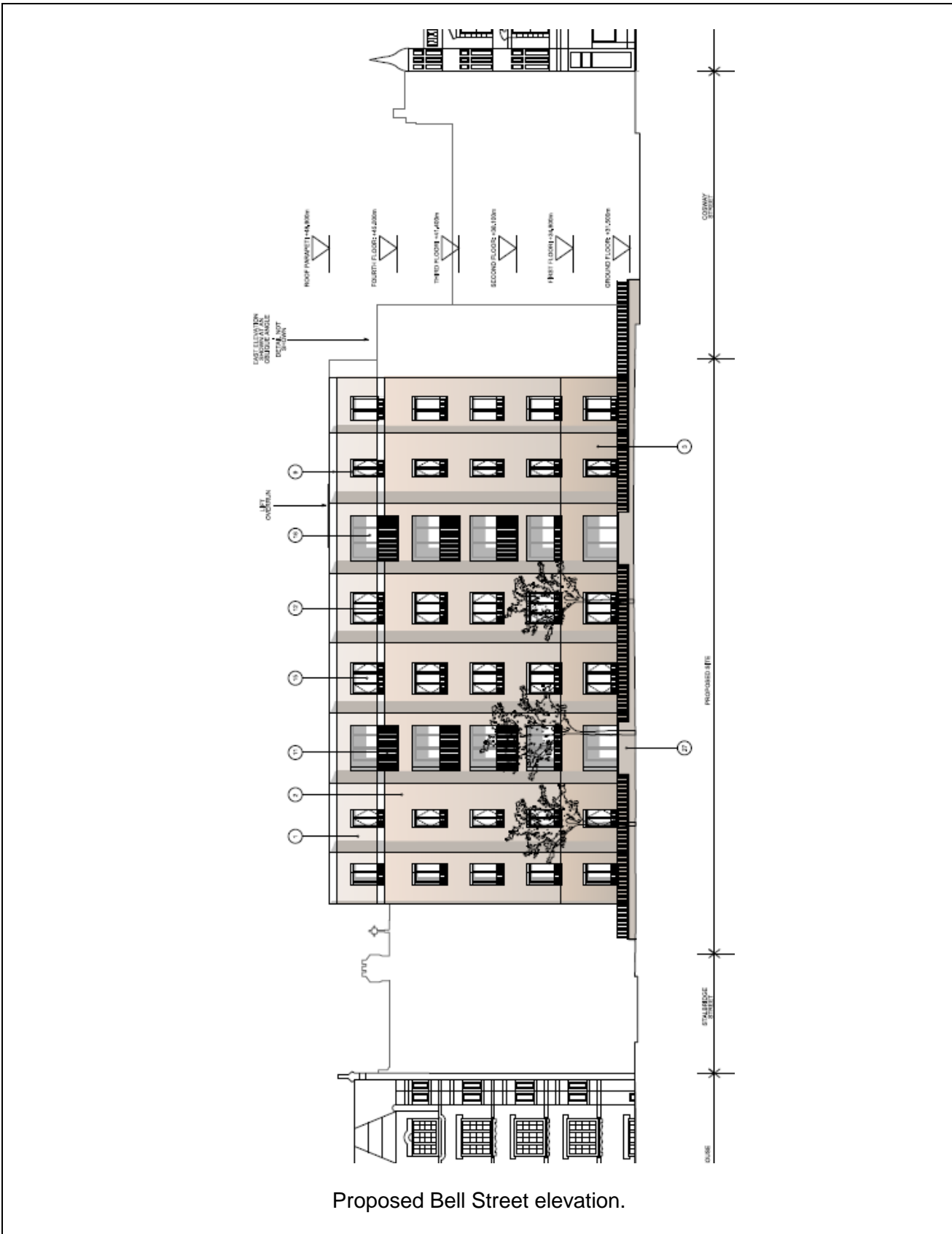
Proposed basement plan.



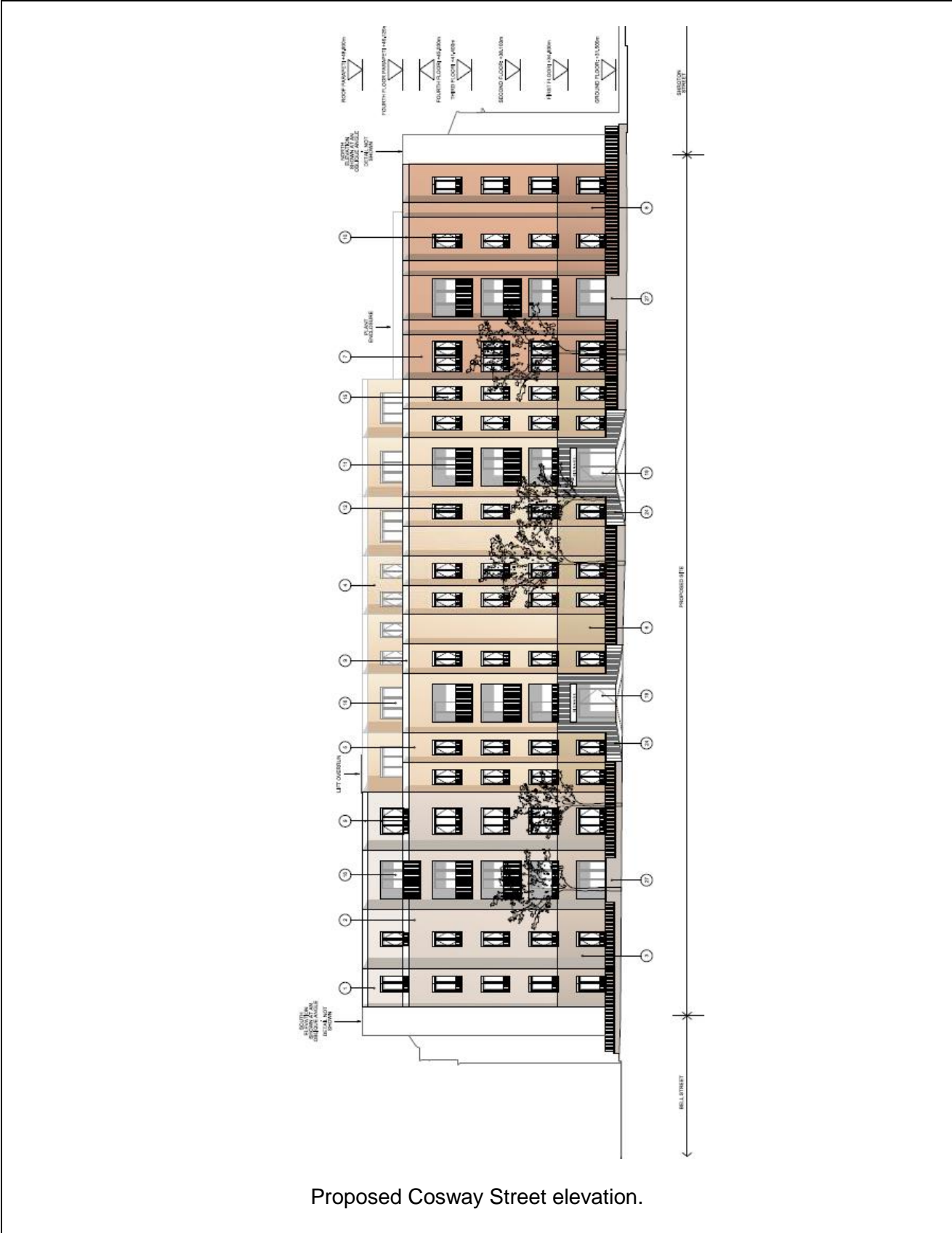
Typical upper floor plan.



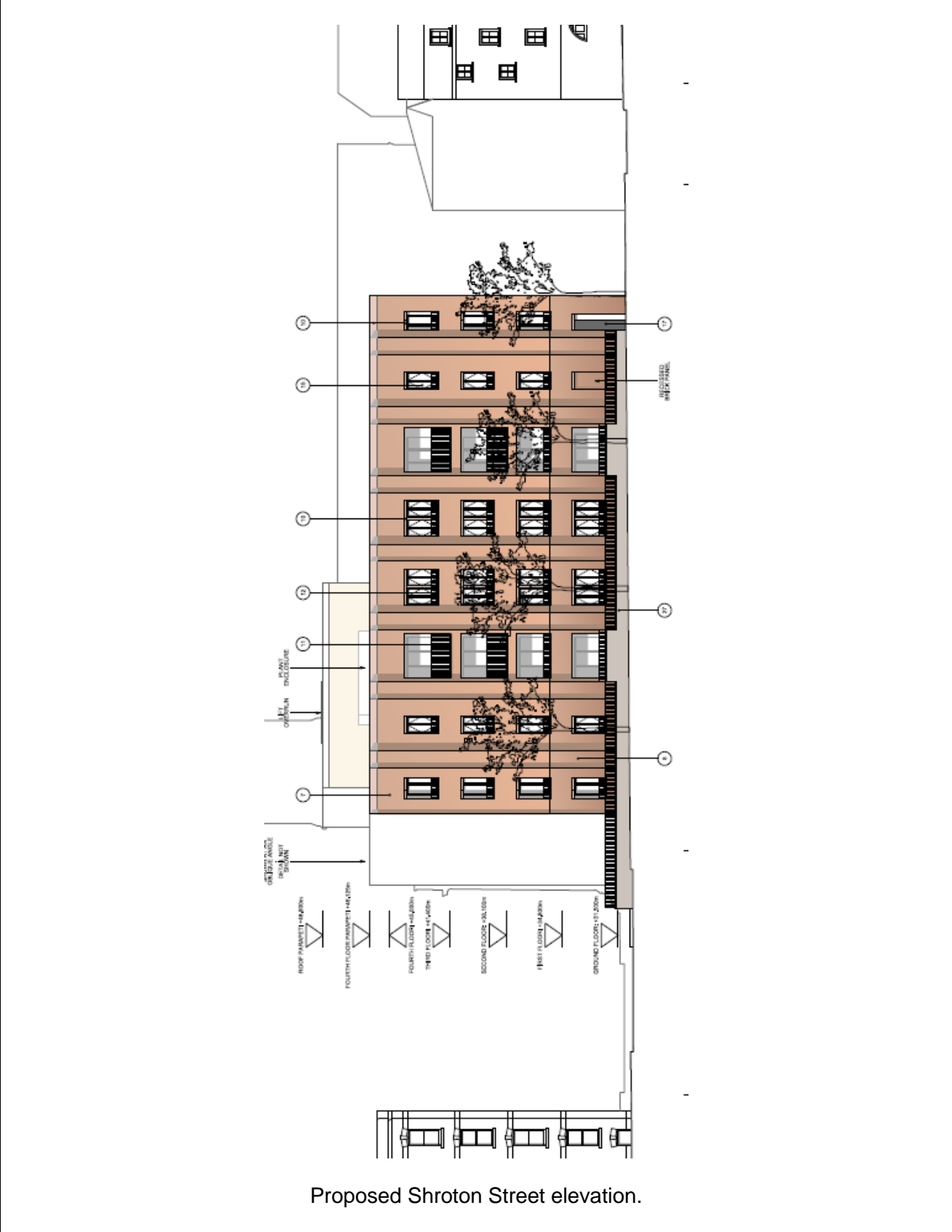
Proposed roof plan.

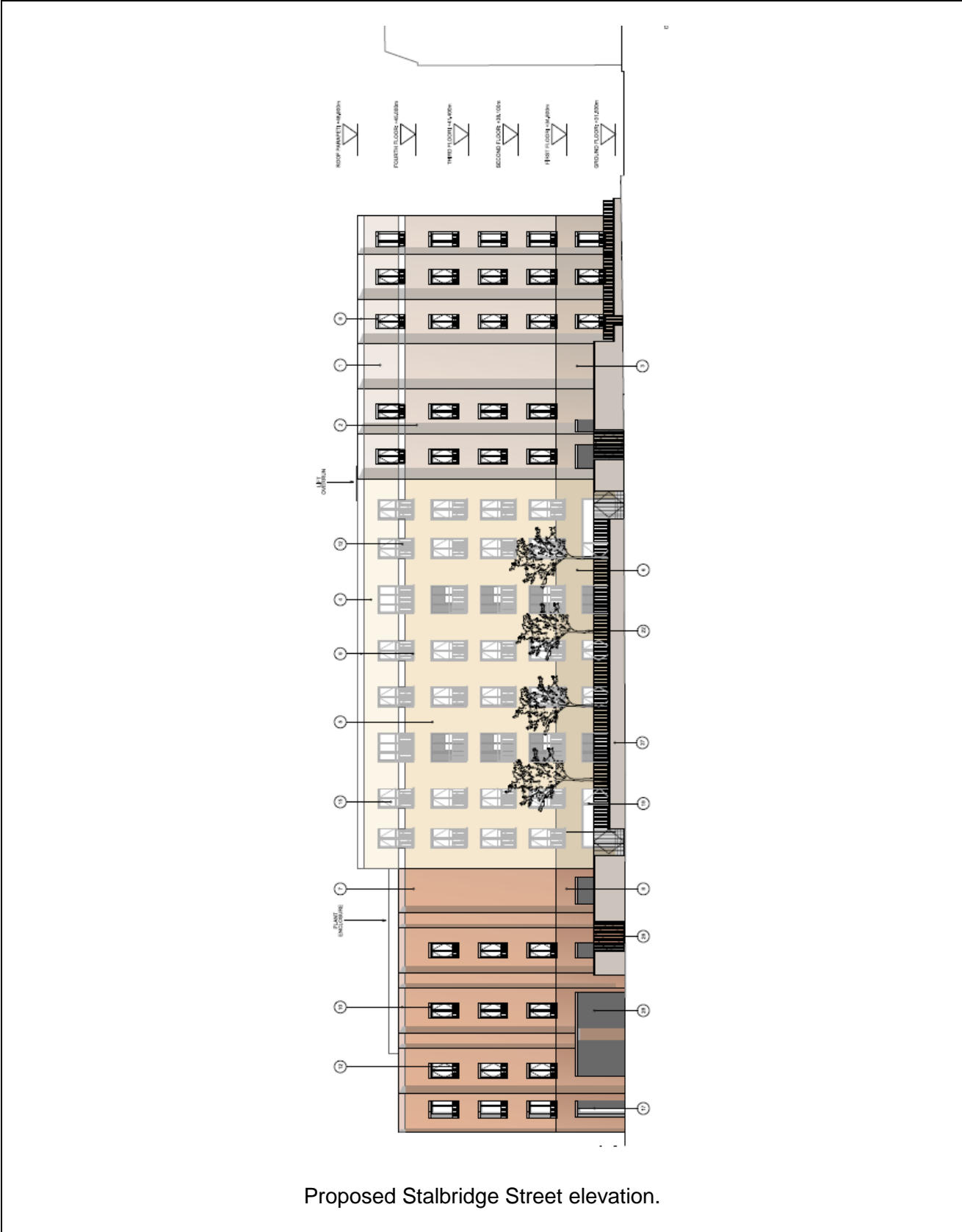


Proposed Bell Street elevation.



Proposed Cosway Street elevation.





Proposed Stalbridge Street elevation.



CGI looking north along Cosway Street (top) and CGI looking south along Cosway Street (bottom).



CGI looking east along Bell Street (top) and CGI looking west along Bell Street (bottom).



CGI looking north along Stalbridge Street showing communal garden.



CGI showing south façade to Bell Street (top) and east façade facing Cosway Street (bottom).

DRAFT DECISION LETTER

Address: Marylebone Institute School House, 29 Cosway Street, London, NW1 6TH

Proposal: Demolition of existing buildings and structures and erection of new building of up to five storeys plus basement floor to provide 49 residential units (Class C3); with car and cycle parking, storage and plant rooms at basement level and landscaping to central garden and site frontages and associated works.

Plan Nos: P001, P002, P003, P004, P005, P006, P007, P009, P010 A, P011 C, P012 C, P013 B, P014 B, P015 B, P016 A, P017 A, P018 A, P019 A, P020 A, P021 A, P022 A, P023A, P024 A, P025 A, P032, Revised Design and Access Statement dated June 2018, Planning Statement dated December 2017 (Rev.AA) (as amended by Planning Statement Addendum dated June 2018 (Rev.AA), Energy Statement dated December 2017 (Rev.P2) (as amended by Energy Statement Technical Note dated 31/05/18), Transport Statement dated December 2017 (Rev.1.1) (as amended by Technical Note dated 31.05.18), Heritage Statement dated 05/06/19 (Issue 1), Historic Environment Assessment dated November 2017, Arboricultural Impact Assessment dated December 2017 (9688_AIA.001), Ecological Assessment Report dated December 2017 (Rev.AA), Noise and Vibration Impact Assessment dated December 2017 (Rev.00), Internal Daylight and Sunlight Assessment dated 11/01/18 (Rev.P4) (as amended by Technical Note dated 31/05/18), Landscaping Design Report (Rev.A) dated 04.06.18), Daylight and Sunlight Assessment dated 23/05/18 (Ref.10742), Affordable Housing Calculation Sheet dated 04/06/2018, Basement Construction Report dated November 2017 (Rev.02), Flood Risk Assessment dated December 2017 (Rev.3) (as amended by Technical Note dated 31.05.18), Phase 1 Ground Condition Assessment dated September 2017 (R001/rev0), Foul Water and Utilities Statement dated December 217 (Rev.2), Air Quality Assessment dated December 2017, Detailed Unexploded Ordnance Risk Assessment (DA539-01) dated 02/10/17 and Statement of Community Involvement dated December 2017. For information only: P026 A, P027 A, P028 A, P029 A, P030 A, P031 and P033.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and

- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

- 3 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 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.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The following design details must be provided as part of the construction phase and thereafter retained:

- (i) the scalloped / fluted facing brickwork, constructed with bricks laid on a curve;
- (ii) the steel balustrades to the recessed balconies shall be curved to match the profile of the

scalloped/ fluted brickwork;

(iii) the reveals and soffit to the recessed balconies shall be faced in brickwork to match the relevant facade.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of sample panels of brickwork for each of the three blocks (Blocks A, B and C) which shows the colour, texture, face bond, mortar colour(s) and pointing. You must not start work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample(s).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of a 3m x 3m fabricated sample panel of the following parts of the development:

- a typical scalloped/ fluted brick facade bay.

The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panel. You must then carry out the work according to the approved sample.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development - typical bay details to all new facades to indicate the following:

- (i) windows;
- (ii) external doors;
- (iii) cills;
- (iv) reveals;

- (v) apex junction between each bay of scalloped/ fluted brick;
- (vi) location and size of movement joints;
- (vii) step backs in façade;
- (viii) interfaces with windows;
- (ix) interfaces with landscaping;
- (x) interfaces with architectural metalwork;
- (xi) ventilation and other services terminations at façade and roof;
- (xii) balconies including method of drainage;
- (xiii) railings and balustrades;
- (xiv) integral lighting;
- (xv) rooftop photovoltaic arrays.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the City Council in writing. For land that is

included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

(A) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

(B) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To preserve the archaeological deposits on the site in accordance with Policy CM28.1 in Westminster's City Plan adopted in November 2016 and Policy 7.8 in the London Plan (March 2016).

- 12 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the City Council in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

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

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

Reason:

To ensure the investigation, understanding, recording, dissemination and archiving the significance of the former school house in accordance with Policy 7.8 in the London Plan (March 2016).

- 13 (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. (R46AB)

- 14 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 13 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in

January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 16 No vibration shall be transmitted to the proposed development, 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 0.26m/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. (R48AA)

- 17 The design and structure of the development shall be of such a standard that it will protect residents within it from ground borne noise from the Bakerloo Underground Lines so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

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. (R48AA)

- 18 You must apply to us for approval of details of a supplementary noise and vibration report demonstrating that the structural design of the development will include appropriate mitigation measures to ensure compliance with the Council's noise and vibration criteria as set out in Condition 16 and 17 of this permission. You must not start work on the foundations and superstructure of the development until we have approved what you have sent us.

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. (R48AA)

- 19 You must apply to us for approval of a scheme of mechanical ventilation to provide adequate cooling and incorporating appropriate air quality filtration (NOx), to be provided to all flats within the development. You must then carry out the development in accordance with the details we approve and you must not occupy the flats until the approved air quality filtration system has been installed. Thereafter it must be permanently maintained and retained for the lifetime of the development.

Reason:

To ensure the flats within the development provide an internal living environment with an acceptable level of air quality in accordance with Policy S31 in Westminster's City Plan that we adopted in November 2016.

- 20 You must not use the roof of the building for sitting out or for any other purpose, unless the drawings hereby approved show their use as roof terraces (subject to the amendment required by Condition 20). You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 21 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: the roof terrace at fourth floor level to the north east corner of the building set back 7 metres from the Shroton Street elevation of the building. 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:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 22 You must provide each car parking space shown on the approved drawings at basement level and each car parking space shall only be used for the parking of vehicles of people living in this residential development. (C22BA)

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)

- 23 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9

(Table 6.3) of the London Plan 2015.

- 24 Notwithstanding the details shown on the drawings hereby approved, you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately, including the following:

- (a) Amended access to the waste presentation enclosure at ground floor level so it can be accessed directly from the entrance to the car lift.
- (b) Details of the levels, ramps and floor service to provided between the waste presentation enclosure and the collection point.
- (c) Revised plans of waste stores at basement level indicating waste bins with 'W' and recycling bins with 'R' to demonstrate capacities are sufficient.
- (d) Provision of under counter compartment storage for waste and recycling in the kitchen of each flat.

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 and associated details above according to the details we approve. You must clearly mark the stores and make them available at all times to everyone occupying the flats. (C14EC)

Reason:

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

- 25 You must provide the two car lifts shown on the drawings hereby approved prior to occupation of the development and thereafter you must permanently retain them and they must be maintained in accordance with the maintenance regime specified by the manufacturer.

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)

- 26 You must apply to us for approval of a vehicle signalling system to control car access to and from the basement car park, which priorities vehicles entering the basement via the car lifts. You must then install the signalling system in accordance with the details we approve prior to occupation of the flats. Thereafter you must permanently retain the signalling system.

Reason:

To prevent obstruction of the public highway and in the interests of public safety 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. (R24BC)

- 27 **Pre-commencement Condition:** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below

ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the us which:

- (a) provide details on all structures;
- (b) confirm tunnel wall measurements as it may affect the basement size;
- (c) resolve with London Underground the issues with plant areas adjacent to the tunnel;
- (d) accommodate the location of the existing London Underground structures;
- (e) demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London Underground land;
- (f) demonstrate that there will at no time be any potential security risk to London Underground's railway, property or structures;
- (g) accommodate ground movement arising from the construction thereof;
- (h) mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted, which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not have an adverse impact on existing London Underground transport infrastructure adjacent to the site in accordance with Policy 6.3 in the London Plan (March 2016).

- 28 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)

- 29 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 and is consistent with other approved documents in terms of street tree removal. 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 planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 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, to make sure that it contributes to the

character and appearance of this part of the Lisson Grove Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 30 **Pre Commencement Condition.** Notwithstanding the submitted arboricultural impact assessment, you must apply to us for approval of a method statement explaining all tree surgery proposed to facilitate the carrying out of the development and the measures you will take to protect the street trees surrounding the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 31 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- Provision of the photovoltaic panel at roof level.

You must not remove any of these features. (C44AA)

Reason:

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

- 32 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Lisson Grove Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 33 You must provide electric car charging points within the basement car park at a ratio of not less than 1 charging point per 5 spaces (a total of not less than 10 charging points). The car charging points shall be installed prior to occupation of the flats hereby approved and thereafter retained.

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (March

2016).

- 34 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.

- 35 **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)

- 36 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)

- 37 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 38 Prior to commencement of development above ground floor slab level you must apply to us for approval of an updated flood risk and drainage strategy that specifies the sustainable urban drainage systems (SUDS) and surface water flood alleviation measures to be incorporated into the development. You must then carry out the development in accordance with the details we approve. You must install the measures we approve prior to occupation of the development and thereafter you must retain the SUDS and flood alleviation measures.

Reason:

To limit flood risk and surface water runoff in accordance with Policies S31 in Westminster's City Plan adopted in November 2016 and Policies 5.12 and 5.13 in the London Plan (March 2016).

- 39 You must provide the water attenuation storage tanks in accordance with the details set out in the Flood Risk Assessment dated December 2017 (Rev.3)

Reason:

To attenuate water runoff in accordance with Policies S31 in Westminster's City Plan adopted in November 2016 and Policies 5.12 and 5.13 in the London Plan (March 2016).

- 40 In the event that the development is unable to connect in future to a district heating network in the vicinity of the site, you must carry out the development in accordance with the energy strategy set out in the Energy Statement dated December 2017 (Rev.P2). Thereafter you must operate the development in accordance with the approved energy strategy.

Reason:

To make sure that the development provides the environmental sustainability features included in your application in accordance with S28, S39 and S40 in Westminster's City Plan adopted in November 2016 and Policies 5.2, 5.3, 5.6 and 5.7 in the London Plan (March 2016).

- 41 You must apply to us for approval of detailed drawings indicating the location, number and type of bird 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 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 With respect to the fabricated sample bay condition we would wish to understand how the apex junction between each curve of brick is detailed and would wish to avoid the use of a vertical movement joint in this location and would wish to see a special brick used at this point to underpin the structural effect.
- 3 With respect to the construction of the brickwork the indicative method presented of full bricks set within a precast concrete panel system is likely to be acceptable. However, any form of brick slip facing will not be acceptable.
- 4 With respect to service terminations at façade, we would wish to see these incorporated discreetly into the facade, e.g. within the window system or reveals, rather than in the form of ventilation grilles to the face of the brickwork.
- 5 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well

as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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

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

Phone: 020 7641 3153
(173CA)

- 9 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (180AB)

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

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

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

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

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

- 11 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 12 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 13 Conditions 13 and 14 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 14 The SMP required by Condition 34 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.

- 15 In respect of Condition 15, you are advised to discuss crime and security design for the development with the Metropolitan Police Services Designing Out Crime Officer Connie McDonnell on 020 8733 3703 or connie.mcdonnell@met.police.uk.
- 16 You are advised that the final decision on the provision of new on-street parking is for the City Council as Local Highway Authority. As it a separate legal process, their outcome cannot be guaranteed. The changes the applicant wishes to make require agreement of the Local Highway Authority. Please contact our Highways Planning team with regard to this matter on 020 7641 2062.
- 17 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 18 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.
- If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 19 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 20 The term 'clearly mark' in condition 24 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 21 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)

- 22 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 23 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 24 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 25 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

- 26 Condition 30 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 27 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 28 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 29 It should be noted that none of the external works affecting the public highway indicated on the submitted drawings have approval from the Local Highway Authority as a result of this decision letter and separate approval will be required.
- 30 This permission is governed by a unilateral undertaking given by the applicant to the City Council as Local Planning Authority under S106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. Notice of commencement of development (three months prior to commencement).
 - ii. Provision of off-site affordable housing on the Repeater Station site, 2 Ashbridge Street and the Ashmill Street Car Park site (see Items 2 and 3 on this agenda) in accordance with the proposed tenure and unit size mix and to the affordability criteria agreed by the Head of Affordable Housing and Strategy.
 - iii. Provision of highway works outside the site in Cosway Street, Bell Street, Stalbridge Street and Shroton Street, including alterations to crossovers, provision of street trees, amendments to on-street parking bays
 - iv. Dedication of public highway along the eastern side of Stalbridge Street and where necessary around the remain of the site.
 - v. Provision of 'life time' (25 year) car club membership for each flat.
 - vi. Subject to further study, provision of a carbon off-set payment of £82,683 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
 - vii. Provision of link to future District Heat Network (DHN) and undertaking to make best endeavours to connect to a future DHN.
 - viii. Offer local employment opportunities during construction.
 - ix. Provision of costs for monitoring of agreement (£500 per head of term).
- 31 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

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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.