

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 20 April 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Churchill	
<b>Subject of Report</b>	<b>Ebury Bridge Estate, Ebury Bridge Road, London, SW1W 8PX</b>		
<b>Proposal</b>	A mixed use development in outline for residential floorspace and ancillary residential facilities (Class C3) non-residential floorspace comprising flexible retail (Classes A1 - A4), community (Class D1), leisure (Class D2) and workspace (Class B1) floorspace; provision of basement; new pedestrian and vehicular access; and associated amenity space, open space, plant, landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works; and detailed planning consent for Blocks 7 and 8 comprising residential floorspace and ancillary residential facilities (Class C3); provision of a basement; new pedestrian and vehicular access; and associated amenity space landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works.		
<b>Agent</b>	Arup		
<b>On behalf of</b>	Westminster City Council		
<b>Registered Number</b>	20/04366/COOUT	<b>Date amended/ completed</b>	10 July 2020
<b>Date Application Received</b>	10 July 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No		

## 1. RECOMMENDATION

1. Subject to the views of the Mayor of London, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to an unilateral undertaking to secure the following:
  - a) Provision of 142 x affordable housing units within the detailed area (Blocks 7 and 8) made up of 98 x social rent tenure and 44 x intermediate tenure (comprising 28 London Living Rent units and 16 Intermediate Ownership Units. The market units within Blocks 7 and 8 not to be occupied until all 142 affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.
  - b) Provision of a minimum of 50% affordable housing when measured in habitable rooms Masterplan wide. Of those affordable habitable rooms across the Masterplan that are an uplift against the existing provision, 60-70% should be provided as intermediate and 30-40% should be provided as social rent. The market units within each subsequent phase not to be

occupied until all affordable housing units are ready for occupation. The obligation to be subject to an early, mid and late stage review.

- c) Undertaking of highways works on Ebury Bridge Road for each phase of development including access, parking bays, bus stop relocation and associated traffic management orders.
  - d) A Walkways Agreement to safeguard a publicly accessible route through the site.
  - e) An Employment and Skills Plan and a contribution of £190,993.96 (index linked) to support the Westminster Employment Service including measures for Ebury residents (payable on a pro rata basis and submitted prior to the commencement of the relevant phase of development)
  - f) Car club membership for the occupiers of all residential units for a period of 25 years.
  - g) The space for a Cycle Hire Docking Station extension within the private public realm (not on highway) at a location to be agreed with the City Council and TfL, to provide before first occupation of the adjoining building and retain for the life of the development.
  - h) Provision of a minimum of 2 car club spaces to be provided within the site and made available to a car club operator at no cost to them prior to occupation of the phase within which they are located.
  - i) The dedication of part of the site on Ebury Bridge Road as public highway prior to first occupation of the relevant phase of development.
  - j) Payment of £282,928 (index linked) towards the City Council's Carbon Off Set fund for the detailed area (payable prior to commencement of development).
  - k) An updated energy plan for the outline area to be submitted prior to commencement of relevant phase of development. Where a net zero-carbon shortfall for any individual building with a development phase is identified, the carbon offset contribution is required to be paid prior to commencement of the relevant phase.
  - l) The long term retention, access to and maintenance of any play space within the development.
  - m) The provision of a 158sqm (minimum) community space facility to be provided within the relevant phase of development. The space to be provided in perpetuity at a peppercorn rent and made ready for occupation prior to occupation of market units within the same phase of development.
  - n) The costs of monitoring the S106 unilateral undertaking .
- 2.** If the unilateral undertaking has not been completed within six weeks of the date of the Committee resolution, then:
- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an undertaking within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3.** That Committee authorises the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land currently adjacent to Ebury Bridge Road to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive

Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the dedication and to make the final agreement. The applicant will be required to cover all costs of the City Council in progressing the agreement.

## 2. SUMMARY

Ebury Bridge Estate is located between the railway lines into Victoria Station to the east and Ebury Bridge Road immediately to the west. Its northern boundary is formed by a steep change in gradient up to Ebury Bridge; immediately south is the Grosvenor Waterside residential development and the Chelsea Barracks residential development to the south-west.

Ebury Bridge Estate is one of Westminster's oldest housing estates with the majority of the buildings constructed in the 1930s. The estate is predominantly residential except for the ground floor of Rye House and Bucknill House where there are a variety of small retail units along the Ebury Bridge Road frontage of both buildings.

Ebury Bridge Estate is one of five priority housing estates identified in the Westminster Housing Renewal Strategy 2010. The City Council is committed to undertaking the renewal and regeneration of the estate to improve the quality of life of existing residents by replacing and upgrading the existing housing and improving the public realm.

The estate is not located within a conservation area, but the Belgravia Conservation Area lies immediately to the west at the northern end of the estate. None of the estate buildings are listed. The site is within the Central Activities Zone (CAZ) but outside Core CAZ.

This application proposes the comprehensive renewal of the Ebury Bridge Estate by way of submission of a hybrid outline planning application, namely an outline application and detailed application. Taken together the scheme proposes up to 781 Class C3 residential units and up to 3,018sqm non-residential floorspace. The non-residential floorspace would comprise flexible retail (Classes A1 - A4), community (Class D1), leisure (Class D2) and workspace (Class B1) floorspace.

The outline area includes provision of basement; new pedestrian and vehicular access, provision of associated amenity space, open space, plant, landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works. The application includes development specification and parameter plans submitted for approval and these set the maximum parameters within which reserved matters applications will be brought forward. The application includes an architectural and landscape design code within which the detailed design of the outline area must come forward.

The detailed application includes 226 residential units proposed across Blocks 7 and 8, which comprise two buildings up to 18 storeys and 17 storeys in height respectively; with a basement. The application also includes new pedestrian and vehicular access and associated landscaping, car and cycle parking, refuse storage, servicing area and other associated infrastructure works.

The new buildings are to be built in phases with the introduction of 'meanwhile' uses on-site to ensuring the continued presence of community facilities and local convenience retail whilst the estate is redeveloped.

The key issues raised by this application are:

- The replacement of existing affordable housing and the quantum of new affordable housing
- The quality of design of the proposal, the height and scale of the new buildings and its effect on the character and appearance of the area and on the setting of nearby listed buildings and nearby conservation areas;
- The effect on living conditions of neighbouring residents in terms of daylight and sunlight,
- The housing quality of the new residential units.
- Loss of trees and quality of replacement tree planting and landscaping.
- The provision of non-residential uses within the site.
- Parking provision and access to the site for vehicles, cyclists, pedestrians and servicing.
- The design of the public realm within the new estate

The comprehensive renewal of the existing estate is supported in land use terms. The development would optimise housing delivery and help the City Council meet its ten year housing target set out in the London Plan. The hybrid outline application would accord with the spatial development priority for the renewal of the Ebury Bridge Estate set out within Policy 6 of the City Plan 2019-2040 Intend to Adopt version by increasing the number of homes available, providing enhanced public realm, making the most efficient use of land and by making improvements to the Ebury Bridge Local Centre.

The proposal is a well-considered design including an appropriate and rational arrangement of layout, height and massing. The quality of architecture, materials and public realm established within the design code and set out within the detailed scheme is of a high standard. The height of the proposed taller blocks sited alongside the railway line would have the main townscape, visual and heritage impact. Objections have been received to this aspect of the proposal.

Some harm to designated heritage assets is identified and from some locations the townscape impact, as a consequence of the dramatic scale change, is an uncomfortable one. However, there are many aspects of the tall building policy context where the proposals do accord with policy; and it is also to be taken into account that there are large parts of the Georgian and Victorian townscape of Belgravia and Pimlico which are fully respected and will witness little to no change as a consequence of the proposals.

Overall in terms of heritage impact, it has been identified that the proposals will have an adverse impact on some designated heritage assets and on non-designated heritage assets. In the case of the former the degree of impact is indirect and would be to the setting of some listed buildings and conservation areas. In all cases the degree of harm is assessed to be less than substantial and for the most part at the low end of this. While any harm should be avoided and requires clear and convincing justification, where it is adjudged to be less than substantial the NPPF makes clear that the harm must be weighed against the public benefits of the proposal. With respect to non-designated assets the NPPF requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset. The public benefits of this scheme are significant and are not capable of being delivered without the demolition of the existing buildings on the site. It is considered that they very persuasively outweigh the harm to heritage assets identified in this report.

Taken together the outline area and detailed area (referred to as the illustrative Masterplan in this report) propose a net increase in existing affordable housing floorspace on a like for like tenure basis and the proposal would accord with the London Plan's (2021) key principles for estate regeneration schemes.

The illustrative Masterplan proposes up to 781 residential units of which 53% is proposed as affordable housing by habitable room with an overall tenure split of 66% social rent to 34% intermediate housing. Discounting the affordable housing re-provision requirement, this equates to 50% affordable housing on the uplifted accommodation. This will be the minimum amount of affordable housing provision across the Masterplan area. The submitted viability information demonstrates that this is the maximum possible amount of affordable housing.

The new homes within the detailed area will be superior to the homes being replaced in all respects and will be far more energy efficient than the homes they replace. A small number of homes will not meet private amenity space standards and the proposed play space provision across the illustrative Masterplan does not fully meet London Plan (2021) standards. On balance this is considered acceptable given that communal amenity space is provided and given the overall benefits of the scheme.

The overall provision of non-residential floorspace, including the Class D1 and D2 uses and the replacement estate community space, is supported in policy terms. The proposed Class A1-A4 uses along Ebury Bridge Road will maintain and enhance the designated Ebury Bridge Local Centre which is supported. The proposed entertainment floorspace within the development is considered acceptable in principle for the reasons set out in the main report. Given that the non-residential uses are located within the outline area, the exact location, size and operation of any A3 and/or A4 uses is not known at this stage. However, these details will form part of the reserved matters applications where details relating to opening hours, kitchen extraction and capacity will also be provided which can then be controlled by condition.

The removal of 32 trees from the estate is regrettable; however, it is considered necessary in the context of the comprehensive redevelopment of the site which will deliver significant public benefits. The illustrative Masterplan proposes a high quality public realm with an comprehensive shrub and tree planting strategy. Whilst not fully meeting the London Plan (2021) policy on urban greening the scheme will see biodiversity and ecological net gain together with enhanced connectivity to the north and south. This is supported in place shaping terms.

The Design Out Crime officer has raised concerns about specific aspects of the design of the development including lack of natural surveillance, the permeability of the public realm and issues relating to anti-social behaviour and in response the applicant has made some changes to the ground floor of Blocks 7 and 8 and to the landscaping proposals. Whilst these concerns are understood, it is considered that these matters can be addressed through appropriate estate management. The provision of a high level of coordinated estate management will be key to the success of the new development and a condition is recommended to secure an updated management strategy for each phases of the development.

The proposal will result in a material worsening of daylighting standards for neighbouring properties. For some properties there would be significant reductions in daylight beyond the recommended BRE Guidelines. With the development in place the applicant's daylight assessment indicates unacceptable levels of daylight for a number of properties. These reductions in daylight would be noticeable to occupants and more of the affected rooms will appear poorly lit. There would also be sunlight losses to neighbouring properties that breach the BRE Guidelines.

If this site is to be redeveloped at a higher density level to meet policy objectives of boosting significantly the supply of housing and optimising housing delivery, then reductions in daylight and sunlight to neighbouring properties would normally be expected. The only means of protecting

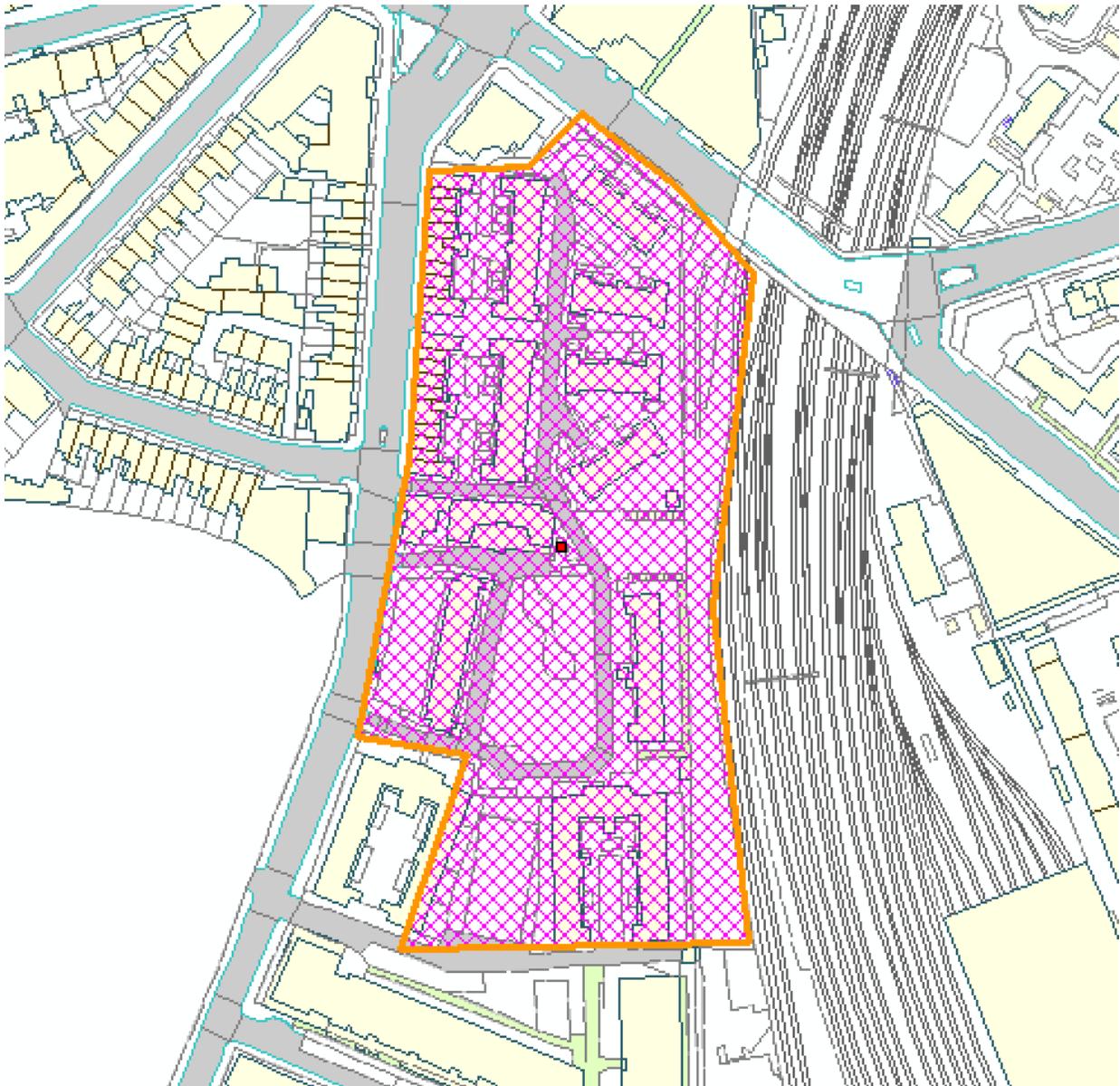
substantively the existing daylight and sunlight conditions would be to look at alternative development options. The 2016 scheme retained more of the existing blocks of flats and the new building element was not as high as currently proposed. However, this permission was not implemented as the applicant advises it has proven to be unviable. The consideration of alternative lower density options would mean that the housing growth benefits in the scheme in relation to the delivery of market and affordable housing might not be realised.

The scheme proposes a total of 42 disabled car parking spaces and two car club spaces. This level of parking provision is in accordance with London Plan (2021) policy and Policy 27 of the City Plan 2019-2040 Intend to Adopt. To off-set the impact of increased car parking on local streets lifetime car club membership for all future residential occupiers is proposed. Cycle parking for the scheme is proposed to comply with London Plan (2021) standards.

In conclusion, the proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. Specifically these policies are S25 and S29 of the City Plan, DES 9, DES 10 and ENV 13 (E) of the Unitary Development Plan and Policies 7 and 39 of the City Plan 2019-2040: Intend to Adopt version. The proposed development does, however, comply with policies H3 and H4 of the UDP, S14 and S16 of the City Plan and Policies 8 and 9 within the City Plan 2019-2040 which seeks to optimise housing delivery and to optimise the delivery of new affordable homes. The proposed development is also consistent with Policy 6 of the City Plan 2019-2040 version which sets out the approach to the Ebury Bridge Housing Renewal Area. Finally the proposal also largely accords with UDP policies DES 1, DES 3 (in part) and DES 7; City Plan policies S28 and S41; and policies 38 and 42-45 of City Plan 2019-2040 Intend to Adopt, in relation to design matters

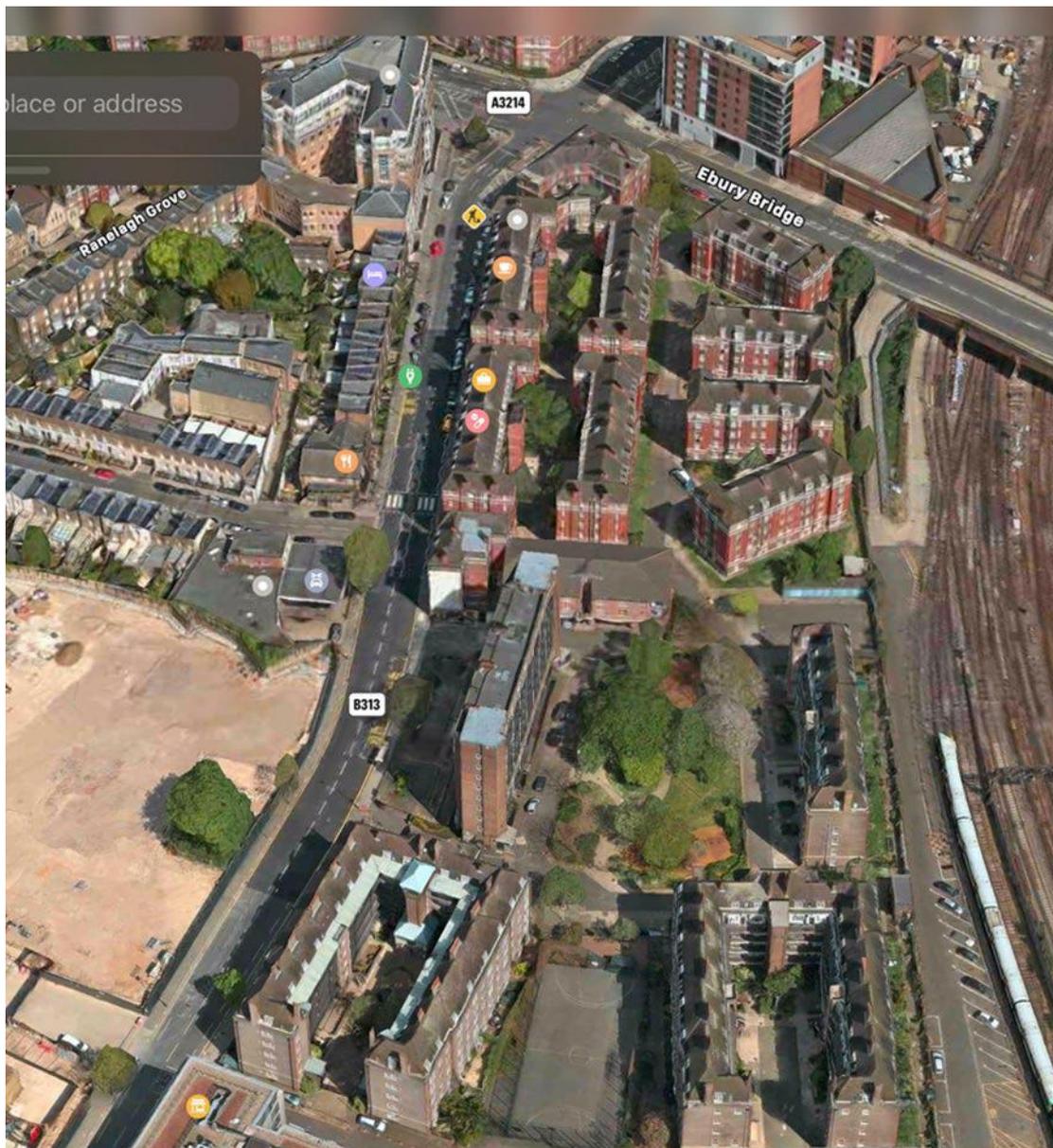
In this report, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. In addition to providing in the region of 445 additional homes and a minimum of 50% affordable housing across the illustrative Masterplan, there are other significant public benefits arising from the proposed development that are material considerations, namely improvements to the quality and energy efficiency of homes. enhancements to the public realm, new community and social facilities, an enhanced Ebury Bridge Local Centre and enhanced connectivity and new public route through the site. The proposed development would also meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site.

### 3. LOCATION PLAN



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

4. PHOTOGRAPHS



Historic aerial view of application site (Google Maps)



View of Ebury Bridge Estate along Ebury Bridge Road

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY (GLA)

Stage 1 report issued – the application does not comply with the London Plan and the following issues need to be addressed: affordable housing – whether the offer represents the maximum reasonable amount that can be provided; lack of private outdoor amenity space for some units, reconsideration of the play strategy and clarification regarding the re-provision of the existing MUGA; energy strategy; air quality; flood risk and drainage; urban greening and transport.

### TRANSPORT FOR LONDON (TfL)

Bus stop location on Ebury Bridge Road – position not yet agreed and all costs associated with repositioning must be met by the applicant; Car parking – request condition requiring blue badge spaces be leased rather than sold and S106 should include obligation prohibiting residents of the development from obtaining residents parking permits; the proposed car club spaces should be removed as they share the negative impacts of privately owned vehicles; Cycle parking/hire – the location of the extended cycle docking station has not yet been agreed and all costs associated with this must be met by the applicant; Travel Plan – the submitted plan should be secured by condition; Delivery and Servicing – the final Delivery and Servicing Plan (DSP) should be secured by condition for approval in consultation in with TfL; Construction – the final Construction Logistics Plan (CLP) should be secured by condition for approval in consultation with TfL.

### ENVIRONMENT AGENCY

The site is located within Flood Zone 3 and is protected to a very high standard by the Thames tidal flood defences. The developer has assessed the risk from a breach in the Thames tidal flood defences and has not proposed any sleeping accommodation below the tidal breach flood level. In the event of flooding, there is no safe means of access/egress to an area wholly outside the floodplain however, safe refuge within the higher floors of the development is possible. To improve flood resilience, recommend that where feasible, finished floor levels are set above the 2100 breach flood level of 4.4m AOD.

### NATURAL ENGLAND

No objection.

### HISTORIC ENGLAND

Concerned about the impact of the proposed development on the surrounding designated heritage assets, most notably the Grade I listed Royal Hospital, Chelsea; recommend that the taller elements of the scheme are reduced in height to address these concerns. The scale and massing of the proposed development will impact the setting of the Belgravia and Pimlico Conservation Areas causing less than substantial

harm to their significance. Harm may also be caused to the significance of the Grade I listed Church of St Barnabas through development in its setting; further testing of the impact on winter views from Orange Square is required.

#### HISTORIC ENGLAND (ARCHAEOLOGY) (GLAAS)

The site is located within a Tier 3 Archaeological Protection Area. The development could cause harm to archaeological remains – post-medieval/industrial archaeological remains of the 19<sup>th</sup> century Grosvenor Canal and 1720's Chelsea Waterworks and wharves but this can be managed by pre-commencement condition requiring the submission and approval of an archaeological written scheme of investigation (WSI).

#### ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection but construction work should be properly managed to mitigate any significant negative impacts on the local environment, residential amenity and the safe function of the highway.

#### NETWORK RAIL

Due to the close proximity of the proposed development to Network Rail land and operational railway, the applicant/developer must liaise closely with Network Rail's Asset Protection Team to ensure that the works can be carried out safely and may also be required to enter into an Asset Protection Agreement.

#### CROSSRAIL

Do not wish to comment – the application site is outside the limits of land subject to the Crossrail Safeguarding Direction dated 24 January 2008.

#### CROSSRAIL 2

The application site is within the limits of land subject to the Crossrail 2 Safeguarding Direction dated 24 March 2015. Request that a condition is attached requiring the submission and approval of detailed design and method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent).

#### THAMES WATER AUTHORITY

The proposed development is within 15m of a strategic water main; a condition should therefore be attached requiring the submission and approval of a piling method statement prior to any piling taking place.

There is some capacity within the existing water infrastructure network to serve 99 new dwellings on the site but beyond that upgrades to the water network will be required. The development should not outpace the delivery of essential infrastructure and therefore request that a condition requiring that no more than 99 dwellings shall be occupied until all water network upgrades required to accommodate the additional flows to serve the development have been completed or a development and infrastructure phasing plan

has been agreed with Thames Water.

#### WESTMINSTER SOCIETY

No objection to the current detailed application and the outline masterplan subject to comments and recommendations for the subsequent building out of the whole scheme. Not convinced that the townscape study from the surrounding conservation areas did inform the massing of the scheme – the heights of the taller buildings along the railway are too uniform in height, creating from certain views a uniform wall of accommodation; the Ebury Bridge Road elevation is too uniform and lacks the visual breaks seen in the existing street scape. The impact of the increase in height on Ebury Bridge Road (from 5 storeys and roof to 6-8 storeys) on views from St Barnabas Street (View 23) is of concern. Height should be transferred from Ebury Bridge Road frontage to the railway side of the development to minimise impact on closer views from the Belgravia Conservation Area.

The appearance of the scheme is quite generic and formulaic and the presence of a 'Design Code' infers that subsequent phases of the development will be the same or alternatives within given parameters. Concerned that the scheme when fully built-out will be too uniform in appearance given its scale and that minor changes to the colour of buildings or the design of balconies will not be enough to break down the scale of the development.

However, at this stage, the housing benefits of the scheme are considered to outweigh concerns about the overall appearance.

#### BELGRAVIA RESIDENTS ASSOCIATION

Any response received to be reported verbally by officers

#### BELGRAVIA SOCIETY

Any response received to be reported verbally by officers

#### BELGRAVIA NEIGHBOURHOOD FORUM

Any response received to be reported verbally by officers

#### METROPOLITAN POLICE (DESIGN OUT CRIME OFFICE)

As currently proposed, the development will not secure a Secured by Design Award for several reasons:

Concerned about level of permeability the design offers. Preferable to have a less accessible site to reduce the opportunities and fear of crime and anti-social behaviour. The design actively encourages people off Ebury Bridge Road and into a residential area. The layout will generate anti-social behaviour and crime issues due to the permeability.

The amount/extent of the commercial element is of concern. Ground floor areas are

predominantly commercial with little natural surveillance below first floor level and some residential entrances are recessed and positioned between bin stores, plant and commercial spaces; residents should have a clear line of sight to the main entrance door.

The communal amenity spaces on the podiums and terraces including the children's play area are likely to cause anti-social behaviour issues, noise nuisance and security issues for those residents living nearest these spaces.

Cycle stores should be accessed from within the development and not positioned to the rear of the building where there is no natural surveillance. If residents do not feel safe, they will take their bikes into their flats and the cycle store will become an unauthorised dumping ground for rubbish and large broken white goods and furniture.

There must be clear demarcation between public and private spaces and the landscaping proposals should be reviewed and carefully planned – e.g. large trees can reduce natural surveillance allowing crime and anti-social behaviour issues to develop, planters can be used to conceal drugs and weapons.

The new MUGA should be fenced off with a booking system in place otherwise it could become subject to anti-social behaviour and gang 'take-overs'.

#### HEAD OF AFFORDABLE HOUSING AND PARTNERSHIPS

Supports the application for the regeneration of the estate which will provide for a significant increase in the number of homes including affordable housing. The affordable homes will be of significantly better quality in terms of size and design standards than currently exists and will help the Council address its future housing need including that of existing Ebury residents who are due to return to the estate following regeneration. Request that the rent levels for the affordable (social and intermediate) homes is secured by condition. N.B. These will be secured by S106 legal obligation.

#### ENVIRONMENTAL SCIENCE

No objection subject to conditions.

Due to the prevailing noise climate (the development faces onto existing busy roads or railway lines) high specification glazing is required to meet acceptable internal noise levels for some properties and some windows will need to be kept closed which means that mechanical ventilation is required to prevent overheating in the summer. The full noise insulation design is yet to be finalised, so conditions are recommended to control internal noise standards, insulation measures and to require submission and approval of a supplementary acoustic report to demonstrate compliance with these standard.

Conditions are also recommended to protect the future occupiers from vibration and structure-borne noise including vibration from trains and mechanical plant.

As the proposed commercial uses have the potential to produce high internal activity noise from music and other entertainment activities which could cause nuisance for the residential occupiers of the development, conditions are recommended requiring the

submission and approval of sound insulation measures to protect residents from internal activity noise break-out.

Developments of this scale are required to sign up to the Council's Code of Construction Practice which includes a site-specific Site Environmental Management Plan. In addition, it is recommended that a construction logistics plan is also developed to mitigate the potential air quality impacts of construction traffic.

The development meets the required air quality neutral benchmark, but it is recommended that conditions are imposed requiring the development to adopt a low emission strategy and restricting the use of the backup generator to testing and maintenance cycles only.

#### HIGHWAYS PLANNING

Based on Churchill Ward car ownership levels, there is the potential for an increase of 147 vehicles compared to the existing situation. The scheme provides 42 off-street disabled car parking spaces to support 781 residential units and therefore, without a corresponding provision of off-street car parking, there will be increased demand for on-street parking spaces in the surrounding area. Lifetime car club membership and the two on-site car club bays proposed, are considered to be a positive mechanism to encourage low car ownership on the estate and this should be secured by legal agreement. The Car Parking Management Plan (CPMP) proposed by the applicant, is acceptable in principle but an updated CPMP will be required and should be secured by condition for each phase of the development.

The Ebury Bridge Road retail units (in the outline application) do not have internal access and servicing which means that goods will be transported along their frontage and via the highway which will have an adverse impact on pedestrians. It is therefore recommended that a condition is attached requiring servicing access arrangement to be redesigned.

Conditions are required to secure further details of the bollard location, design and operation of the vehicle access from Ebury Bridge Road. The proposed location of the relocated cycle docking station on the public highway (footpath) is unacceptable; it should be within the site itself.

The creation of improved pedestrian and cyclist routes through the estate is welcomed. A Walkway Agreement will be required to ensure that public access is retained and managed for the benefit of all.

Lifetime car club membership for residents of the development, the two car club spaces, all necessary highways works, the Walkway Agreement, dedication of highway where the building line is to be set back and the cycle docking station should all be secured by S106 unilateral undertaking .

#### PROJECTS OFFICER (WASTE)

No objection

## TREE SECTION

Development in Outline: regrettable that not more of the existing trees are to be retained; details of tree protection and arboricultural supervision must be secured by condition for those trees that are to be retained; further details are required of the tree species, numbers and locations – naturally smaller species may be more appropriate to the setting; soil depths over the basement and podium structures will be inadequate to support larger tree species.

Blocks 7 and 8: recommend single stemmed species (instead of multi-stemmed) and fewer trees in the playground and adjoining areas – to open up sightlines and reduce the potential for anti-social behaviour; all hard surfacing should be permeable to protect existing tree roots, to allow for natural drainage and to allow new trees to root successfully beneath the hard standing; insufficient soil depths at podium level to support the proposed planting and no details of irrigation requirements.

## GO GREEN PROGRAMME

No objection to the energy assessment submitted for Blocks 7 and 8 of the proposed scheme which recognises the opportunity to source waste heat from the TfL ventilation shaft. A requirement to design for and provide future connection to this source should be secured by condition.

The submitted energy strategy confirms that a carbon off-set payment is required to address the regulated emissions shortfall to meet the zero-carbon standard; this should be secured by legal obligation as part of the S106 unilateral undertaking .

## LOCAL FLOOD AUTHORITY

Any response received to be reported verbally by officers

## WCC ECONOMY TEAM

The total net increase in floorspace triggers a requirement for a financial contribution of £190,993.96 in accordance with the Council's Inclusive Local Economy Policy.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1498

Total No. of replies: 32

No. of objections: 26

No. in support: 4

The letters of objection raise some or all of the following issues:

## LAND USE

- Social housing should remain the majority tenure on the estate
- Focus should be entirely on social housing and affordable homes which would produce a smaller size and scale of development

- Lack of demand for market rent and market sale properties due to changes in society and working practices as a result of the pandemic and the large number of other new residential developments nearby.
- Play areas, green spaces and community facilities should be open to all not just residents of the estate
- An assessment of the cumulative impact of this development, the Cundy Street Quarter and Chelsea Barracks, on local transport and social infrastructure including healthcare should be undertaken.
- Density of development will place an additional burden on parking and school places

## DESIGN

- Existing estate buildings are attractive and historic
- New buildings will be an eyesore
- Height, scale and massing of new buildings will have negative impact on the London skyline and is out of character with the surrounding area
- Overbearing impact on the terrace of small Grade II listed houses on Ebury Bridge Road
- Height of blocks is not compliant with the Westminster Building Height Study 2019

## AMENITY

- Loss of daylight to Cheylesmore House
- Loss of daylight and sunlight to 1 Ebury Bridge Road
- Loss of daylight and sunlight to Moore House, Wentworth and Caro Point (Grosvenor Waterside)
- Loss of daylight to Ebury Place, 1B Sutherland Street
- Increased sense of enclosure and overshadowing due to increased height and proximity of new buildings
- Loss of privacy, increased over- looking and noise disturbance due to proximity of new buildings and balconies/roof terraces
- Noise disturbance due to increased vehicle movement, servicing and deliveries
- Light pollution
- Effective sound insulation essential due to noise from trains

## OTHER

- Lack of transparency in pre-application engagement with residents
- Response to public consultation on the planning application will be low because there are very few residents remaining on the estate
- Statement of Community Engagement and the Estate Regeneration Statement – fail to show major support for the development from estate residents and no evidence that the scheme has changed in response to concerns raised by residents either.
- Lack of demand for market rent and market sale properties due to changes in society and working practices as a result of the pandemic
- Likely that new homes will be vacant second homes and investment properties

## LETTERS OF SUPPORT

The Community Futures Group (CFG) has written to confirm their support for the planning application. Since 2017, the Ebury Bridge Community Futures Group (CFG) have provided a strong resident voice in key decisions leading to the submission of this planning application. The group have met 39 times and have been, and continue to be, a consistent presence throughout the selection of the preferred scenario 7, the initial design process and most recently the pre-planning consultation. The members of the CFG have represented their fellow residents and neighbours in the engagement process.

The group acknowledge that the decision to redevelop and re-build the existing Ebury Bridge estate has not been welcomed by the whole community and they continue to work closely with the regeneration team to ensure that everyone continues to be supported throughout any move they need to make, before they finally move to their new home.

The CFG have worked with the design team on the key parts of the plans such as the improved community spaces, the size of apartments and new shops. The group welcomes the truly mixed tenure nature of the scheme, with shared entrances and facilities making the new neighbourhood fully integrated and cohesive.

Three further letters of support raise the following issues:

- Very much look forward to the completion of this project.
- The new flats are a great example of how partnerships between social and private housing can improve the lives of all those taking part.
- The need for the regeneration of the estate is recognised.
- Even though we are not in favour of the plans to build high rise blocks we are pleased that the decision is now to place these closer to the railway tracks versus close to Cheylesmore House.
- Thanks to WCC for their collaboration during the extensive consultation period with Cheylesmore House Residents Association. During this time they listened to and addressed our main concerns in relation to the initial proposed plans on the site between Cheylesmore and Doneraile House.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Ebury Bridge Estate is located between the railway lines into Victoria Station to the east and Ebury Bridge Road immediately to the west. Its northern boundary is formed by a steep change in gradient up to Ebury Bridge; immediately south is the Grosvenor Waterside residential development and the Chelsea Barracks residential development to the south-west.

Ebury Bridge Estate is one of Westminster's oldest housing estates with the majority of

the buildings constructed in the 1930s. Nine buildings: Rye, Bucknill, Westbourne, Victoria, Bridge, Pimlico, Mercer, Dalton and Wellesley Houses completed in 1930/1931, make up the original northern part of the estate, with a further three buildings: Cheylesmore, Doneraile and Hillersdon Houses completed in 1938 at the southern end of the estate. Edgson House on Ebury Bridge Road was added in 1955 and Wainwright House was built on to the rear of Wellesley House in the 1980s.

Cheylesmore House is now held under a separate freehold title and is no longer part of the Council owned estate.

The estate is predominantly residential except for the ground floor of Rye House and Bucknill House where there are a variety of small retail units along the Ebury Bridge Road frontage of both buildings. Within the estate there is a large attractively landscaped community amenity space with two children's play areas (with play equipment) and a multi-use games area (MUGA) between Doneraile and Cheylesmore Houses. Elsewhere on the estate, the basement in the now demolished Edgson House was used as a youth club; a single storey building between Doneraile and Hillersdon Houses, known as The Lodge, was used for resident liaison meetings and by the estate gardening club; and the sheds between Dalton House and Hillersdon House were rented to residents for storage.

Vehicular access for servicing and refuse collection is via a controlled barrier entrance at the southern end of the site off Ebury Bridge Road between Cheylesmore House and the former Edgson House. Pedestrian access is via several entrance points along Ebury Bridge Road; there is no direct pedestrian access into the estate from Ebury Bridge to the north or from Grosvenor Waterside to the south.

Ebury Bridge Estate is one of five priority housing estates identified in the Westminster Housing Renewal Strategy 2010. The City Council is committed to undertaking the renewal and regeneration of the estate to improve the quality of life of existing residents by replacing and upgrading the existing housing and improving the public realm. The new buildings are to be built in phases with the introduction of 'meanwhile' uses on-site to ensuring the continued presence of community facilities and local convenience retail whilst the estate is redeveloped.

Edgson House, which had been vacant since August 2017, was demolished in 2019 and the cleared site is now occupied by temporary structures providing temporary (meanwhile) community space, café and workspace/retail uses.

The City Council is in the process of decanting residents from their homes on the estate in advance of the forthcoming estate regeneration scheme and, as buildings become vacant, the decision has been taken to commence a phased demolition of six blocks starting with Hillersdon and Dalton Houses, followed by Wellesley and Wainwright and then Pimlico and Mercer Houses with a view to mitigating any maintenance or anti-social behaviour issues which may arise as a result of the buildings standing vacant.

Prior to these demolition works the estate contained 336 residential units.

The estate is not located within a conservation area, but the Belgravia Conservation Area lies immediately to the west at the northern end of the estate. The site does not contain any listed buildings. The site is within the Central Activities Zone (CAZ) but

outside Core CAZ.

## 6.2 Recent Relevant Planning History

### Ebury Bridge Estate

Planning permission granted 7 March 2016 for: Demolition of eight existing buildings and construction of four new buildings of between four and 14 storeys to provide 271 new flats (118 x 1 bedroom, 95 x 2 bedroom, 51 x 3 bedroom and 7 x 4 bedrooms) consisting of 129 social rent flats, 26 equity share flats and 116 private/market flats: use of ground/basement floors of Block 1 for Class A1/A2/D1 purposes; a replacement community room and children's play space; new landscaping and pedestrian route through the site; new basement car park (62 spaces) and 12 surface level parking spaces (one car club space and 11 disabled spaces) (14/01295/COFUL) subject to S106 unilateral undertaking (unilateral undertaking) to secure the following:

- i) provision of 21 affordable housing units on the site (social rent) and 26 equity share units;
- ii) provision of a new community room (200m<sup>2</sup>) prior to occupation of the first private residential unit;
- iii) provision of landscaped open space; and children's play space and play equipment;
- iv) a financial contribution towards education;
- v) car park management plan;
- vi) servicing management plan;
- vii) free lifetime car club membership for residents of the estate from first occupation of the development;
- viii) the cost of all highways works surrounding the site required for the development to occur including the servicing lay-by, changes to on-street restrictions, vehicle crossovers, footway repaving and street tree planting;
- ix) bus stop relocation;
- x) employment and training opportunities for local people;
- xi) a financial contribution to the Council's Environmental Inspectorate and Environmental Sciences Team to monitor compliance with the Site Environment Management Plan and Construction Management Plan;
- xii) the dedication of part of the site on Ebury Bridge Road as public highway prior to first occupation of the development;
- xiii) monitoring costs associated with the obligations.

This permission was not implemented.

Notification of intention to demolish Wellesley House, Wainwright House, Dalton House, Hillersdon House, Pimlico House and Mercer House (Prior Approval under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); approved 10 October 2019 subject to a condition requiring – contaminated land investigation and remediation (19/06951/APAD).

Environmental Impact Assessment (EIA) Scoping Opinion adopted 6 December 2019 for: Redevelopment of Ebury Bridge Estate to provide a residential led mixed use development comprising the erection of new buildings ranging from 10 to 19 storeys to provide residential units and ancillary residential facilities (Class C3) and retail (Class A1 to A4), community floorspace (Class D1,D2) and workspace (Class B1), the provision of

new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas (19/07372/EIASCO)

### Edgson House

Planning permission granted 7 January 2019 for: Demolition of Edgson House; back-filling of basement, regrading of site and laying out of portacabins for use for a temporary period of up to three years for a variety of social and community uses (18/08372/COFUL).

Planning permission granted 17 September 2019 for: Use of former site of Edgson House as temporary community space (Class D1), cafe (Class A3) and workspace/retail units (Class A1 and/or Class B1) with associated landscaping and temporary structures, for a period of up to 5 years (19/05038/COFUL).

Prior approval required and approved 10 October 2019 for: Notification of intention to demolish Wellesley House, Wainwright House, Dalton House, Hillersdon House, Pimlico House and Mercer House (Prior Approval under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). (19/06951/APAD)

Planning permission granted 6 July 2020 for: Variation of Conditions 1 and 9 and removal of Condition 11 of planning permission dated 17 September 2019 (19/05038/COFUL) for the: Use of former site of Edgson House as temporary community space (Class D1), cafe (Class A3) and workspace/retail units (Class A1 and/or Class B1) with associated landscaping and temporary structures, for a period of up to 5 years namely, to allow the installation of a kitchen extract ventilation duct, two condenser units and toilet extract fan and primary cooking in the café (20/02234/COFUL).

## 7. THE PROPOSAL

	Existing GIA (sqm)	Maximum Floorspace – Detailed Area (GIA)	Maximum Floorspace Outline Area (GIA)	+/-
Residential	20,366sqm	16,949sqm	36,650sqm	+16,284sqm
Non Residential (Classes A1-A4, D1 and D2)	846sqm	0sqm	3,018sqm	+2,172sqm
Total	21,212sqm	16,949sqm	39,668sqm	+18,456sqm

Table 1: Existing and proposed floorspace

This is an estate renewal scheme with all of the existing buildings within the application site proposed for demolition and complete redevelopment. The application is in hybrid form being an outline application for the whole site, but also including full details for two of the proposed new buildings. Taken together the hybrid outline application (also referred to as the illustrative Masterplan in this report) proposes up to 781 Class C3 residential units of which 445 would be additional homes.

Masterplan wide the proposal is for 9 new buildings on the site (Blocks B1-B9), which will predominantly provide residential accommodation, but will also feature other uses

(e.g. retail, office, leisure), primarily at ground floor level. The application also sets out new pedestrian and vehicle access, and associated amenity space, open space, plant, landscaping, car and cycle parking, refuse storage, servicing area and other associated infrastructure works.

### Demolition

Edgson House was demolished in 2019 and a phased demolition of six blocks is currently underway (see section 6.1 for details) under the October 2019 application for prior approval. The buildings across the estate with no secured mechanism for demolition are Bucknill House, Victoria House, Rye House, Westbourne House, Bridge House and Doneraile House. The demolition of these blocks is therefore included as part of this hybrid outline application.

### Outline Area

The outline area is being submitted with all matters reserved. In this respect, parameter plans and supporting documents have been submitted for the outline area to underpin the principles of its future development. The parameter plans define site levels, the extent of buildings in plan, establish the maximum building heights (in terms of height above ordnance datum [AOD]), define the extent of character zones for the facades, the extent of public and private external amenity space, as well as identifying land uses and the nature and location of access points into the site and routes through it. These parameter plans are also supported by an Architectural Design Code and a Landscape Design Code, which in turn establish key design principles for the outline area, which would need to be adhered to when addressing any subsequent reserved matters applications.

Save as set out above, the Ebury Bridge Masterplan being submitted as part of this application is purely illustrative. The Masterplan represents “design intent” and serves as a demonstration of how a holistic development could be brought forward fully in accordance with the design code and parameter plans.

The outline application would comprise up to 36,610sqm residential floorspace (equating to an illustrative 555 residential units); and up to 3,018sqm non-residential floorspace. The non-residential floorspace would comprise flexible retail (Classes A1 - A4), community (Class D1), leisure (Class D2) and workspace (Class B1) floorspace. The outline area includes provision of basement; new pedestrian and vehicular access, provision of associated amenity space, open space, plant, landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works.

### Detailed Area

The detailed component of the application is for two of the taller blocks on the eastern side of the site, alongside the railway line; and for an area of landscaping associated with these two blocks. The application proposes 226 residential units across Blocks 7 and 8, which comprise two buildings up to 18 storeys and 17 storeys in height respectively; with a basement. The application also includes new pedestrian and vehicular access and associated landscaping, car and cycle parking, refuse storage, servicing area and other associated infrastructure works.

### Construction Phasing

The application documents indicate the following indicative construction phasing:

Phase 1 – this forms the detailed area and will comprise Blocks 7 & 8, the shared podium, basement and public square with vehicular access.

Phase 2a - Construction of the part of the outline area which comprises Block 1, Block 5 and Block 6 at the northern end of the site.

Phase 2b - Demolition of Bridge House, Doneraile House, Westbourne House, Victoria House, Rye House and Bucknill House (included as part of this Hybrid Outline Application) and construction of the part of the outline area which comprises: Block 2, Block 3, Block 4 and Block 9.

## **8. DETAILED CONSIDERATIONS**

### **Policy Context**

The application is required to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the London Plan (adopted March 2021), Westminster's City Plan (adopted November 2016), and the remaining 'saved' and not superseded policies within the City of Westminster UDP (adopted January 2007).

For the reasons set out within in Section 8.9 of this report, following the publication of the Inspector's Report, all policies in the City Plan 2019-2040: Intend to Adopt version now carry significant weight as a material consideration when determining applications.

The National Planning Policy Framework (NPPF) is also a material consideration in the determination of this application.

### **Procedural Matters**

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. These Regulations made a number of changes to the Town and Country Planning (Use Classes) Order 1987, including the creation of a new Class E (Commercial, Business and Service) that includes a wide variety of uses into a single use class and the creation of a new Class F1 (Learning and Non-Residential Institutions).

Of relevance to this application, former Class A1 (Shops), former Class A2 (Financial and Professional), former Class A3 (Restaurants and Cafes), former Class B1 (Business) and former Class D2 (Assembly and Leisure) are now included within Class E, whilst former Class D1 (Non Residential Institution) would now fall within Class F2 (Local Community). Former Class A4 (Drinking Establishments) are now removed from any of the classes and are now a sui generis use.

The other use relevant to the assessment of this application, namely dwelling houses (Class C3) are unaffected by these changes.

If permission is granted and the development built out and occupied, the use of the buildings (or part of a building) will transition into the relevant classes of the amended Order (1987) (or, in the case of the drinking establishment to a sui generis use). Thereafter, planning permission is not required to change the use within a use class. This is because changes of use within a use class do not constitute development.

As the application was submitted before these Regulations came into force, the application has been assessed and is required to be determined by reference to the use classes as they were specified on 31 August 2020 – in this case retail (Class A1), Class A2 (Financial and Professional), restaurants and cafes (Class A3), drinking establishment (Class A4), offices (Class B1), non-residential institutions (Class D1) and assembly and leisure (Class D2).

## **8.1 Principle of Development**

Ebury Bridge Estate is one of five priority housing estates identified in the Westminster Housing Renewal Strategy 2010. Permission has previously been granted for the redevelopment of the Ebury Bridge Estate in March 2016 involving the demolition of eight existing buildings and construction of four new buildings. However the applicant advises this scheme is not viable and the permission has lapsed.

Taken together the proposed detailed and outline areas propose a high density form of development with up to 781 new homes together with additional retail accommodation, community facilities and public realm improvements. The illustrative Masterplan indicates that 445 additional homes would be proposed. The boost to housing supply and effective use of land proposed is supported by national, regional and local planning policies.

At a national level, the NPPF Paragraph 8 sets out three overarching sustainable development objectives. These overarching objectives include a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and an environmental objective which includes making effective use of land.

Policy H1 of the London Plan (2021) seeks to increase the supply of housing in the capital and sets the City Council a 10 year housing target of 9,850 homes.

Policy S14 of the City Plan seeks to optimise housing delivery and specifies that the City Council will work to achieve and exceed its borough housing target set out in the London Plan.

Policies 8 and 9 within the City Plan 2019-2040: Intend to Adopt version are geared towards encouraging applicants to come forward with more housing, optimising housing delivery sites and finding new innovative ways to deliver more homes. Through this approach, there is an expectation that the London Plan derived target of 20,685 homes across the plan period (2019-2040) will be exceeded.

Policy 6 within the City Plan 2019-2040: Intend to Adopt version sets out that Ebury Bridge Estate Housing Renewal Area is a spatial development priority with the aim to bring about much needed housing growth and improvements to existing stock. The

policy states that the renewal of the Ebury Bridge Estate will deliver the following priorities: approximately 750 new high-quality homes; enhanced connections to the wider area through improved public realm and green infrastructure; innovative and high-quality design to ensure the most efficient use of land and improvements to the Ebury Bridge Local Centre in the form of new retail accommodation and community facilities.

The proposed development would have a residential density of 420 units per hectare and compares with 180 units per hectare as existing. In the London Plan (2021), higher density residential developments are those with a density of at least 350 units per hectare. A key benefit of the proposed scheme is that it intensifies the use of land and provides a high density form of development to support additional homes.

The proposed boost to housing supply, improvements to the quality of homes, the provision of new retail accommodation and community facilities and the provision of enhanced public realm for residents is strongly supported by adopted national, regional and local policy objectives and by policies within the City Plan 2019-2040: Intend to Adopt version. It is specifically supported by Policy 6 of the City Plan 2019-2040: Intend to Adopt version which sets out the priorities for the Ebury Bridge Estate Housing Renewal Area.

## 8.2 Townscape and Design

### Existing Site, Surrounding Townscape and Heritage Significance

The application site had a commercial/industrial character in the nineteenth century when a section of the Grosvenor Canal ran through it, with wharves, warehouses and factories alongside. As the canal became redundant it was slowly infilled (from north to south) and by the 1920s the section immediately south of Ebury Bridge was filled in by the City Council who by then owned the application site and it was decided that the land should be used for improved quality social housing and was called the Ebury Bridge Estate.

The first phase of the estate was at the northern end and included nine 5-storey blocks (Bridge House, Bucknill House, Dalton House Mercer House, Pimlico House, Rye House, Victoria House, Wellesley House and Westbourne House). A health centre, 1 Ebury Bridge Road, was also built at the same time, although this lies outside the red line of the current application site. These first phase buildings were designed by the architects Ashley & Newman and built between 1929-31, they are well articulated blocks predominantly in red brick (top storey to end pavilions in a yellow stock), with painted string courses, sash windows, mansard roofs but also hipped roofs to corner pavilions with oversailing eaves detail and clay-tiled roofs, completed in a neo-Georgian / Arts and Crafts style. Bucknill House and Rye House which face onto Ebury Bridge Road feature ground floor retail units. Flats are reached via access decks at each floor level, typically on the more discreet, inward facing, side of the block.

The estate was extended to the south during the 1930s, with Cheylesmore House (outside the application site), Doneraile House and Hillersdon House built to the designs of AJ Thomas. These are also neo-Georgian in style, although in a slightly more restrained fashion, predominantly using a mottled grey brick with red brick dressings. These blocks are six storeys high with communal access decks to each floor, facing

inner courtyards or the western façade in the case of Hillersdon House.

Following the war a revised strategy for the development and expansion of the estate saw the construction of Edgson House in 1955 (by Riches and Blythe). This 9-storey block set back from Ebury Bridge Road was of a more contemporary design. Permission was granted in early 2019 for the demolition of Edgson House and this has since taken place. The only other building to note is Wainwright House added to the rear of Wellesley House in the 1980s. This is a relatively low-rise 3-storey brick building.

Although not designated heritage assets, the pre-war 1920s and 30s parts of the estate are considered to be of historic and architectural interest, representing good examples of inter-war social housing delivered by a local authority. They are considered to be non-designated heritage assets.

There are designated heritage assets outside the application site whose setting would be affected by the proposals and because of the scale of the proposals some of these are at some distance from the application site.

With respect to listed buildings, the closest to the site are 20-43 Ebury Bridge Road, which lie directly opposite and are a row of 3-storey, early nineteenth century houses. Within Belgravia, to the west and north-west there are multiple grade II listed nineteenth century houses e.g. in Bloomfield Terrace or Eaton Terrace, where there will be a visual change to setting brought about by the proposals. To the east and north-east lies Pimlico and again there will be grade II listed (former) houses, e.g. around the intersection of Warwick Way and St George's Drive where the development will appear within their setting. Other listed buildings to note here are the grade II listed former British Airways Terminal Building (now the National Audit Office), which lies 90m to the north of the site; the grade I listed St Barnabas Church which lies 105m to the west; and the grade I listed Royal Hospital, which along with its complex of associated listed buildings lies approximately 500m to the west and which also includes the grade II registered park and garden (Royal Hospital, Chelsea and Ranelagh Gardens) in which it sits. These are just some of the listed buildings in the vicinity of the site and the applicant's Heritage, Townscape and Visual Impact Assessment (HTVIA) provides a comprehensive list of the listed buildings in the area and those likely to be affected.

There are also several conservation areas whose setting is likely to be changed, in part, by the proposals: the closest of these is the large Belgravia Conservation Area which lies immediately to the west, including the western side of Ebury Bridge Road (between St Barnabas Street and Pimlico Road); to the east and north-east, on the other side of the railway tracks is the large Pimlico Conservation Area; and immediately adjacent to the railway, again on the other side to the application site, but almost directly opposite, is the Peabody Avenue Conservation Area. Slightly further away is the Grosvenor Gardens Conservation Area (approx. 650m to the north of the site); and the Churchill Gardens Conservation Area (approx. 350m to the south and south-east). Beyond Westminster's boundary lies the Royal Hospital Conservation Area (220m to the south-west) within the Royal Borough of Kensington and Chelsea. As with listed buildings, the applicants HTVIA has identified all of these conservation areas and assessed the impact on some of them.

In addition to the estate buildings within the application site and 1 Ebury Bridge Road

and Cheylesmore House which are considered to be non-designated heritage assets; there are a number of other non-designated heritage assets in the vicinity, again these are largely identified within the HTVIA and are typically unlisted buildings within the nearby conservation areas, for example the low-rise, nineteenth century, two storey terraced houses in St Barnabas Street.

In respect to the general townscape characteristics of the site and the wider vicinity within which the development proposal might be experienced, there is considerable variety. In terms of the site itself this is, as already identified, a largely inter-war housing estate, typically 5-6 storeys in height, built in two phases with brick as the primary facing material. Immediately to the east of the site is the wide and elongated expanse of the railway lines, which is a very low rise area of transportation infrastructure, which in many respects divides and separates the built townscape to either side. Belgravia and Pimlico are large townscape areas which are predominantly residential in character, laid out in the early to mid-nineteenth century and for the most part retaining their original design characteristics and appearance. The scale of development in these two areas ranges from the very modestly scaled two-storey housing, such as along St Barnabas Street, to the grander stucco townhouses of Eccleston Square or Eaton Square which are five storeys above a lower ground floor. A prominent characteristic of both Belgravia and Pimlico is the strong coherence and uniformity of the townscape, often featuring long runs of terraced housing.

North of Ebury Bridge and either side of Buckingham Palace Road, the townscape is very mixed with a variety of building ages, types and scale with the tallest buildings, in terms of number of storeys, being about 10 storeys.

Immediately to the south of the application site is the Grosvenor Waterside development, which is an early 21<sup>st</sup> century predominantly residential re-development site, which retains the surviving stretch of the Grosvenor Canal. The development comprises a series of large blocks in differing cladding materials which range in height between 5 storeys and 14 storeys. Other than being, clearly of recent vintage, there is no overriding cohesion to this area. There are older nineteenth century and early twentieth century elements of townscape which lie amongst and to the south and west of the Grosvenor Waterside development, these have a more fragmented character and are largely interposed from the application site by Grosvenor Waterside.

To the west and south-west lies the new Chelsea Barracks redevelopment site, several parts of which are now complete and comprises a series of residential mansion blocks, ranging between 4-8 storeys in height, with the tallest elements approximately 35m above ground level. The buildings are predominantly stone-faced, although there is some use of brick and they adopt a modern classical style.

### **Legislation and Policy (Heritage & Design)**

The relevant legislation, policy and guidance which applies to a proposal of this nature is extensive and a detailed description has been provided within the applicant's Environmental Statement, but it is considered worthwhile to re-state some of the key legislative requirements; and some of the key policies and guidance:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates

that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

In terms of the National Planning Policy Framework (NPPF, 2019) the key sections are Chapter 12 (Achieving well-designed places) and Chapter 16 (Conserving and enhancing the historic environment). In the latter chapter paragraph 193 makes clear:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 194 states:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....”

Paragraph 196 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Finally, paragraph 197 states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

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

DES 3 of the UDP relates to High Buildings and seeks to protect and enhance Westminster’s townscape, historic character and skyline.

DES 4 of the UDP sets out criteria to ensure the highest quality of new development in order to preserve or enhance Westminster’s townscape. The policy sets out

considerations whereby new infill developments must have due regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas and conforms to or reflects urban design characteristics such as building lines, storey heights, massing, roof profiles and silhouettes of adjoining buildings, distinctive forms or architectural detailing prevalent in the local area, existence of set piece or significant building groups.

Policy DES 7 of the UDP seeks to ensure the highest standards of design in all townscape details, including encouraging the provision of public artwork for suitable schemes of redevelopment.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings.

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

Within the new Intend to Adopt version of the City Plan 2019-2040 (March 2021) there are a number of relevant policies and some of the key ones are:

Policy 6 is part of the spatial strategy and relates to housing renewal areas and specifically addresses the Ebury Bridge Estate, indicating: “The renewal of the Ebury Bridge estate will deliver the following priorities: H. Approximately 750 new high quality homes; I. Enhanced connections to the wider area through improved public realm and green infrastructure; J. Innovative and high-quality design to ensure the most efficient use of land; K. Improvements to the Ebury Bridge Local Centre in the form of new retail accommodation and community facilities.”

Policy 38 which sets out design principles, requiring exemplary standards of high quality, sustainable and inclusive urban design and architecture.

Policy 39 relates to Westminster’s heritage and how it will be valued and that development should optimise the positive role of the historic environment. Parts I and K specifically relate to the consideration of setting to listed buildings and to conservation areas.

Policy 40 relates to townscape and architecture, requiring development to be sensitively designed having regard to the surrounding townscape. Part C relates to extensive developments and indicates they should maximise opportunities to enhance the character, quality and functionality of the site and its surroundings, including creating new compositions and points of interest.

Policy 41 relates to tall buildings and sets out general design principles in circumstances where they might be acceptable; and policy 42 specifically relates to building height in housing renewal areas and indicates that in these areas, which include the Ebury Bridge Estate, there are opportunities for taller buildings “where they contribute to the creation of a place with a strong and enhanced character and on Ebury Bridge Estate respect the setting and views from the surrounding Georgian and Victorian terraces within the adjacent conservation areas”. The supporting text to this policy also states “Prescriptively indicating appropriate heights here may preclude the design solutions

necessary to facilitate the comprehensive public benefits that large estate-wide development can deliver, including the significant contribution to the strategic priority for more affordable housing in Westminster. This does not, however, mean that the heights for housing renewal areas are limitless – we will expect new buildings to be of an appropriate scale for their local context and applicants will demonstrate how the proposal adheres to clauses A and B of Policy 41.”

### **The Outline Scheme**

The proposal includes 2 building typologies. The first is Blocks B1-B4 which are 4 detached blocks which would face onto Ebury Bridge Road. These would have a 5-sided plan form, with the widest façade orientated parallel to the road, albeit set-back some 4-5m from the existing building line, to create a wider pavement on this side of the street. They would comprise a ground floor with non-residential uses facing onto Ebury Bridge Road and wrapping into the site, and also some residential floorspace facing into the site; above this would be five upper floors reaching a datum of 25.5m AOD and then a set back from Ebury Bridge Road, with then two further floors reaching an overall maximum datum height of 31.35m AOD (with small lift overrun to 32.66m AOD). There would be no set back to the inward, site-facing side of these buildings, other than to B1 and B4 where sections of the top two floors are set back.

The second main typology is Blocks B5-B9, which run alongside the railway line boundary. Less governed by established townscape these blocks are orientated to angle away from the eastern railway boundary, which reduces the immediacy of their relationship to the railway lines, enables a 14m gap between the buildings, allowing good sunlight levels into the site. The staggered arrangement of the blocks also reduces direct overlooking between adjacent blocks. The orientation of the blocks also broadly aligns with some of the grid layout within Pimlico.

These blocks would be connected by a single podium level which runs along the eastern side of the blocks. Within the podium would be contained an undercroft for parking and support functions. The blocks would then rise in two stages, first to a shoulder height, then reducing in floor plate to the upper floors. These blocks would be considerably taller than those onto Ebury Bridge Road and would vary in their maximum height. Block 5 at the northern end and closest to Ebury Bridge would have a maximum shoulder height of 28.65m AOD (approximately ground plus 6 upper storeys) and a maximum height of 58.9m AOD (G+15); Block 6 immediately to the south would be the tallest block proposed, with a shoulder height of 38.1m AOD (G+9) and a maximum height of 68.36m AOD (G+18); Block 7 would have a shoulder height of 44.4m AOD (G+11) and a maximum height of 65.2m AOD (G+16+plant); Block 8 (along with Block 9) would have the tallest shoulder height component at 47.55m AOD (G+12) and would have a maximum height of 62.05m AOD (G+16); and finally Block 9 would step down again with a maximum height of 58.9m AOD (G+15). Block 9 is also distinguished in plan form from these other taller blocks by having a projecting south-west wing which rises to the shoulder height. The detailed full planning submission relates to Blocks 7 and 8. These taller blocks are predominantly for residential use but there are some non-residential functions to parts of the lower floors, notably to Block 5 (community space and enterprise space); Block 7 (a double-height ‘Central Management Hub’); and Block 9 (potential for retail, fitness and/or nursery).

The space around the buildings is a further important component of the proposals. The ground level landscaping will feature a new publicly accessible north-south route through the site, linking Ebury Bridge to the north with the Grosvenor Waterside development to the south. This route will prioritise pedestrians and be predominantly car-traffic free and will take the form of a series of interlinked squares, framed and overlooked by the new buildings. East-west links between these squares and Ebury Bridge Road would also be created, introducing a high degree of permeability. Each square will have its own unique character and to a degree its own function, with some having a greater emphasis on providing new place space. The ground level space will be predominantly step-free and accessible, although at the northern end there is a flight of steps up to Ebury Bridge, although a level access route is also available between Block 1 and 1 Ebury Bridge Road.

In addition to this public and communal space, there are also areas of semi-private space in the form of communal terraces for occupants of the new blocks, which are located on the main podium area connecting B5-B9; and also on the flat-roofed areas of the main set-backs to all blocks.

### **Design Codes**

The majority of the site forms part of the outline application and in support of this, in addition to the parameter plans, a series of design codes are proposed for both the buildings and the landscape. These codes will capture and should secure the character and quality of the overall scheme, guiding future phases and the approach to reserved matters. The detailed application for Blocks 7 and 8 adheres to these design codes.

The design codes for the buildings have been produced following the development of an overall architectural approach, which has established 3 characters or zones to the architectural expression.

Zone 1 is the Ebury Bridge Road facades, where there is a strong horizontal expression created by string courses counterposed to a secondary vertical rhythm created by window alignments and balconies. The base of each block would be clearly expressed and define the retail uses at this level. Brick would be the principal facing material.

Zone 2 would be the facades of all blocks as they face inward towards the new north-south route and the interconnected squares. These facades would have a strong horizontal emphasis created by continuous balconies with a solid upstand creating a ribbon effect. The height of the solid upstand diminishes through the floors, lightening the facades as they rise. The continuous balconies ensure that the public spaces are well overlooked. The main cladding material to the external walls will be a green glazed terracotta.

Finally, Zone 3 would be the facades of the taller blocks (B5-B9) as they face outwards and also to the upper floors (above shoulder height) on the inward facing sides. Here there is a greater vertical emphasis, created by window alignments and façade detailing. These will display some variety in material and colour to differentiate them, while maintaining an overall coherence and discipline.

The design codes relate to the 3 differing zones of architectural expression, although

there are also some site-wide codes, some of these are relatively unspecific but do seek to secure design quality, and ensure future phases of the outline scheme respond to context and to the design principles set out in the Design and Access Statement. Other site-wide codes are more specific and relate to materials, horizontal expression, balconies and metalwork, decoration to facades, windows and openings, public art, parapets and terraces. Other items which are addressed on a site-wide basis include service access points; building services; signage; and wayfinding.

The other design codes for the buildings are more precise and detailed in terms of the areas to which they relate and apply to the 3 differing zones of architectural expression. Thus, for Zone 1 (Ebury Bridge Road fronting facades) the code defines 4 façade types and sets out detailed design requirements for these, while still enabling a degree of flexibility which would mean that the blocks might have some differentiation, but would maintain a high degree of design integrity. An example of this would be the code that specifies the principal facing material to the walls of the Ebury Bridge Road front façade is to be brickwork with a red tone, however, there will remain scope for differing shades of red and different bonds of brick.

For Zone 2 (inward facing facades to north-south interlinking squares) there are 5 façade types defined. The code specifies a minimal palette of materials including cast stone or light-coloured masonry, glazed terracotta (green tone) and dark metalwork, aimed at ensuring a coherent appearance. There are then specific design requirements for each of the façade areas.

Finally, for Zone 3 (the taller building elements) there are 3 main façade types, as well as façade types for the podium and for the new railway boundary wall. Again, for the materials a minimal palette of materials is specified again including cast stone or light-coloured masonry and glazed terracotta, this time with a colour range between champagne and red (expressed from south to north, i.e. redder to the north, moving to champagne to the south).

Turning to the landscaping and the design codes for this part of the scheme. The outline scheme defines the extent of the landscaping and creates a north-south route through the site, linking Ebury Bridge to the north with the Grosvenor Waterside development to the south. A guiding principle of the design will be to prioritise pedestrian movement over vehicle movement, as well as providing space to dwell and play as opposed to solely moving through. Regular access points between the north-south route and Ebury Bridge Road are positioned between blocks B1-B4, with only two of these capable of being used by vehicles. The plan shape of the buildings enables the north-south route to take the form of northern and southern gateways and a series of interconnecting squares, each with a differing character. Some of the basic landscape principles have been informed by the former presence of the canal on this site, with the west side of the landscaping having a greater amount of planting, with a more informal and naturalistic character (referencing a towpath condition), while the east side of the landscaping will be less planted, orthogonal and more formal in character (referencing the strong linear character of a canal).

Alongside the main street level, publicly accessible landscaping, there will also be areas of landscaped private amenity space at this level, while to the upper floors of the buildings there are landscaped communal terraces for residents of the new blocks and

again there are often private amenity spaces abutting these communal terraces. In all cases the design intention is to clearly define these spaces and their uses, to minimise any ambiguity for the users of these new spaces.

Other layout considerations have included the local microclimate, seeking to ensure that the most comfortable areas to dwell e.g. sunny, warm and sheltered areas are where people can be, while areas which will receive less sunlight will be where planting is focussed, with species suited to shade proposed.

The design codes for the landscaping will seek to embed the informal/formal character areas and will clarify and ensure that areas of landscaping and the function of the connecting squares is clear. Where specific provision is intended within a space be that a form of planting or a type of play space then the code sets out the requirements that will need to be addressed in future design development and in reserved matters. Guiding principles are established for materials e.g. hard materials will be specified in a consistent manner across the whole site, with a natural clay paver being the predominant public realm paving. The landscaping codes will also cover the integration of public art, measures to promote ecology and biodiversity, seating, other items of street furniture, boundary treatments and lighting; as well as soft landscaping and a tree strategy.

A condition is recommended requiring the layout proposed under any reserved matters applications to be in full accordance with the parameter plans and design codes.

### **Detailed Scheme**

Block 7 would have a shoulder height of 44.4m AOD (G+11) and a maximum height of 65.2m AOD (G+16+plant); Block 8 would have a taller shoulder height component at 47.55m AOD (G+12) and would have a maximum height of 62.05m AOD (G+16). Rooftop plant on B7 would be integrated into the design and thus makes this block taller, albeit the two blocks have the same number of residential floors.

There would be a combined basement beneath both buildings and a single storey podium connecting the two and containing some car parking, the top of which would provide a landscaped communal terrace for the residents. Part of the ground and first floor of B7 would house the Management Hub for the estate which would be prominently sited at the north-western end of the layout. The main residential entrances will also occupy prominent positions and would face onto the landscaped square that will be partially contained by these two components of the overall scheme.

The remainder of the ground floor plan of B7 is largely for back-of-house support functions such as refuse storage, cycle parking and a sub-station. The ground floor of B8 also has a large refuse store area, however, its south-facing façade features 3 duplex residential units, each with their own individual entrance doors and with landscaped private amenity space in front.

The first floor communal terraced areas to the roof of the podium will be hard-paved with raised planters and seating. There will be access to these areas from the common parts of the two blocks, but also for the residential units at first floor level (several of which are duplex units), they will have their own separate access to the communal terrace as well

as private external amenity space, abutting the main terrace – thus providing some level of defensible space between the units and the communal terrace.

The remaining floors of both blocks are laid out with a central core and a maximum of 8 homes per floor. The position of the core alongside the plan form adopted ensures that the majority of the units enjoy a dual aspect living space. The majority (85%) of the units have a private external amenity space in the form of a balcony/terrace, but some units – one bedroom flats – do not and in these cases mitigation is offered by the provision of larger units either with fully openable doors and ‘Juliette style’ balconies, or with shallower balconies.

At floor 12 of B7 and floor 13 of B8, the shoulder set-backs are located, towards the north-western side of the floor plan (away from the railway). The roofs of these shoulders are provided with further communal terraces, accessible to all residents from within the block. These again feature raised seating and planting and there are also defensible private amenity spaces for the flats which face onto these communal terraces.

The top floor of each block is stepped so as to occupy only the northern half of the plan, thus defining the top of the building. The stepped top floor to B7 contains plant, whereas the stepped top floor to B8 contains three flats. Other than the private amenity space there are no terraces to the rooftops which are accessible only for maintenance and also feature building maintenance units to facilitate maintenance of the facades.

In terms of their external appearance the two blocks conform to the design codes which are proposed for the whole site. Both B7 and B8 represent the taller building typology and feature façade zones from two of the design codes. The lower sections (up to shoulder height) which face into the development, towards the new landscaping will have a horizontal expression, created by continuous ribbon balconies, with a graduated depth in pre-cast concrete. The external walls will be clad in a green glazed terracotta, set in a vertical bond with a chamfered or chevron plan shape.

For the sides facing away from the landscaped squares and the upper storeys, which will be visible at greater distance, these will feature the design codes applied to zone 3. The taller and wider sides (facing north-east and south-west) will have a vertical emphasis, again with a chevron plan and will be a light monotone of precast concrete. The subordinate horizontal spandrels/floor plate will repeat the graduated depth of zone 2. For the south-east facing ends and the upper storeys of the north-west facing ends the horizontal expression is re-emphasised, with the graduated continuous balconies, and the walls in these areas are clad in the chevron plan terracotta, but unlike the green for the lower zone 2 areas, the colours to these zone 3 areas will be consistent to each block within the colour range of red to champagne, with B7 closer to red and B8 closer to champagne.

Decorative metal balustrades to the balconies and terraces, will be a cohesive architectural detail, with a design that varies to accommodate the differing balcony conditions created by their graduated masonry depth. There will be opaque glass privacy screen which subdivide the balconies between separate flats.

The 2-storey base to each block as it faces the landscaped interior of the site is architecturally distinct from the upper floors. In B7 the double-height management hub

will be predominantly glazed with a regular rhythm of vertical metal fins framing the glass. The prominently positioned main entrances to each block will be double-height glazed facades, ensuring a legible entry point; and finally the duplex ground floor units to B8 will also have a double-height expression, although the green glazed terracotta will feature in the cladding to these areas, thus unifying with the cladding to the residential units of the upper floors.

The soffit to the cast masonry balcony which frames the top of the double-height base to both blocks is seen as an opportunity for public art in the form of an 'art ribbon'. The details of this are unclear at present, but it would appear to be an applied decorative treatment to this soffit, which could continue into the soffit of the entry lobbies and be a feature which runs through the whole development at this level.

With respect to the proposed street-level landscaping for the detailed scheme, this also accords with the design codes for the masterplan. For this application the detailed extent of the landscaping includes the perimeter ground floor areas to Blocks 7 and 8, the square that is contained by B7 and B8 and will in time be contained by B3 and B4 and the access point from Ebury Bridge Road, which lies between the sites of B3 and B4. The concept of formal and informal areas is proposed with a more orthogonal and hard landscaped area on the east, closer to B7 and B8 and a softer and more informal character to the square and the western side of the landscaped area. The focal point of this phase of the landscaping will be the new square which has a paved perimeter with a planted centre integrating new play provision. The principal paving material will be a clay paver, featuring a concrete inlay.

The access point between the sites of B3 and B4 will be one of the points of entry accessible to vehicles, which will be able to circulate around the central square and access the car parking within the podium base, as well as for deliveries and servicing. Details of defensible space are provided to show how landscaping will provide a buffer where there is an interface between private garden amenity spaces and the main publicly accessible landscape.

### **Impact of the Development on Heritage Assets and Townscape**

The proposed height and layout of the scheme (both the outline area and the detailed area) will have a wide visual and townscape impact, which will affect many of the designated heritage assets in the vicinity. The application includes a detailed Heritage, Townscape and Visual Impact Assessment (HTVIA) as part the Environmental Statement, which includes 26 view assessment points.

While there are existing isolated taller buildings in the vicinity, such as Caro Point in Grosvenor Waterside (14 storeys, 48m tall) or Glastonbury House in Pimlico (23 storeys, 65m tall), the current proposal with a closely grouped alignment of tall buildings between 16 and 19 storeys (approx. 55m – 64m tall); and a lower rise group of 8 storey blocks (approx. 27m tall), will introduce a cluster of more densely arranged taller buildings, which differs from the surrounding townscape and will be recognisable as a new and distinct scale and form of development to this part of Westminster.

### *Listed Buildings*

Turning first to the impact upon the setting of listed buildings, it is the grade II listed terrace at 20-42 Ebury Bridge Road, the grade II National Audit Office (former British Airways Terminal) and grade I Church of St Barnabas and its associated school and parsonage; and neighbouring listed houses in Bloomfield Terrace whose setting would be most noticeably changed. With respect to the former, this terrace lies directly opposite the application site and the new development will introduce a dramatic shift in scale to the east in sharp contrast with the modest proportions of these buildings (see View 25 of the HTVIA). However, the existing setting to these buildings makes a very limited contribution to their significance, with the existing Ebury Estate buildings and the taller post-modern ENI House, 10 Ebury Bridge Road already providing a contrasting scale and thus while there is change to the setting, it is not considered harmful.

With respect to the grade II National Audit Office, this has a wider landmark quality to it, as a consequence of the tall central clock tower. At present the clock tower is a local landmark that can be seen against the skyline from a number of vantage points and the space around it allows this prominent architectural feature to be appreciated. In views 1, 2 (winter), 3, 4, 5 and 14 the impact of the proposed development on the clock tower are evidenced. In some of these views e.g. 1 and 2 the silhouette quality of the tower is eroded by the taller blocks of the proposed scheme; and in view 14 the tower is completely obscured by the new development. In other views e.g. view 5 the new development has little impact on the clock tower, which remains a strong local landmark. The erosion of its silhouette or complete blocking of views does erode the townscape qualities of the clock tower, however, the impact upon setting is low with many aspects of the building unaltered. Thus, while there is some harm to significance this is at the low end of a spectrum of less than substantial.

The grade I Church of St Barnabas, its associated grade II listed school and parsonage, and the adjacent listed buildings in Bloomfield Terrace lie to the west of the development site (the site is approximately 100m to the east at its closest point) and as view 21 shows, the new development will appear within the setting of these listed buildings, appearing above the roofline of the school in view 21. While taller, modern buildings do appear within the setting of these listed buildings, they are lower, further away and less concentrated in their positioning, which provides a sense of space and openness to these listed buildings. The taller blocks of the new development will have some adverse impact on setting, introducing a discordant scale of development in the background of these buildings, albeit at some distance and only from some vantage points. This harm to significance is at the low end of less than substantial.

The grade I listed Royal Hospital Main Building in the Royal Borough of Kensington and Chelsea, along with the complex of associated listed buildings forms an important group of very high heritage significance and the impact upon the setting of these buildings was a matter Historic England expressed particular interest in at pre-application stage. Views 11-20 are a series of views which show the proposed development within the setting of the Royal Hospital and these demonstrate that for the most part the taller blocks would be below the tree line and/or no taller than the interposing Chelsea Barracks development. As such the visual impact upon the setting is minimal and not considered to harm the significance of this group of listed buildings. It is to be noted that RBKC raise no objection to the proposal.

The new development, because of its height, would be visible at a distance within the setting of many other listed buildings. Many of these are set out in the HTVIA, but as this assessment concludes, the proposal would not have an adverse impact on the significance of these listed buildings, as it would be experienced as a minor, background change to the setting in an already diverse townscape.

### *Conservation Areas*

The two conservation areas most affected by the proposed development are the Belgravia Conservation Area and the Pimlico Conservation Area. As already mentioned, both these conservation areas are predominantly residential in character and of nineteenth century date, with Belgravia developed slightly earlier than Pimlico. Both are laid out on a grid, as planned phases of urban expansion, primarily featuring rows of terraced houses facing onto streets and squares. While the style and size of houses varies in different parts of the two areas, particularly in Belgravia, the overall character of the townscape is of one of domestically scaled, uniform terraces – many of which are listed.

The proposed development, principally the taller blocks, will introduce a prominent change to the townscape which will be appreciable from these conservation areas and will affect their setting. Within the HTVIA views 6-11 provide examples of the impact upon the Pimlico Conservation Area; while views 21-23 provide examples of the impact upon the Belgravia Conservation Area.

Because of the grid pattern to Pimlico, it is the case that where the development is not on axis with the grid it is unlikely to be visible from public vantage points, but it does become prominent when it is axially aligned. In some cases the development is seen in the context of other tall buildings such as Glastonbury House or Ebury Apartments (views 7-10), while in view 11 it appears as an entirely new scale of development. The height of Glastonbury House and Ebury Apartments are not positive components to the setting of the Pimlico Conservation Area, as they introduce architectural forms and scale, which is discordant with that of the conservation area; and so the addition of greater height which fills in the space behind these taller building only exacerbates the harm to setting caused. In view 11 where the uniform scale of the historic townscape is currently largely unaltered, this will be changed dramatically by the new tall blocks. The proposed orientation, articulation and materials of the new development will mitigate this impact but there will remain a residual level of harm. As this harm will only be appreciable from certain vantage points, the level of harm to the conservation area is considered to be at the low end of a spectrum of less than substantial harm. The GLA in their stage 1 report also identify less than substantial harm to the Pimlico Conservation Area.

With respect to the Belgravia Conservation Area, the impact of the development as appreciated from Orange Square (view 21) has already been considered in the context of listed buildings and the harm caused to St Barnabas Church, its school and parsonage and Bloomfield Terrace, and this would equally apply to the Belgravia Conservation Area, within which these listed buildings lie. Views 22 and 23 are perhaps the most challenging in terms of their impact upon the Belgravia Conservation Area, as they reveal the development within very close proximity to buildings within the conservation area. While the existing estate buildings appear in this view and are

obviously of a differing scale and vintage to the low rise two-storey terraces in St Barnabas Street, within the conservation area, they are relatively polite neighbours, whereas the proposed development, very dramatically changes the townscape and setting to this part of the conservation area. All of the conservation area buildings in this view make a very positive contribution to its character and appearance and the proposed development certainly has an adverse impact, introducing a highly discordant change in scale and density. As this impact is restricted to a small part of the Belgravia Conservation Area, the level of harm is less than substantial, but in these views the harm is assessed to be of a moderate degree. The identification of less than substantial harm to the Belgravia Conservation Area is also made by the GLA in their stage 1 report.

There are other conservation areas where some change to setting will occur as a result of the proposed development, namely the Peabody Avenue Conservation Area, the Grosvenor Gardens Conservation Area, the Churchill Gardens Conservation Area; and beyond Westminster's boundary lies the Royal Hospital Conservation Area in RBKC. However, in these cases the degree of change to setting is either visually minimal, or the distance and juxtaposition makes the new development have no adverse impacts and as such no harm is identified to the setting of these conservation areas. However, it should be noted that the GLA in their stage 1 report identify less than substantial harm to Peabody Avenue, Grosvenor Gardens and Royal Hospital Conservation Areas.

#### *Registered Parks and Gardens*

These are also designated heritage assets identified as being landscaped spaces of special historic interest. The HTVIA identifies 4 such assets which are near the site: Eccleston Square and Warwick Square, both grade II and within the Pimlico Conservation Area; the Royal Hospital, Chelsea and Ranelagh Gardens (grade II) in RBKC; and finally, Battersea Park (grade II\*) in the London Borough of Wandsworth. The assessment undertaken including views from within or adjacent to these registered spaces indicates that the development will not adversely affect their setting.

#### *Non-Designated Heritage Assets*

These are buildings/structures/spaces that are not statutorily protected but which are of historic interest. Many of the unlisted buildings within the Pimlico and Belgravia Conservation Areas, such as the buildings in St Barnabas Street and the buildings lining Westmoreland Place, would fall into this category. So too would the inter-war estate buildings in the application site. The degree of impact to such assets ranges from complete loss of significance – in the case of the estate buildings, which are to be demolished, through indirect and harmful impact to their setting such as discussed when considering views 11, 22 and 23, and then in many cases there is no or negligible impact.

#### *General Townscape Impacts*

As mentioned, when considering the existing townscape, there are a variety of conditions within the immediate vicinity of the site, perhaps not surprising for an inner-London location. These include the areas of Belgravia and Pimlico, already discussed; the severe but historic truncation of the townscape in the form of the railway lines into and out from Victoria Station; there is the mixed townscape to the north of the site on

either side of Buckingham Palace Road; the relatively recent Grosvenor Waterside development to the south; and the more recent still Chelsea Barracks development, still ongoing to the west and south-west.

By virtue of its height and density the proposal will change the townscape character of the application site and the setting of adjacent townscape areas. Aspects of this change will be beneficial, notably to the application site itself, which will feature new buildings of a high standard of design quality set within a well- designed and permeable new landscape, with active ground floor frontages. Some townscape impacts will be relatively benign, such as to the railway zone; to the area to the north along Buckingham Palace Road; and to the recent developments of Grosvenor Waterside and Chelsea Barracks, which have themselves created distinct new areas of townscape. As with the assessment of heritage impacts, it is the relationship of the proposal with the older and lower rise townscape of Belgravia and Pimlico where the most uncomfortable interfaces between existing and proposed occur. The transition in scale between the low rise buildings of St Barnabas Street and the proposed development is substantial and is an example of these challenging townscape interfaces. However, it is the case that in the layout, orientation and massing of the new buildings consideration has been given to mitigating these impacts, so too in the choice of materials, their colour and the articulation to facades.

### **Concluding Assessment**

The proposals are clearly transformative in their intention. The Ebury Bridge Estate has been identified as a location for estate regeneration and the Intend to Adopt City Plan 2019-2040 indicates the City Council's aims and aspirations for this site. In seeking to design a viable scheme that will deliver a considerable uplift in housing, including affordable housing, the scale and particularly the height of the proposal will result in a pronounced change to the townscape, which will impact upon heritage assets and by virtue of its scope and scale raises many complex design considerations.

The height of the proposed taller blocks (B5-B9) in particular, two of which form part of the detailed component of this application, has the main townscape, visual and heritage impact; and is an aspect of the proposal which has been commonly referred to in objections to the application. In terms of the Council's tall building policy (UDP policy DES 3), which would apply to this proposal, there are some conflicts. With respect to DES 3 this indicates at 3A that tall buildings will not be permitted where they would have an adverse impact on conservation areas and listed buildings; or would be incongruous with respect to the prevailing character of the local area. At the same time, the policy also indicates at 3B reasons for an exception to 3A which include architectural quality, that the public transport and highway capacity can absorb the additional housing and that the scheme will deliver a favourable mix of land use, facilitating shorter journeys to work, energy conservation and would support other sustainability objectives. Finally, part 3C indicates that tall buildings where acceptable shall contribute to the improvement or regeneration of the local area and address various detailed design criteria.

The London Plan (2021) at policy D9 sets out its policy approach to tall buildings, in many respects leaving locational decisions to local authorities but establishing locational principles, including taking account of heritage assets.

Within Westminster's Intend to Adopt City Plan 2019-2040, Policy 41 is relevant and with

respect to locational principles this indicates at part C that development of tall buildings may be acceptable within the Housing Renewal Areas, of which the Ebury Bridge Estate is one, provided the proposal also accords with the general principles of 41B and Policy 42. Amongst the key requirements of Policy 41B are that schemes with tall buildings should be proportionate to the role, function and importance of the place, be of exceptional design quality and not have a negative effect on townscape and heritage assets. Policy 42 specifically relates to building height in the housing renewal areas and notes the need to adhere to Policy 41 but also indicates that “what is considered an appropriate height must be balanced against the wider public benefits the scheme is able to viably deliver.” Finally, Policy 42B indicates that within the Ebury Bridge Estate there are opportunities for taller buildings where they contribute to the creation of a place with a strong and enhanced character and “respect the setting and views from the surrounding Georgian and Victorian terraces within the adjacent conservation areas; have the tallest element towards the northern end of the area marking Ebury Bridge and the crossing of the railway line, with building height stepping down from this location.”

The proposed tall buildings that form part of this application do not in every respect accord with the tall building policy context outlined above. As has been identified some harm to designated heritage assets is identified and from some locations the townscape impact, as a consequence of the dramatic scale change, is an uncomfortable one. However, there are many aspects of the tall building policy context where the proposals do accord with policy; and it is also to be taken into account that there are large parts of the Georgian and Victorian townscape of Belgravia and Pimlico which are fully respected and will witness little to no change as a consequence of the proposals.

Aspects of the tall building policy context which the proposal does accord with include a well-considered layout and commitment to high quality design; a highly sustainable development which could facilitate shorter journeys to work; sited in a location with good transport infrastructure; it introduces a significantly enhanced public realm; and has sought to optimise layout to improve local environmental conditions, while also taking account of wider townscape impacts.

In terms of heritage impact, it has been identified that the proposals will have an adverse impact on some designated heritage assets and on non-designated heritage assets. In the case of the former the degree of impact is indirect and would be to the setting of some listed buildings and conservation areas. In all cases the degree of harm is assessed to be less than substantial and for the most part at the low end of this. While any harm should be avoided and requires clear and convincing justification, where it is adjudged to be less than substantial the NPPF makes clear that the harm must be weighed against the public benefits of the proposal. With respect to non-designated assets the NPPF requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.

The public benefits of this scheme are significant and are not capable of being delivered without the demolition of the existing buildings on the site. It is considered that they very persuasively outweigh the harm to heritage assets identified in this report.

The proposal is a well-considered design including an appropriate and rational arrangement of layout, height and massing. The quality of architecture, materials and landscaping established within the design codes and exemplified within the detailed

scheme is of a high standard. The proposals will change the local townscape and for the most part these changes are beneficial – they will deliver regeneration of the Ebury Bridge Estate. For the reasons set out in this section of the report the proposals are considered acceptable in terms of design, townscape and visual impact, and heritage impact.

### 8.3 Land Use

#### Replacement of existing affordable housing

The development proposes the demolition of existing affordable housing. As such this element of the proposal is subject to strategic policies in the London Plan and guidance in the Mayor's Affordable Housing and Viability SPG and the Mayor's Good Practice Guide to Estate Regeneration (GPGER).

Policy H8 of the London Plan (2021) states that loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. Part D of this policy states that demolition of affordable housing, including where it is part of an estate redevelopment programme, should not be permitted unless it is replaced by an equivalent amount of affordable housing floorspace. Further strategic guidance is provided in

Policy S16 of the City Plan protects affordable housing and floorspace that is used or was last used as affordable housing.

Policy 9 of the City Plan 2019-2040: Intend to Adopt version states that there will be no net loss of affordable housing across the City. Part H of this policy states that proposals involving the demolition of existing affordable housing will not be permitted unless it is replaced by at least an equivalent amount of affordable housing floorspace.

The London Plan (2021) sets out that all estate regeneration schemes should take into account and reflect the following key principles set out in the GPGER which apply to all estate regeneration schemes in London: like for like replacement of existing affordable housing floorspace; an increase in affordable housing; full rights of return for any social housing tenants; fair deal for leaseholders/freeholders and full and transparent consultation and involvement.

<b>Tenure</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4+ Bed</b>	<b>Total Units</b>	<b>Total Habitable Rooms</b>	<b>Total Floorspace (GIA)</b>
Social Rent Housing	84	85	20	9	198	548	11,352sqm
Private Housing	44	64	21	9	138	411	9,014 sqm
<b>Total</b>	<b>128</b>	<b>149</b>	<b>41</b>	<b>18</b>	<b>336</b>	<b>959</b>	<b>20,366 sqm</b>

Table 2: tenure and typology of existing units

### Like for like replacement

Prior to recent demolition works the estate contained 336 residential units made up of 138 private and 198 social rent units. Policy H8 of the London Plan (2021) sets out that replacement affordable housing must be provided at social rent levels, where it is being provided to facilitate a right of return for existing social rent tenants. The requirement for like for like replacement affordable housing floorspace therefore applies to all 198 social rent units located on the existing site.

Masterplan wide, there would be a net gain in terms of social rent accommodation, intermediate housing and overall affordable housing in terms of units numbers, habitable rooms and floorspace. This is illustrated in Table 3 below and is welcomed in policy terms.

Unit Status	Tenure	No. Units (Habitable Rooms)	% Split by Habitable Room	Floorspace (GIA) For detailed area and illustrative outline
Existing Units to be Demolished	Social Rent	198 (548hr)		11,352 sqm
	Intermediate	0 (0hr)		0 sqm
	Private	138 (411hr)		9,014 sqm
Proposed Units	Social Rent	239 (786hr)	53%	19,241 sqm
	Intermediate	125 (351hr)		8,692 sqm
	Private	417 (1002hr)	47%	25,501 sqm
Net Gain	Social Rent	41 (238hr)	50%	+7,889 sqm
	Intermediate	125 (351hr)		+8,692
	Private	279 (591hr)	50%	+16,487 sqm
TOTAL new build flats (replaced + uplift)		781 (2,139hr)		53,434 sqm  (+Ancillary Residential 53,834 sqm)
Affordable Total		364 (1,137hr)		27,933 sqm
Affordable Net Gain		+ 166 (+589hr)		16,581 sqm

Table 3: Unit and habitable room details for the detailed area (Blocks 7 & 8) and illustrative masterplan

### Right to return

The applicant has provided a statement of community involvement that states that all current secure tenants and resident leaseholders (who have lived in their home for more than one year) will have the right to return to a new home with the majority able to move once straight into their new home. The rent levels for returning tenants will be based on existing property values on the Ebury Estate rather than new property values and would form part of the S106 unilateral undertaking. Of the former 198 Ebury Bridge Estate council tenants, 119 have indicated they wish to return to the newly regenerated Ebury scheme. The remaining original tenants have confirmed they do not wish to return. The delivery of a high quantum of social homes for existing Ebury Bridge Estate residents is supported.

### Fair deal for Leaseholders

In addition to the 198 social rented homes, there are a total of 138 leasehold properties that form part of the existing Ebury Bridge Estate. In addition to the statutory home loss compensation, the applicant has set out that support measures for leaseholders include offering interest free equity loans, shared equity and shared ownership and buying another leasehold property in the housing renewal area. This is considered acceptable.

### Full and transparent consultation

Details of the engagement process undertaken by the applicant have been set out in the applicant's submission. Specifically, the statement of community involvement sets out that over 80% of Ebury Bridge Estate residents have been involved in shaping designs since 2017, that a strategic residents body (the "Community Futures Group") comprising of tenants, leaseholders and businesses have been formed and provided a resident voice in influencing the proposals, that various meetings were held with recognised amenity groups, resident associations and ward councillors and businesses to seek views on the renewal project, and that a variety of consultation methods have been used to enable residents to provide feedback on proposals. This is considered to be satisfactory.

### Consideration of alternative options

Policy H8 of the London Plan (2021) states that before considering demolition of existing estates, alternative options should first be considered and the potential benefits associated with the option to demolish and rebuild an estate set against the wider social and environmental impacts. The Estate Regeneration Statement provided with the application sets out that eight development scenarios were established with the community which ranged from full refurbishment of existing blocks through to wholesale redevelopment of the estate. This process culminated in the selection of Scenario 7, the full redevelopment of the existing estate. The applicant indicates that viability was a basis of assessment of various scenarios. This is considered to be satisfactory.

## Housing

The illustrative Masterplan indicates that the scheme would deliver approximately 781 new residential units in a range of tenures. This would contribute positively to the housing targets set out in Section 8.1 of this report and is supported.

Objections have been received on the grounds that the proposed development should be entirely comprised of social housing and affordable homes which would produce a smaller size and scale of development and that there is now a lack of demand for market rent and market sale properties. Whilst this objection is noted, an aim of Objective 1 of the City Plan 2019-2040 Intend to Adopt version is to increase the stock of high quality housing and provide variety in terms of size, type and tenure to meet need and promote mixed and inclusive communities. The proposed development is considered to accord with this objective.

A concern has been raised that the new homes will be vacant second homes and investment properties. Given the tenure mix proposed within the new estate, which would comprise market sale, market rent and affordable tenure, it is likely that the number of second homes and investment properties would be small in comparison to the overall number of homes proposed.

### Affordable Housing

Policy H4(A) of the London Plan (2021) sets a strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable. Specific measures to achieve this aim include public sector land delivering at least 50% affordable housing on each site.

Policy H8( E) requires developments that include the demolition and replacement of affordable housing to provide the maximum possible amount of affordable housing to be determined through viability testing.

Policy S16 of the City Plan states that the City Council will aim to exceed 30% of new homes to be affordable homes, and will work with its partners to facilitate and optimise the delivery of new affordable homes. The City Council's Interim Guidance Note on Affordable Housing (2013) provides additional detail on the application of this policy. In this location, outside the Core CAZ, the Interim Guidance Note provides that 35% affordable housing would be sought.

Policy 9 of the City Plan 2019-2040: Intend to Adopt version states that at least 35% of all new homes will be affordable across Westminster. Part H of this policy states that additional affordable housing will be maximised in redevelopment proposals involving the demolition of existing affordable housing.

Given that the proposed development involves estate regeneration on public sector land, it is considered that Policy H4(A) and Policy H8 (E) of the London Plan (2021) which are more up to date than Westminster's adopted City Plan, are the relevant development plan policies to assess the proposal against.

The illustrative Masterplan proposes a net residential uplift of 1,183 habitable rooms, of

which 589 are affordable. This equates to a 50% provision. When expressed in terms of unit numbers the illustrative masterplan proposes a net increase of 166 affordable homes (41 social rent and 125 intermediate) Across the illustrative Masterplan as a whole (which includes the replacement provision), a total of 2,139 habitable rooms are provided of which 1,139 are affordable. This equates to a 53% provision. When expressed in terms of unit numbers the illustrative masterplan as a whole proposes 364 affordable homes (239 social rent and 125 intermediate).

The Financial Viability Assessment ('FVA') submitted to support this hybrid outline application sets out that 50% net residential uplift affordable provision and 53% overall affordable provision is currently the maximum viable that can be delivered. The applicant advises that viability parameters may shift with future reserved matters applications and that a review of the FVA will therefore be submitted with every subsequent reserved matters application to assess if this 53% affordable provision can still be adhered to viably or else if it must reduce. To provide certainty moving forwards, the applicant advises that both the affordable habitable room uplift and overall affordable provision will comprise a minimum baseline of 50%. This will be regardless of future baseline assessments.

The City Council appointed Carter Jonas as viability consultant to assess the applicant's FVA. Having interrogated the applicant's FVA, Carter Jonas conclude that the proposed development, including the level of affordable housing set out above, is delivering the maximum possible amount of affordable housing in accordance with Policy H8( E) of the London Plan and Policy 9 of the City Plan 2019-2040: Intend to Adopt version. The proposal is therefore considered to comply with Policy H4(A) and Policy H8 (E) of the London Plan (2021).

#### Tenure

The City Council's adopted policy requirement is 60% of the affordable units will be social rent housing and 40% will be intermediate tenure.

Policy 9 of the City Plan 2019-2040: Intend to Adopt version seeks a tenure mix of 60% as intermediate affordable housing for rent or sale across a range of income levels and 40% as be social rent or London Affordable Rent.

The illustrative affordable tenure across the overall Masterplan (which includes the replacement provision) comprises 69% social rent and 31% intermediate housing by habitable rooms. When expressed in terms of units the tenure is 66% social rent and 34% intermediate. The tenure split is considered acceptable given that this is large estate regeneration scheme with a right of return to existing social rented tenants.

Of those affordable habitable rooms across the Masterplan that are an uplift against the existing provision, the application proposes that 60-70% should be intermediate and 30-40% social rent. This is considered acceptable given that this would comply with Policy 9 within the City Plan 2019-2040: Intend to Adopt version.

The proposed intermediate affordable housing will comprise a mix of London Living Rent, Discounted Market Rent and Intermediate Ownership Units.

London Living Rent (LLR) will comprise 24% of the affordable units. These homes will be restricted to eligible households with household incomes not exceeding £60,000.

Discounted Market Rent will comprise 6% of the affordable units. These homes will be available to eligible households with incomes not exceeding £90,000.

Intermediate Ownership Units will comprise 4% of affordable units. These homes will be provided on an intermediate home ownership basis allowing eligible households to purchase their homes on shared equity basis or with the benefit of an equity loan provided by the Council. Existing resident leaseholders on Ebury who are eligible for intermediate housing and whose household income does not exceed the maximum qualifying income cap for intermediate housing will have the right to purchase a replacement home within the new development. The maximum qualifying income cap that is currently £90,000 will be subject to change according to GLA guidance. The applicant's FVA sets out that in addition to the income restriction, the equity loan will account for in excess of 20% of the property value, the units will be the homeowners only home and the units will not be a product that is currently being offered in the market.

Neither central government nor the Mayor of London provide funding to support the provision of equity loan housing, so it could be argued that the intermediate ownership units are a lesser form of affordable housing. Despite this, the NPPF definition of affordable housing includes "other affordable routes to home ownership" which includes shared ownership, relevant equity loans, other low cost homes for sale and rent to buy. Whilst the returning leaseholders will have the opportunity to repay the loan and thus acquire 100% of their home, the applicant advises that in accordance with the NPPF, any future receipts would be recycled for alternative affordable housing provision. So when owners repay loans (either through payment or at the point of sale) this cash receipt will be reinvested into the City Council's affordable housing programme. Given the above the it is considered that the intermediate ownership units should be treated as affordable housing.

#### Affordable Housing within the Detailed Area

Within the detailed area (Blocks 7 and 8), a total of 676 habitable rooms are provided of which 435 are affordable. When expressed in terms of unit numbers the detailed area proposes 98 social rent (of which 97 would be replacement social rent units) and 44 intermediate units. This equates to a 64% provision.

Given the high quantum of affordable housing within Phase 1, subsequent reserved matters applications will need to maintain at least 43% affordable habitable rooms in order to provide at least 50% net affordable housing contribution across the Masterplan.

The affordable tenure would comprise 74.5% social rent and 25.5% intermediate housing by habitable rooms. In terms of units this would be 69% social rent and 31% intermediate. The intermediate tenure would comprise 28 London Living Rent units (20x one bed and 8x two bed) where rents shall not exceed LLR and 16 Intermediate Ownership Units (4x one bed, 9x two bed and 3x three bed) In the event that less than 16 resident householders take up the offer of a replacement home under the detailed application phase, then these remaining units are to be provided at intermediate rents

with rents not exceeding LLR.

The replacement social rent homes will be provided on the same terms as the existing social rent homes. For the new social rent homes being occupied by new tenants (i.e. those that are not returning tenants), the target rents will be calculated according to the Government formula using the property value of the new homes.

It is recommended that the affordable housing for the Masterplan area is secured as part of the S106 unilateral undertaking in accordance with the terms set out by the Head of Affordable Housing and Partnerships in his consultation response dated 9 March 2021.

The detailed area to be subject to both early implementation and late stage viability reviews and the outline area to be subject to early, mid and late stage reviews in accordance with Policy H6 of the London Plan (2021). Any additional affordable housing would be provided on-site where sufficient surplus profit is generated in line with the London Plan's Affordable Housing and Viability SPG (2017).

## Housing Quality and Standards

### Dwelling Mix

London Plan Policy H10 encourages a choice of housing based on local needs with regard given to robust local evidence of need, the requirement to deliver mixed and inclusive neighbourhoods and the need to deliver a range of unit types at different price points across London.

Policies H5 of the UDP and S15 of the City Plan seek to secure an appropriate mix of units in housing developments. Policy H5 normally requires at least 33% of new units provide three or more bedrooms.

Policy 10 of the City Plan 2019-2040: Intend to Adopt version states that 25% of all new homes across Westminster will be family sized.

Based upon the illustrative scheme for the outline area Table 4 below identifies the breakdown in family unit numbers across the full masterplan.

	<b>1-Bed</b>	<b>2-Bed</b>	<b>3-Bed</b>	<b>4-Bed</b>	<b>5-Bed</b>	<b>Total</b>
Existing	128	149	41	18	0	336
Proposed (Indicative)	321	311	130	15	4	781
			19%			
Uplift	+193	+162	+89	-3	+4	422
% Uplift	43%	36%	20%	-0.1%	1%	100%
			20%			

Table 4: Illustrative Dwelling Mix across full Masterplan

The illustrative Masterplan sets out that overall a minimum of 19% family units would be provided (149 units). In terms of the uplift in residential units, 20% (90 units) would be family units.

The proposed 20% provision of family sized units based on the uplift in residential units across the Masterplan falls below the 25% required by Policy 10 of the City Plan 2019-2040: Intend to Adopt version. The applicant explains that this is because of site constraints, whereby the estate's highly accessible and central location within the CAZ, bounded by a railway to the east and a main road to the west, generally, makes it less suited for a high proportion of family units. In addition, the design of the blocks within the scheme have been developed with the objective of enabling family units to be focused at the lower levels of the building with easy access to the outdoor amenity areas.

The explanation given by the applicant is not fully supported by officers. Despite this, the illustrative dwelling mix across the Masterplan indicates a substantial increase in the number of family sized units from 59 as existing to 149 as proposed. In addition the illustrative accommodation schedule identifies that 31% of the affordable units would be family units ensuring provision in the tenure most in need of family accommodation. On balance the number of family sized units across the illustrative Masterplan is considered acceptable when taking into account the wider public benefits arising from the estate renewal.

As the dwelling mix for the Masterplan is illustrative only, in order to ensure a range of unit sizes, a fix is required pursuant to the minimum and maximum provision of each unit type. Accordingly, the development proposes a total provision of dwellings across the size ranges set out in Table 5 below. This will be used to assesses the future residential mix of the reserved matters applications for the outline area. It is recommended that this residential mix is secured by condition.

	<b>Studios</b>	<b>1-Bed</b>	<b>2-Bed</b>	<b>3-Bed</b>	<b>4-Bed</b>	<b>5-Bed</b>
<b>Unit Split</b>	0-10%	30-35%	40-50%	10-25%	0-5%	0.5%
				19% minimum		

Table 5: Overall residential dwelling mix masterplan-wide

Within the detailed area, the proposed dwelling mix for Blocks 7 and 8 is set out in Table 6 below. This is considered acceptable as it is fully compliant with the ranges set out in Table 5.

	<b>1-Bed</b>	<b>2-Bed</b>	<b>3-Bed</b>	<b>4-Bed</b>	<b>5-Bed</b>	<b>Total</b>
<b>Block 7</b>	35	49	26	2	0	112
<b>Block 8</b>	33	51	25	4	1	114
<b>Total Provision</b>	68	100	51	6	1	226
<b>Total Split</b>	30%	44%	26%			100%

Table 6: Dwelling mix across detailed area (Blocks 7 & 8)

### Unit sizes

Policy D6 of the London Plan (2021) promote quality in new housing provision, with further guidance provided by the Mayor's Housing SPG. Policy 12 of the City Plan 2019-2040: Intend to Adopt version requires all new C3 homes to meet or exceed the Nationally Described Space Standards.

For the outline area, the design code includes a requirement that all units will meet the minimum national space standards. This is welcomed and these details will form part of the reserved matters application. For the detailed area, the submitted plans indicate that all residential units either meet or exceed the minimum national space standards.

### Building Cores

In the detailed area Blocks 7 and 8 are up to 18 stories in height and will have single cores which will serve a maximum of 8 units per floor. The GLA has raised a concern that the cores have limited access to natural daylight at lower levels and have advised that an alternative stairwell and access into the buildings should be explored. In response the applicant advises that the arrangement proposed is required in order to maintain core efficiency. Whilst the GLA's concerns are understood, on balance the core arrangements are considered acceptable given the overall benefits of the scheme. A condition is recommended to secure management and maintenance arrangements for the core spaces.

### Internal daylight and sunlight to proposed dwellings

For the detailed area, daylight and sunlight assessment concludes that 87% of rooms assessed would achieve their minimum recommended Average Daylight Factor (ADF) target values, including all of the main living spaces. Whilst there are 12 rooms that do not satisfy the recommended minimum ADF targets (5 are kitchens and 7 are bedrooms), these rooms typically have smaller windows and are located in the corners of the blocks where light is more restricted.

For sunlight 10 of the 21 units would satisfy or exceed the recommended BRE Guidelines for annual sunlight. Of the 11 units whose main living space would not meet the combined annual and winter sunlight guidelines, 4 are solely north facing and 2 units contain north facing living rooms. The main living spaces within the remaining 5 units would fall short of the recommended guidelines, although these 5 rooms contain at least 1 window that would achieve good levels of sunlight for a scheme of this size.

For the outline area, the results demonstrate that the majority of the masterplan will achieve the recommended BRE Guidelines for daylight and sunlight.

Overall, it is concluded that both the detailed and outline areas appear to provide a good level of adherence to daylight and sunlight guidelines for a dense housing development. For the ADF assessment, the applicant has clarified the parameters adopted for the assessment which are considered acceptable.

### Aspect

The detailed area proposes 218 of the 226 residential units as dual aspect with none that are single aspect north facing. This is considered acceptable. For the outline area, the design code requires that that the majority of flats be dual aspect with single aspect north facing units avoided. This is welcomed and these details will form part of the reserved matters application.

### Privacy

In terms of privacy, for the detailed area the Design and Access Statement indicates that the sides of Blocks 7 and 8 have more solidity introduced to protect the privacy of occupants. The use of balconies and provision of defensible space for units that face onto communal amenity areas will also offer privacy to residents. For the outline area, the design code sets out that sufficient separation distances between the windows of habitable rooms should be maintained. These details will form part of the reserved matters application.

### Amenity Space

Masterplan wide the development proposes that most flats will have private amenity space in the form of external balconies or ground and first floor terraces. All residents will also have access to communal amenity space either at ground floor level, podium level or as high level terraces.

For the outline area, the location of external amenity spaces and balconies is indicated on the parameter plans. These plans indicate that high level terraces will be provided for all blocks within the outline area. The terraces on Blocks 1-4, Block 5 and Block 9 are the ones that are most likely to impact on existing neighbouring residential properties in terms of noise and disturbance and potential overlooking. In fact concerns have been raised from residents of Cheylesmore House about the impact from the terrace on Block 9. It is considered that these concerns can be mitigated through careful design in terms of the position of planting and balustrades on the terraces and through the Estate Management Strategy which would control the hours the terraces can be used (see below). Details of measures to protect the amenity of neighbouring occupiers would form part of the reserved matters applications.

For the detailed area within Blocks 7 and 8, the majority of units proposed (191 out of the 226 units) will have access to private outdoor amenity mostly in the form of balconies. Six one-bedroom units at high level do not have private amenity space. The applicant advises that balconies at high level would have to be bolt on for reasons of construction and maintenance and would not provide high quality amenity due to excessive exposure. Instead these units will be designed as larger units to compensate for the lack of private amenity space. Furthermore, 29 one-bedroom units that overlook to the railway on the east elevation will only have 0.5m deep Juliet balconies. This is because of the constraints imposed by the railway. The option of repositioning Blocks 7 and 8 further west to allow for deeper balconies on the east elevation was rejected by the applicant as this would reduce the communal public realm to the front of the blocks. The GLA's concern regarding flats without private amenity are noted and whilst not ideal, given the site constraints imposed by the railway, this is considered acceptable.

All units within the detailed area will have access to a communal, landscaped podium garden at first floor level and a communal roof garden at floor 12 (for Block 7 residents) and floor 13 (for Block 8 residents). It is not considered that the high level terraces within the detailed areas would harm the amenity of existing neighbouring residents given their position within the site. However, the Design out Crime officer has raised concerns about the communal podiums and terraces and the impact of possible anti-social behaviour on the occupiers of flats that will face onto these spaces. The management of these spaces

will be key to their success as communal amenity areas. The Estate Management Strategy sets out that only residents of the individual blocks will have access to the communal amenity spaces which will be controlled by key fob access, wording in the lease/tenancy agreements will include set times of use, there will be on-site security to deal with any issues and to ensure that the podiums are vacated at the end of the day and continual breach will be enforced through the terms of the lease/tenancy agreement as appropriate.

Overall it is considered that the management measures proposed will help ensure that the communal podiums and high level terraces would not harm the amenity of residents that would overlook these spaces and that the spaces remain attractive spaces to use. Conditions are recommended to secure details of the design of the communal podiums and terraces and to secure an updated Estate Management Strategy for each phase of development. It is recommended that the S106 unilateral undertaking ensures that residents of different tenures within the individual blocks have access to the communal amenity space.

### Play space

Policy S4 of the London Plan (2021) seeks to ensure that development proposals include suitable provision for play and recreation, and incorporate good-quality, accessible play provision for all ages, of at least 10 sqm per child. The majority of the site falls within an area of public playground deficiency in the City Plan.

Within the existing estate there is 1,836 sqm of play provision. Play for young children is provided within the community garden with a series of fixed equipment pieces. In addition, a multi-use games area (MUGA) is located to the south of the estate in between Cheylesmore House and Doneraile House.

Based on the illustrative residential mix proposed, 3,955sqm of play space is required to be compliant with London Plan policy and Masterplan wide 2,945sqm of play space is proposed.

The illustrative play space strategy for the Masterplan is to provide 0-4 years play within the public realm and within the communal amenity space on the four podium levels that serve Blocks 5-9. For children 5-11 years, play facilities are located within two of the public squares and at the northern end of the site. These public square also form circulation routes for vehicles that are allowed to access the site. This is considered acceptable given the expected low traffic volumes on the site, however, it is recommended that details of the safety features and details of play equipment are secured by condition for the detailed area. For the outline area these details will form part of the reserved matters applications. For children 12+ a flexible MUGA space is proposed that is intended to support a range of play uses as well as basketball and small football games. The loss of the existing MUGA and its replacement with a less formal multi-use space is accepted for the reasons set out below in the 'Community Use' section of the report. It is considered that the applicant has demonstrated that the replacement MUGA would meet the needs of both future residents and needs of existing residents and the wider community. Across the Masterplan there is a surplus of play provision for 0-4yrs (+199sqm) but a shortfall of 570sqm and 639sqm for 5-11yrs and 12-17yrs respectively.

The applicant has been asked to consider increasing play provision for the 5-11 yrs and 12-17 yrs. age groups. In response the applicant advises that providing more play provision would be detrimental to the other functions that the public realm has to provide, namely defensible space for residential flats at ground and podium level, landscape features; the need for pedestrian and cycle routes and the need for vehicle access routes. For children aged 12-17yrs the applicant considers that there is high quality play provision in the vicinity within Battersea Park, approximately 800m from the site.

The applicant's case for not fully meeting the London Plan play space requirement is not fully supported by officers. The GLA has also raised concerns regarding the under-provision of play space in their Stage 1 report. However, on balance and given the overall benefits of the scheme, particularly in terms of affordable housing provision, the Masterplan wide play provision proposed is considered acceptable.

In respect of the detailed area, the application sets out that a total of 324 sqm of play provision for 0-4 yrs. will be provided at podium level (shared between Blocks 7 and 8) and 485 sqm for 5-11 yrs. within the public realm. There would be no play space for children aged 12+ years within this first phase, however, the applicant states that the existing MUGA on the estate will remain in situ until approximately 2026. It is recommended that the play space provision for the detailed area and retention of the MUGA facility until at least 2026 are secured by condition.

For the outline area, it is recommended that an appropriate quantum and quality of play space should be secured in each phase of the proposed development by condition.

The application sets out that all play provision within the public realm will be shared by all residents regardless of tenure and that the podium level play provision will be accessible to all residents within the respective blocks regardless of tenure. This is in accordance with Policy S4 of the London Plan (2021) It is recommended that the long term retention, access to and maintenance of any play space within the development is secured as part of the S106 unilateral undertaking .

The concerns of the Design Out Crime Officer regarding the lack of a management strategy for the MUGA are noted. As with the communal podiums and terraces, the success of the MUGA facility will be down to the management of the estate. It is the intention that the MUGA space be free to use by residents and the public which is similar to the existing facility. Whilst there are no specific measures proposed for the MUGA facility, the Estate Management Strategy sets out that the future Ebury Bridge Estate Management Team will include front of house staff who will be responsible for ensuring security of the estate and community engagement staff to facilitate cohesion within and between blocks. It is recommended that an updated Estate Management Strategy is submitted prior to the commencement of each phase of development.

### Noise

The application site is affected by noise from Ebury Bridge Road and from the railway line. Due to this, acoustic insulation and high specification glazing will be required to meet the internal noise levels for some of the properties. The acoustic report provided confirms that some windows will need to be closed to meet these requirements. As windows will need to be closed, mechanical ventilation is proposed to prevent

overheating in the summer months. For Blocks 7 and 8 within the detailed area, the full sound insulation design is yet to be formalised. Therefore the council's standard noise conditions are recommended together with a condition to secure a supplementary acoustic report. For the outline area details of acoustic performance measures will form part of the reserved matters applications.

### **Community uses**

Under Policy S34 of the City Plan all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider.

Policy 17 of the City Plan 2019-2040 supports new community infrastructure where there is an identified present or future need and Part C of the policy also seeks to protect existing community floorspace subject to specific criteria set out in the policy.

Prior to its demolition, the community-specific provision across the estate comprised a 154sqm space in the basement of Edgson House. There was also a separate 23 sqm. community gardening building.

Masterplan wide, the proposals include a 158 sqm community provision in Block 5 (within Phase 2a of the outline area) which will take the form of a designated community hall. Details of the hall will form part of the reserved matters application for this phase of development. However, the applicant advises that the new hall will be larger, more flexible and more secure than the previous facility. This is supported and is considered to be a benefit of the scheme. It is recommended that the S106 unilateral undertaking secures the community space in perpetuity. A condition is also recommended to secure a management plan for the community space.

The applicant has set out that the 23 sqm. community garden building will not be re-provided but that community gardening activities within the proposed development will be supported instead. Although the loss of the gardening facility is regretted, the overall community space provision for this development is considered acceptable in policy terms.

In the outline area, Blocks 1-4 incorporate a further 150 sqm of flexible D1 and/or D2 (Non-residential institution / Assembly and leisure) uses. Furthermore Block 9 incorporates community, leisure and retail uses, with a minimum of 780 sqm. to be delivered as flexible D1 and/or/ D2 land uses. The Design and Access Statement indicates that part of this space could be used as a gym or nursery. The provision of community and leisure land uses within Classes D1/D2 is supported.

As part of the detailed application, a Management Hub facility (Class C3) is proposed with the ground floor of Block 7. The hub will serve as the main space across the new estate for management, servicing and deliveries. This is key to the overall management of the estate and the provision of this facility is welcomed. It is recommended that this facility be secured by condition.

A letter of representation requests that the play areas, green spaces and community

facilities should be open to all not just residents of the estate. Whilst the public realm and public realm play space will be open to the public, it is not considered reasonable to insist that the proposed community hall to be open to the public as its primary purpose will be to provide a facility for estate residents.

#### Multi use games area (MUGA)

The existing MUGA facility within the estate is protected by S34 of the City Plan and Policy 17 of the City Plan 2019-2040: Intend to Adopt version. It is also protected by policies S4 and S5 of the London Plan (2021).

The existing MUGA is approximately 34m x17m, has a tarmac surface and is enclosed on all four sides with fencing. The facility is managed by the council, with the access gates to the enclosure opened daily from 9am - 8pm during the summer months and from 9am-4pm during the winter months with no booking system in place. It is locked outside these times. The applicant advises that usage surveys carried out in the lead up to the design stage of the planning application over four separate days found that the existing MUGA was mainly used as an informal play area by younger children and not as a formal ball court. Pre-2017 the MUGA had functioning electric lighting allowing it to remain open until 8pm during winter months but these lights were removed in 2017 following the demolition of Edgson House (their power supply was in this building).

The replacement MUGA has an organic shape of approximately 450m<sup>2</sup> and is partially fenced. The Design and Access Statement set out that the porous boundary also doubles as seating, to increase the flexibility of the space for use by all age ranges. The space provides both a goal and hoop to support football and basketball (with associated fencing). The proposed surfacing will be a rubberised material that is also an all-weather surface. It will not operate with a booking system so residents and groups would be free to use it when they want.

The re-provision of the MUGA is supported in principle. It will move the facility away from Cheylesmore House windows and will allow for the provision of new pedestrian link to the south. It is noted that the MUGA is not of the same size and design as the existing MUGA, however, it will provide an important play facility for older children and its design will allow it to be used flexibly.

In their Stage 1 report the GLA are of the view that if the existing MUGA is publicly accessible then it must be re-provided in addition to the play space requirement generated by the scheme itself. Officers are of the opinion that although the existing MUGA was publicly accessible this request is not considered reasonable. The use survey carried out by the applicant indicated a low uptake on use of the existing MUGA and no occurrences of 'sports' were recorded.

The Designing Out Crime Officer has raised concerns about the design of the MUGA and the absence of a management strategy. The proposed replacement MUGA forms part of the outline area and the illustrative phasing indicates that it will be provided as part of phase 3 of the development. Full details of the replacement MUGA will therefore form part of the reserved matters application and the applicant can consider the comments of the Designing Out Crime Officer as part of its final design. It is recommended that the provision of a replacement MUGA facility with a minimum area of

450sqm is secured as part of the S106 unilateral undertaking .

It is considered that the proposed estate management strategy (see section on Estate Management below) will be sufficient to deal with management issues relating to the MUGA.

### **Non Residential uses**

The ground floor of Rye House and Bucknill House forms part of the Ebury Bridge Road Local Centre (Core Frontage). As existing there is a total of 846sqm of Class A retail floorspace broken up into approximately 14 individual retail units.

Policy SS7 of the UDP seeks to protect the designated Local Shopping Centres for the service they provide to residents, visitors and workers, and because they reduce the need to travel.

Policy 6 of the plan states that improvements to the Ebury Bridge Local Centre in the form of new retail accommodation and community facilities is a plan priority whereas Policy 14 seeks to ensure that Local Centres will provide a mix of commercial and community uses to meet residents' day to day shopping needs, provide local employment opportunities, and support opportunities for community interaction.

Masterplan wide the intention is to replace all existing non-residential land uses across the estate with up to 3,018sqm of non-residential floorspace. The non-residential uses are focused along Ebury Bridge Road within Blocks 1-4 which will maintain the retail function of the designated Ebury Local Centre. Other non-residential uses are proposed in Blocks 5 and 9. The non-residential uses therefore form part of the outline area and details will form part of the reserved matters applications. The inclusion of non-residential land uses is fully supported in policy terms.

<b>Block</b>	<b>Uses</b>
B1, B2, B3, B4	1,600sqm Class A1-A4 / D1 where:  Restaurants and cafes (A3) no more than 460 sqm Drinking Establishments (A4) no more than 340 sqm. Non-residential institutions (D1) no more than 150 sqm.
B5	350 sqm. – Business (Class B1) 158 sqm. - Non-residential institutions (Class D1)
B9	910 sqm. Class D1/D2/A3 where:  Restaurants and cafes (A3) - no more than 130 sqm.

Table 7: Proposed non-residential element of the proposal

The provision of a minimum of 650sqm of A1 retail floorspace within Blocks 1–4 facing on to Ebury Bridge Road is supported in policy terms as it would enable the provision of local convenience shops within the development.

### Entertainment uses

UPD Policy TACE 9 applies to proposals for restaurants, cafés, public houses and bars

of between 150 and 500 sqm of gross floorspace outside the Core Central Activities Zone. The policy states that permission will only be granted for proposals where where the City Council is satisfied that the proposed development 1) has no adverse effect (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of a) noise; b) vibration; c) smells; d) increased late night activity; or e) increased parking and traffic; and 2). no adverse effect on the character or function of its area.

Policy S24 of the City Plan requires proposals for entertainment uses to demonstrate that they are appropriate in terms of the type and size of use, the scale of activity, the relationship to any concentrations to entertainment uses including cumulative impacts, and demonstrate that they do not have any adverse impact on amenity, health and safety, local environmental quality and the character and function of the area.

Policy 16 within the City Plan 2019-2040 Intend to adopt version set out that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

Up to 460 sqm of restaurant and cafe (A3) floorspace is proposed within Blocks 1-4 and 130sqm in Block 9 at the rear of the site and up to 340 sqm of drinking establishments (A4) floorspace is proposed within Blocks 1-4. Most of the proposed A3/A4 floorspace will therefore be within the designated Ebury Bridge Local Centre which is considered appropriate given the existing commercial character of this part of the site and which currently accommodates similar restaurant and café uses. The provision of additional A3 floorspace within Block 9 within the rear of the site is considered appropriate as this is likely to be a low key use serving estate residents.

The proposed 'caps' on the amount of A3 and A4 floorspace would prevent an entertainment use with more than 500 sqm gross floorspace which is considered a large entertainment use in terms of UDP policy. Subject to a condition to secure the 'caps', the proposed entertainment floorspace within the development is considered acceptable in principle. Given that the non-residential uses are located within the outline area, the exact location, size and operation of any A3 and/or A4 uses is not known at this stage. However, these details will form part of the reserved matters applications where details relating opening hours, kitchen extraction and capacity can then be controlled by condition. Taking this into account and taking into account the location within the Ebury Bridge Road Local Centre and the cumulative impact of other entertainment uses in the vicinity, it is not considered that the proposed entertainment floorspace would have any significant adverse impact on amenity (on either existing and future residents), health and safety, local environmental quality or the character and function of the area. The proposal is therefore considered acceptable in policy terms.

The proposals set out that Block 5 includes 350sq.m. of B1 business use and this will be operated as flexible floorspace to accommodate offices or more informal work spaces for smaller businesses and start-ups. This is supported in terms of Policy S20 of the City Plan and Policy 13 of the City Plan 2019-2040.

## **Estate Management**

As set out earlier in this report, effective management of the new estate is going to key to its overall success, particularly given the different tenures and commercial uses proposed. An estate management strategy has been submitted with the application. Amongst other matters, the strategy considers issues like future maintenance, public realm, external and common parts and housing management. The strategy sets out that Westminster City Council have made a commitment to residents that it will remain as the freeholder of the land and therefore the estate will remain Council owned.

The proposed onsite Management Hub in Block 7 will serve the existing, returning and new residents of Ebury Bridge. It will be fully operational from the first occupation and will include staff responsible for front of house, estate management, housekeeping and community engagement. This would include any management issues relating to the MUGA.

The estate management strategy sets out that the council is looking to maintain a high level of resident involvement and governance, which could take the form of a recognised Residents Association, Resident Management Board or a Resident Management Company.

It is recommended that an updated Estate Management Strategy is secured by condition for all phases of development. For the Phase 1 the strategy will need to include how the construction works interface with the existing estate.

### **8.4 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing and it states that the City Council will resist proposals that would result in an unacceptable material loss of amenity and developments should aim to improve the residential environment.

Policy ENV 13 (E) of the UDP states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.

Policy 7 of the City Plan 2019-2040: Intend to Adopt version seeks to protect and where appropriate enhance amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

#### **Daylight and Sunlight**

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment 'Site layout planning for daylight and sunlight: a guide to good practice' (as revised 2011) (BRE Guidelines), albeit recognising that these Guidelines should be applied flexibly.

Two methods of measurement are recommended to measure daylight impacts in the BRE Guidelines: (1) Vertical Sky Component (VSC); and (2) Daylight Distribution (DD). VSC assesses the quantum of skylight falling on a vertical window and DD (also referred

to as No Sky Line or NSL) measures the distribution of direct skylight in a room space.

VSC is calculated from the centre of a window on the outward face and measures the amount of light available on a vertical wall or window following the introduction of visible barriers, such as buildings. The BRE Guidelines suggests that if the VSC is greater than 27%, enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. Should the VSC with development be both less than 27% and less than 0.8 times its former value, occupants of the existing building are likely to notice a reduction in the amount of skylight they receive. The Guidelines say: “the area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time”. This form of assessment does not take account of window size, room use, room size, window number or dual aspect rooms.

The NSL method is a measure of the distribution of daylight at the ‘working plane’ within a room. For the NSL assessment the ‘working plane’ means a horizontal ‘desktop’ plane 0.85m in height for residential properties. The NSL divides those areas of the working plane which can receive direct sky light from those which cannot. If a significant area of the working plane receives no direct sky light, then the distribution of daylight in the room will be poor and supplementary electric lighting may be required. The BRE Guidelines state that if the area of a room that does receive direct sky light is reduced by more than 20% of its former value, then this would be noticeable to its occupants. The measurement and plotting of NSL requires the knowledge of the internal room layouts and dimensions.

For daylight to be compliant with the BRE Guidelines both the VSC and NSL tests have to be met. If either or both of the VSC and NSL tests are not met the daylighting is likely to be significantly affected.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly and that in special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan’s Housing SPG which states that ‘guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.’

The application is accompanied by a daylight and sunlight assessment prepared by the applicant’s consultant, Hollis Global. This provides an assessment of the potential impact of the development on daylight and sunlight to neighbouring residential properties and permanent overshadowing of external spaces based on the approach set out in the BRE Guidelines. Hollis Global have considered the impacts on daylight and sunlight to existing neighbouring properties using pre-demolition site conditions versus proposed. This is considered to be an acceptable approach. For the NSL test not all room layouts are known, and some room layouts have been assumed.

Objections have been received from individual residents regarding loss of daylight and sunlight to surrounding properties, in particular to Cheylesmore House, 1 Ebury Bridge Road, Moore House, Wentworth and Caro Point (Grosvenor Waterside) and Ebury Place, 1B Sutherland Street.

The City Council sought an independent review of the report findings in respect of possible impacts of the new development on surrounding properties and within the development itself. This review was undertaken by Delva Patman Redler (DPR). DPR reviewed Hollis Global's assessment methodology and is generally satisfied that it is sufficient and in accordance with the BRE Guidelines. In response to DPR's review, Hollis Global have confirmed that the outline application massing was modelled on the submitted outline parameter plans and applied maximum building heights. They advise that this was to demonstrate a 'worst case scenario' of the likely affects.

For the purposes of the daylight assessment, officers have given weight to the suggested alternative 15% VSC retained value in assessing the impact of this proposed development. This is because of the importance of the development overall in achieving benefits which too are material considerations to be weighed in the balance. Properties that are affected by reduced daylight that see retained VSC values in the mid-teens are therefore considered to have a reasonable amount of daylight in the context of this particular development in this particular central urban location. This approach is supported by Policy D6 (D) of the London Plan (2021) which sets out that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

### Daylight Assessment

The Environment Statement (ES) submitted by the applicant applies the BRE standard numerical guidelines for daylight and sunlight to existing surrounding buildings and sunlight to amenity spaces. It is stated within the ES that a two-tier approach has been applied when determining significance effects, which is firstly based on numerical parameters described in the ES, and secondly based on qualitative parameters set out in Appendix I of the BRE guide. The significance effects applied by the applicant are:

Impacts are considered neutral if;

- The retained VSC remains above 27% or within 0.8 times the baseline value.
- The retained DD remains above 80% or within 0.8 times the baseline value.

Impacts are considered not significant adverse if;

- the relative VSC value, expressed as a ratio, is between 0.7 or 0.8 times the baseline value, or the absolute VSC value remains greater than 20%, or the absolute VSC value is not reduced by more than 5%, compared to the baseline value .
- the DD value, expressed as a ratio, is between 0.7 or 0.8 times the baseline value, or over 70% of the room area continues to retain access to visible sky, or the room area with access to visible sky is reduced by no more than 1 sqm.

Impacts are considered significant adverse if;

- the relative VSC value, expressed as a ratio, is between 0.6 or 0.7 times the baseline value, or the absolute VSC value remains greater than 15% or the absolute VSC value is not reduced by more than 10%, compared to the baseline value.
- the DD value, expressed as a ratio, is between 0.6 or 0.7 times the
- baseline value, or over half (50%) of the room area continues to retain access to visible sky, or the room area with access to visible sky is reduced by no more than 5 sqm.

It should be noted that the criteria the applicant has used to assess each significance effect is based not only on the commonly adopted factor of former value but also takes into account retained levels of daylight and the absolute reduction from the baseline figure. DPR advise that this is a departure from the standard approach, which would be to first classify impacts based on the factor of former value and then use those impacts and any further justification to ascribe an overall significance effect. By using the approach detailed within the ES, some impacts will be understated compared to if the commonly adopted factor of former value was used.

The City Council's independent daylight consultant considers that the daylight effects to be correctly stated for most properties tested, but they do have some reservations about those ascribed for the properties listed below:

- Flats A, C, D & N, 1 Ebury Bridge Road
- Flats 15, 18, 29, 43, 44, 57, 58, 59 & 60 Cheylesmore House

These properties have each been ascribed an overall not significant adverse effect for daylight. DPR advise this is slightly misleading as they would all experience some moderate or major impacts by reference to the significance criteria adopted which would be to main living spaces in some cases. Where there are some minor adverse impacts and some major adverse impacts for example, a moderate adverse impact and therefore significant adverse effect may present a more balanced conclusion.

The applicant's daylight consultant, Hollis Global, disagrees with the DPR on the suggested significance effect for these properties and their justification for this is set out as background paper 50.

The neighbouring properties tested for daylight impacts have been identified using the 25 degree-line test outlined in the BRE Guidance. The existing neighbouring residential properties tested for daylight are: The Rising Sun PH (Mixed-use); Nos. 20-42 Ebury Bridge Road; Fountain Court; Consort Rise House (199-203 Buckingham Palace Road); 1 Ebury Bridge Road; Cheylesmore House; Peabody Avenue Estate; and Moore House, (Grosvenor Waterside).

It is noted that objections to loss of daylight and sunlight have been received from occupiers of Wentworth Court, Caro Point (Grosvenor Waterside) and Ebury Place, 1B Sutherland Street. Both Caro Point and 1B Sutherland Street pass the 25 degree-line test outlined in the BRE Guidance, and as such there is no requirement to test the daylight and sunlight impact to these properties. For Wentworth Court, the main-living spaces within the flats located along the north-facing elevation (adjacent to the Ebury Bridge Estate site) are served by main windows on the east and west-facing elevations, and secondary 'letterbox' style windows on the north-facing elevation. It is these secondary letter-box windows that overlook the Ebury Bridge Estate site, whereas the main windows do not. Therefore, in accordance with BRE guidance, the main window will continue to provide the main source of daylight into the room, and the daylight amenity to each room as a whole is not considered likely to be materially affected.

Based on the significance effect attributed by the City Council's independent daylight consultant the daylight impact on neighbouring properties is summarised below.

The following properties would meet the BRE Guidance for VSC and NSL and are therefore not discussed in more detail here. These are 20 and 22 Ebury Bridge Road, 1 Ebury Bridge Road (Flats L, Q, E), Cheylesmore House (Flats 1, 11, 25, 39, 47 & 61) and Peabody Avenue Estate.

### **Not significant adverse**

#### **The Rising Sun PH, Ebury Bridge Road**

This property is a public house located to the west of the application site with residential accommodation at first floor level.

For VSC all four windows at first floor level would not meet BRE Guidelines. However, W1 (living room) will retain VSC values at 18.77 and therefore acceptable levels of daylight. W2-W4 (bedroom) will see reductions of approximately 40% with retained VSC values of 7.16, 8.02 and 7.21. Whilst this bedroom benefits from three windows, this is indicative of an unacceptable level of daylight.

For NSL, the bedroom would not meet BRE Guidelines with a 43% reduction and a retained value of 7.2%. This is indicative of an unacceptable level of daylight.

Overall, the reductions to the first floor residential accommodation would be noticeable and the impact is considered not significant adverse.

#### **Nos. 24-42 Ebury Bridge Road**

These properties are located to the west of the application site. Based on external observation and historic estate agent particulars available in the public realm, the applicant assumes that these terraced properties are typically arranged with the main living space at ground floor, and bedrooms on the upper floors.

24 Ebury Bridge Road - For VSC, all of the windows tested meet BRE Guidelines. For NSL one of the rooms would not meet BRE Guidelines with a reduction of 28% to the second floor bedroom. This is indicative of an unacceptable level of daylight to this room.

26 Ebury Bridge Road - For VSC, the second floor bedroom would not meet BRE Guidelines with reductions of 22%. However, this window will retain VSC values in excess of 21% and therefore acceptable levels of daylight. For NSL none of the rooms meet BRE Guidelines with reductions of up to 44% to the second floor bedroom. This is indicative of an unacceptable level of daylight.

28 Ebury Bridge Road - For VSC, the first and second floor bedrooms would not meet BRE Guidelines with reductions of 21-22%. However, the windows will retain VSC values in excess of 17% and therefore acceptable levels of daylight. For NSL none of the rooms meet BRE Guidelines with reductions of up to 42% to the second floor bedroom. This is indicative of an unacceptable level of daylight.

30 Ebury Bridge Road - For VSC, the first and second floor bedrooms would not meet BRE Guidelines with reductions of 22-23%. However, the windows will retain VSC values in excess of 18% and therefore acceptable levels of daylight. For NSL none of

the rooms meet BRE Guidelines with reductions of up to 47% to the second floor bedroom. This is indicative of an unacceptable level of daylight.

32 Ebury Bridge Road - For VSC, the first and second floor bedrooms would not meet BRE Guidelines with reductions of 21-23%. However, the windows will retain VSC values in excess of 19% and therefore acceptable levels of daylight. For NSL two out of the three rooms do not meet BRE Guidelines with reductions of up to 31% to the second floor bedroom. This is indicative of an unacceptable level of daylight.

34 Ebury Bridge Road - For VSC, each window at ground (living room), first (bedroom) and second (bedroom) floors would not meet BRE Guidelines with reductions of 22-24%. However, the windows will retain VSC values in excess of 17% and therefore acceptable levels of daylight. For NSL none of the rooms meet BRE Guidelines with reductions of up to 37% to the second floor bedroom. This is indicative of an unacceptable level of daylight.

36 Ebury Bridge Road - For VSC, each window at ground (living room), first (bedroom) and second (bedroom) floors would not meet BRE Guidelines with reductions of 23-25%. However, the windows will retain VSC values in excess of 17% and therefore acceptable levels of daylight. For NSL none of the rooms meet BRE Guidelines with reductions of up to 43% to the second floor bedroom. This is indicative of an unacceptable level of daylight.

38 Ebury Bridge Road - For VSC, each window at ground (living room), first (bedroom) and second (bedroom) floors would not meet BRE Guidelines with reductions of 23-24%. However, the windows will retain VSC values in excess of 16% and therefore acceptable levels of daylight. For NSL none of the rooms meet BRE Guidelines with reductions of up to 52% to the second floor bedroom. This is indicative of an unacceptable level of daylight.

40 Ebury Bridge Road - For VSC, each window at ground (living room), first (bedroom) and second (bedroom) floors would not meet BRE Guidelines with reductions of 22-24%. However, the windows will retain VSC values in excess of 16% and therefore acceptable levels of daylight. For NSL none of the rooms meet BRE Guidelines with reductions of up to 51% to the second floor bedroom. This is indicative of an unacceptable level of daylight.

42 Ebury Bridge Road - For VSC, each window at ground (living room), first (bedroom) and second (bedroom) floors would not meet BRE Guidelines with reductions of 22-23%. However, the windows will retain VSC values in excess of 16% and therefore acceptable levels of daylight. For NSL none of the rooms meet BRE Guidelines with reductions of up to 48% to the second floor bedroom. This is indicative of an unacceptable level of daylight.

Overall, the daylight reductions to Nos. 24-42 Ebury Bridge Road would be noticeable and the impact is considered not significant adverse.

### **Fountain Court**

This property comprises a block of flats located to the north of the application site. For

VSC, all of the windows tested meet BRE Guidelines. For NSL one ground floor living room would not meet the BRE Guidelines. Whilst the 21% reduction is likely to be noticeable to the occupants, it is only marginally above the 20% permitted by the BRE. The impact to this flat is considered not significant adverse.

### **Consort Rise House**

This property comprises a block of flats located to the north of the application site. For VSC, there would be reductions below that recommended by the BRE Guidelines to seven windows that serve five flats of between 24 -42%. Flat 10 would see retained VSC values of 25.72% and 24.33% to a bedroom and living room and Flat 21 a retained VSC value of 25.89% to a living room and therefore an acceptable level of daylight.

Flat 9 (second floor) would see reductions in daylight of 42% and 24% to windows that serve a living room with retained VSC values of 12.10% and 12.60%. This is indicative of an unacceptable level of daylight to these windows.

Flat 20 (third floor) would see a reduction in daylight of 41% to a living room window with a retained VSC value of 13.70 and Flat 31 (third floor) would see a reduction of 40% to a living room window with a retained VSC value of 14.90%. In both these instances the living room is served by another window which complies with the BRE Guidance which will mitigate the impact.

For NSL, all rooms tested in this block meet the BRE Guidelines.

Overall, the reductions to these five flats would be noticeable and the impact is considered not significant adverse.

### **1 Ebury Bridge Road (Flats K, J, P & B,)**

This property comprises a block of flats located to the north of the application site. For VSC, there would be reductions below that recommended by the BRE Guidelines to 16 windows (out of 22 tested) at ground to second floor levels that serve 4 flats. Out of the 16 affected windows, one window in Flat B would retain a VSC value of 16.67 and therefore an acceptable level of daylight. The remaining 15 windows would see retained VSC values below 15% which is indicative of an unacceptable level of daylight. These are:

Flat K (Ground floor) has 7 affected windows including reductions to two living room windows of 50% and 43% with retained VSC values of 7.61% and 8.38%. The remaining 5 affected windows serve a bedroom and small kitchen with retained VSC values of 8.53% and 9.36% for the bedroom and 6.44%, 8.04% and 8.54% for the kitchen. The bedroom has one additional window which will see a small increase of 0.15% in VSC.

Flat J (Ground floor) has 4 affected windows with reductions to three living room windows of 38%, 40% and 57% and to one bedroom of 43%. These windows will have retained VSC values of 5.65%, 11.70%, 12.18% and 13.02%.

Flat P (First floor) would have 4 affected windows including reductions to a living room windows of 48% with a retained VSC values of 11.93%. The other affected rooms are a

kitchen and a bedroom. The kitchen would see reductions of 34% and 48% with retained VSC values of 13.80% and 8.20%. The bedroom would see a reduction to one window of 48% with a retained VSC values 11.93%. The other bedroom window will see a small increase of 0.09% in VSC.

For NSL, there would be reductions below that recommended by the BRE Guidelines to 3 rooms which is indicative of an unacceptable level of daylight. At ground floor level Flat J would see reductions of 28% to a living / kitchen / diner and 47% to a bedroom and at second floor level Flat B would see a reduction of 42% to a bedroom. (This property would also see a 4% gain in NSL to a kitchen)

The reductions would be noticeable and the impact is considered not significant adverse.

### **Cheylesmore House (Flats 2, 3, 6, 7, 12-14, 19, 26-28, 32, 33, 40-42, 46, 54-56)**

For VSC, there would be reductions below that recommended by the BRE Guidelines to 38 windows at ground to fourth floor levels that serve 20 flats.

Out of the 38 affected windows, 36 would retain VSC values in excess of 15% and therefore an acceptable level of daylight.

The remaining two affected windows are at ground floor level. A living kitchen diner to Flat 6 (W1) would see a reduction in VSC of 50% with a retained VSC value of 11.75%. This room is also served by another window which would see a reduction of 16% which complies with the BRE Guidelines. A living kitchen diner to Flat 7 (W1) would see a reduction in VSC of 31% with a retained VSC value of 14.58. This room is also served by another window which is unaffected by the development. Whilst the impact to these properties is indicative of an unacceptable level of daylight, both of these living kitchen diners are served by a second window which will mitigate the impact.

For NSL, 13 rooms tested would not meet the BRE Guidelines which is indicative of an unacceptable level of daylight. The reductions are:

- Flat 2 (Ground floor) would experience a reduction of 21% to a bedroom.
- Flat 27 (Second) would experience a reduction of 32% to a bedroom and 29% to a living/dining room.
- Flat 28 (Second) would experience a reduction of 26% to a bedroom and 26% to a living/dining room.
- Flat 32 (Second) would experience a reduction of 58% to a bedroom.
- Flat 41 (Third) would experience a reduction of 36% to a bedroom and 34% to a living/dining room.
- Flat 42 (Third) would experience a reduction of 27% to a bedroom and 29% to a living/dining room.
- Flat 46 (Third) would experience a reduction of 48% to a bedroom.
- Flat 55 (Fourth) would experience a reduction of 23% to a bedroom.
- Flat 56 (Fourth) would experience a reduction of 26% to a bedroom.

Overall, the reductions in daylight to these flats would be noticeable and the impact is considered not significant adverse.

## Moore House

This property comprises a block of what appear to be single aspect flats located to the south of the application site that form part of the Grosvenor Waterside development.

For VSC, there would be reductions below that recommended by the BRE Guidelines to 40 windows at ground to fourth floor levels that serve multiple flats. The VSC reductions range from 27% at ground floor level, 26% at first floor level, 25% at second floor level, 25% at third floor level and 21% at fourth floor level. However all windows would retain VSC values in excess of 15% and therefore an acceptable level of daylight. At ground floor level the retained VSC values range from 15.80% to 20.58% with higher retained VSC values levels at first floor and above. The rooms affected are either living rooms or bedrooms.

For NSL, 44 rooms tested would not meet the BRE Guidelines which is indicative of an unacceptable level of daylight.

- At ground floor level three living rooms are affected with reductions of 21%, 25% and 24% and two bedrooms with reductions of 37% and 28%.
- At first floor level six studio flats are affected with reductions of 22%, 21%, 57%, 58%, 52% and 33%, two living rooms with reductions of 30% and 27% and three bedrooms with reductions of 42%, 22% and 40%.
- At second floor level four studio flats are affected with reductions of 51%, 39%, 47%, and 34%, three living rooms with reductions of 37%, 61% and 28% and two bedrooms with reductions of 41% and 42%.
- At third floor level three studio flats are affected with reductions of 45%, 27% and 51%, two living rooms with reductions of 22% and 26% and two bedrooms with reductions of 40% and 43%.
- At fourth floor level three studio flats are affected with reductions of 42%, 29% and 51%, one living room with a reduction of 24% and one bedroom with a reduction of 40%.
- At fifth floor level three studio flats are affected with reductions of 38%, 31% and 27%, one living room with a reduction of 22% and two bedrooms with a reduction of 37%.
- At sixth floor level one bedroom is affected with a reduction of 34%.

Overall, the reductions in daylight would be noticeable and the impact is considered not significant adverse.

## Significant Adverse

The following properties are considered to experience a significant adverse impact based on the significance attributed by the City Council's independent daylight consultant. The numerical data for the affected properties is set out in the tables in Appendix 1.

### 1 Ebury Bridge Road (Flats A, C, D & N)

For VSC, there would be reductions to 19 windows beyond the BRE Guidelines.

The affected windows to Flats A, C and D will retain VSC values in excess of 15% and therefore acceptable levels of daylight.

For Flat N (First floor), two windows will retain VSC values in excess of 16% and therefore acceptable levels of daylight. Windows W1, W2 and W3 which serve a living kitchen diner would experience reductions in VSC of 26%, 26% and 25%, (with retained VSC values of 9.55%, 13.52% and 14.03%). Window W4 serves a bedroom and would experience a reductions in VSC of 47% with a retained VSC value of 14.89%. This is indicative of an unacceptable level of daylight to these 4 windows.

For NSL 11 rooms tested would not meet the BRE Guidelines which is indicative of an unacceptable level of daylight. The maximum reductions range from 54% to living room in Flat A (second floor), 34% to bedroom in Flat C (third floor), 47% to a living room in Flat D (third floor) and 46% to a bedroom in Flat N (first floor).

Overall, the reductions in daylight would be noticeable and the impact is considered significant adverse.

#### **Flats 4, 5, 15, 16, 17, 18, 29, 30, 31, 43, 44, 45, 57, 58, 59 & 60 Cheylesmore House**

For VSC, there would be reductions below that recommended by the BRE Guidelines to 44 windows at ground to fourth floor levels that serve 16 flats. Out of these 44 windows, 28 will retain VSC values in excess of 15% and therefore acceptable levels of daylight

The VSC reductions to the other windows where the retained VSC values are below 15%, and which is indicative of an unacceptable level of daylight, are:

- At ground floor level Flat 4 would experience reductions in VSC of 40%, 43% and 54% to three bedrooms, 45% to a LKD and 51% to a kitchen. Flat 5 would experience reductions in VSC of 60% and 49% to a LKD.
- At first floor level, Flat 16 would experience reductions in VSC of 43% and 50% to two bedrooms, 46% to a living/diner and 47% to a kitchen. Flat 17 would experience reductions in VSC of 58% and 44% to a LKD. Flat 18 would experience a reduction in VSC of 46% to a bedroom.
- At second floor level Flat 30 would experience reductions in VSC of 43% and 46% to two bedrooms, 46% to a living/diner and 43% to a kitchen. Flat 31 would experience a reduction in VSC of 46% to a LKD (this room is also served by an additional window that will see a reduction in VSC of 38% but a retained level of VSC of 15.94%.)
- At third floor level Flat 44 would experience a reduction in VSC of 42% to a bedroom.
- At fourth floor level Flat 59 would experience a reduction in VSC of 46% to a LKD (this room is served by two additional windows that will see reductions in VSC of 27% and 25% but a retained level of VSC of 20.93% and 21.04%).

For NSL, 30 rooms tested would not meet the BRE Guidelines which is indicative of an

unacceptable level of daylight. The reductions range from 57% at ground floor, 33- 69% at first floor, 29- 67% at second floor, 53-59% at third floor and 46-57% at fourth floor.

Overall, the reductions in daylight would be noticeable and the impact is considered significant adverse.

### Sunlight Assessment

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months (winter PSH). As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours are less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

In terms of sunlight the significance effects applied by the applicant are:

Impacts are considered neutral if;

- The retained VSC remains above 27% or within 0.8 times the baseline value.
- The retained DD remains above 80% or within 0.8 times the baseline value.

Impacts are considered not significant adverse if;

- the relative VSC value, expressed as a ratio, is between 0.7 or 0.8 times the baseline value, or the absolute VSC value remains greater than 20%, or the absolute VSC value is not reduced by more than 5%, compared to the baseline value .
- the DD value, expressed as a ratio, is between 0.7 or 0.8 times the baseline value, or over 70% of the room area continues to retain access to visible sky, or the room area with access to visible sky is reduced by no more than 1 sqm.

Impacts are considered significant adverse if;

- the relative VSC value, expressed as a ratio, is between 0.6 or 0.7 times the baseline value, or the absolute VSC value remains greater than 15% or the absolute VSC value is not reduced by more than 10%, compared to the baseline value.
- the DD value, expressed as a ratio, is between 0.6 or 0.7 times the
- baseline value, or over half (50%) of the room area continues to retain access to visible sky, or the room area with access to visible sky is reduced by no more than 5 sqm.

The City Council's independent daylight consultant, DPR, is generally in agreement with the effects ascribed other than the effect on Flat J, 1 Ebury Bridge Road which is reflected in the assessment of daylight impacts set out below.

The following properties would meet the BRE Guidance for APSH and winter PSH and are therefore not discussed in more detail here. 20 Ebury Bridge Road, Fountain Court, 1 Ebury Bridge Road (Flats L, Q, E), 1 Ebury Bridge Road (Flat D & C), Cheylesmore House (Flats 1, 11, 25, 39, 47 & 61), Cheylesmore House (Flats 2, 3, 6, 7, 12-15, 18, 19,

26-29, 32, 33, 40-44, 46, 54-58 & 60), Cheylesmore House (Flat 4, 16 & 30), Moore House and Peabody Estate.

### **Not significant adverse effect**

#### **The Rising Sun PH**

The first floor bedroom would experience reductions in APSH of up to 53% to three windows. The same room will experience reductions in winter PSH of 33% and 50% to two windows. Overall, the reduction in sunlight to this property would be noticeable and the impact is considered not significant adverse.

#### **22-42 Ebury Bridge Road**

Nos. 22, 32, 34, 36, 38, 40 and 42 Ebury Bridge Road would experience a reduction in APSH of 23%, 21%, 28%, 23%, 27%, 23% and 23% respectively to their ground floor living rooms. The remaining properties would also see sunlight reductions but these would be compliant with the BRE Guidelines. Overall, the reduction in sunlight to these properties would be noticeable and the impact is considered not significant adverse.

#### **1 Ebury Bridge Road (Flats P, N, B & A)**

Flat P at first floor would see APSH reductions to a bedroom (W2), living room (W3) and kitchen (W5) of 64%, 51% and 60% with winter PSH reductions to the same windows of 78%, 89% and 80% and to an additional kitchen window (W4) of 62%.

Flat N at first floor would see APSH reductions to two living room windows (W1 and W2) of 32% and 57% with winter PSH reductions to all windows (W1-W6) that also include two bedrooms of between 50% to 69%.

Flat B at second floor would see a winter PSH reduction to a study (W7) of 76%.

Flat A at second floor level would see APSH reductions to a bedroom (W4) of 58% and winter PSH reductions to a living room, dining room and an additional window to the bedroom (W1, W2 and W3) of 89%, 87% and 69%.

Overall, the reduction in sunlight to this property would be noticeable and the impact is considered not significant adverse.

#### **Consort Rise House**

This block of flats would experience a reduction in APSH to a living room (W2) within Flat 9 at second floor level of 62% (from 32% to 12%) and reductions in winter PSH of 100% (from 10% to 0.0%). Overall, the reduction in sunlight to this property would be noticeable and the impact is considered not significant adverse.

### **Significant adverse effect**

The following properties are considered to experience a significant adverse impact based on the significance attributed by the City Council's independent daylight

consultant. The numerical data for these properties is set out in the tables in Appendix 2.

### **1 Ebury Bridge Road (Flats J & K)**

Two flats would experience reductions in APSH to 11 windows in breach of the BRE Guidelines.

Flat J at ground floor would see APSH reductions to three living room windows (W1, W2 & W3) of 48%, 53% and 49% with winter PSH reductions to one living room and one bedroom (W1 and W4) of 75% and 60%.

Flat K at ground floor will see sunlight reductions in APSH of 68% and 69% to a bedroom (W2 and W3), 59% and 41% to a living room (W4 and W5) and 39%, 53% and 46% to a kitchen (W6, W7 and W8). In addition W5 - W8 will see reductions in winter sun of 83%, 71%, 50% and 50% respectively.

### **Cheylesmore House (Flats 5, 17, 31, 45 and 59)**

Five flats would experience reductions in APSH to 5 windows in breach of the BRE Guidelines.

- Flats 5 at ground floor level would experience 100% reduction in APSH from 12% to 0% to a LKD with no change to winter PSH.
- Flat 17 at first floor level would experience 100% reduction in APSH from 15% to 0% to a living/dining room with no change to winter PSH (0.0%).
- Flat 31 at second floor level would experience a 93% reduction in APSH from 15% to 1% to a living/dining room with no change to winter PSH (0.0%).
- Flat 45 at third floor level would experience a 89% reduction in APSH from 18% to 2% to a living dining room with 100% reduction in winter PSH.
- Flat 59 at fourth floor level would experience a 64% reduction in APSH from 25% to 9% to a LKD with 100% reduction in winter PSH.

Overall, the reduction in sunlight to flats within this property would be noticeable and the impact is considered significant adverse.

### **Sun-on-ground / overshadowing to gardens and amenity spaces**

Policy ENV 13 (F) states that developments should not cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. An objection has been received regarding the overshadowing of the proposed development

The BRE Guidelines recommend that for an amenity space to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity space does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

Neighbouring outdoor amenity spaces identified with a potential to be affected by the

proposed development are located at ground floor and second floor level within 1 Ebury Bridge Road, and ground floor at Cheylesmore House.

The assessment demonstrates that with the development in place, the impact on the neighbouring amenity spaces would be BRE compliant with the exception of the amenity space to Flats B, K and J, 1 Ebury Bridge Road. Given the high density nature of the proposed development, it would be difficult to fully avoid increased overshadowing to these amenity spaces. However, the overshadowing assessment does demonstrate that on 21 June the amenity space to Flat K will retain at least 2 hours of sunlight across over 80% of the space whereas for Flats J and B it would be 100% which is when these amenity spaces are most likely to be used. Overall the impact on overshadowing to amenity spaces is considered acceptable given the dense urban context of the application site.

### **Sense of enclosure and privacy**

Policy ENV 13 (F) states that developments should not result in a significant increase in sense of enclosure [or] overlooking. An objection has been received from a local resident regarding increased sense of enclosure.

Overall it is considered that the proposed buildings within the outline area have been sensitively positioned to have a neighbourly relationship with existing properties. Blocks 1-4 in the outline area will have a typical front to front street relationship with the buildings on the opposite side of Ebury Bridge Road which is considered acceptable.

Blocks 1 is located close to 1 Ebury Bridge and Blocks 4 and 9 close to Cheylesmore House. The separation distance between the flank of Block 1 and 1 Ebury Bridge Road will be between approximately 8m at its closest point and extend up to approximately 12m towards the rear. This is similar to the existing relationship with Rye House whose flank windows overlook 1 Ebury Bridge Road. The separation distance between the flank elevation of Block 4 and Cheylesmore House varies between approximately 12.5m at its nearest point increasing to approximately 15m at its widest. Block 9 will have a side elevation overlooking the end elevation of Wentworth Court. The separation distance between the two buildings will be approximately 12m. Overall these separation distances are considered acceptable given the dense urban context. It is not considered there will be any significant increased sense of enclosure to neighbouring properties.

The illustrative Masterplan indicates that habitable windows are proposed in the flank elevations to Blocks 1, 4 and 9. Overall there will be more overlooking to 1 Ebury Bridge and Cheylesmore House compared to the existing situation or the situation prior to demolition. In the case of Cheylesmore House, as Edgson House was set back from the street and didn't have any habitable rooms in its southern flank elevation, there will be a dramatic change. Overall the separation distances set out above are considered acceptable for this central London context and whilst the development will result in greater overlooking to 1 Ebury Bridge and Cheylesmore House in particular, this is not considered harmful to residential amenity. Wentworth Court has high level slot windows in its north elevation so will not be significantly affected in terms of overlooking.

## Light Pollution

The Environmental Impact Assessment has assessed the significance of impacts on light pollution from the proposed lighting scheme to existing surrounding residential properties. DRP conclude that whilst no significance effect has been ascribed to Cheylesmore House, the assessment demonstrates that there would be no obtrusive light above the recommended Institution of Lighting Practitioners.

An objection has been raised regarding the impact from the development on light pollution. In order to ensure there is no harmful impact on neighbouring occupiers it is recommended that details of external lighting are secured by condition for Blocks 7 and 8 within the detailed area. For the outline area, details of external lighting would form part of the reserved matters application.

## Conclusions on Residential Amenity

The proposal will result in a material worsening of daylighting standards for some neighbouring properties. For some properties there would be significant reductions in daylight beyond the recommended BRE Guidelines criteria for VSC and NSL. There would also be reductions beyond the alternative 15% VSC retained value which the City Council has given weight to. With the development in place the applicant's daylight assessment indicates unacceptable levels of daylight for a number of properties. These reductions in daylight would be noticeable to occupants and more of the affected rooms will appear poorly lit. There would also be sunlight losses to neighbouring properties that breach the BRE Guidelines.

The proposed development seeks to make the best use of land and proposes a high density form of development to support additional homes with some workspaces. It is this change in scale, replacing the relatively low massing blocks of flats with buildings of greater height and massing that is driving the daylight and sunlight losses. However, if this site is to be redeveloped at a higher density level to meet policy objectives of boosting significantly the supply of housing and optimising housing delivery, then reductions in daylight and sunlight to neighbouring properties would normally be expected.

The only means of protecting substantively the existing daylight and sunlight conditions would be to look at alternative development options. The 2016 scheme retained more of the existing blocks of flats and the new building element was not as high as currently proposed. Consequently 2016 scheme provided significantly fewer residential units which would not meet the policy national, regional or local housing policy objectives. This permission has not been implemented as the applicant advises it has proven to be unviable.

The impact from the proposed development on residential amenity would conflict with Policy ENV 13 (E) of the Unitary Development Plan, Policy S29 of the City Plan and Policy 7 of the City Plan 2019-2040: Intend to Adopt version. However, policies within the City Plan to optimise housing delivery and Policy 8 of the City Plan 2019-2040 Intend to Adopt version which seeks to optimise site densities to exceed the London Plan derived target of 20,685 homes across the plan period (2019-2040) is a material consideration. Policy 6 of the City Plan 2019-2040 Intend to Adopt version is also a material

consideration. This sets out that one of the priorities of the Ebury Bridge Estate Housing Renewal Area is to deliver approximately 750 new homes. The consideration of alternative lower density options would mean that the housing growth benefits in the scheme in relation to the delivery of market and affordable housing might not be realised.

## 8.5 Transportation and Parking

### Access, Circulation and Highways

The existing Ebury Bridge Estate has four pedestrian access points into the site. The two access points furthest to the north are for pedestrians only and are restricted in width by bollards. Footways for pedestrians are provided at two gated vehicular access points further to the south on Ebury Bridge Road.

The Masterplan site proposes seven access points. Five access points to the site will be available from Ebury Bridge Road, three of which will be for pedestrians and cyclists only and the remaining two will be for vehicular as well as pedestrian and cyclist access. A pedestrian and cyclist only access point to the south is intended to link with the Grosvenor Waterside development and a new pedestrian access point to the north via stairs will connect the site with Ebury Bridge.

The two vehicle access points will accommodate vehicle movements associated with disabled car parking, car club spaces, delivery and servicing activities, and emergency service vehicles. Vehicles will be admitted to the site via a barrier system and would then be guided around one-way circulation on loops around internal squares. Within the site a segregated walking and cycling route is proposed that will provide an alternative to Ebury Bridge Road.

Overall the proposal will create a more permeable, connected and integrated development in comparison with the existing site layout. Whilst it is regretted that ramped access cannot be provided for the new access point to Ebury Bridge, the applicant advises this is for technical reasons. In terms of the new southern link, the applicant advises that dialogue is underway to secure Grosvenor Waterside buy-in and potential options for delivery.

The southern vehicular access on Ebury Bridge Road is within the detailed area of the application. It is recommended that full details of hard landscaping, the vehicle circulation route and the access barrier are secured by condition. All other access points are within the outline area and will form part of the future reserved matters applications.

The proposed vehicular access arrangements will be subject to a detailed highway design process, and will include the relocation of a bus stop on Ebury Bridge Road further to the south. It is recommended these are secured as part of the S106 unilateral undertaking. In order to secure the full benefits of additional permeability, it is recommended that a Walkway Agreement is secured as part of the S106 unilateral undertaking.

## Car Parking

Policy UDP TRANS 23 sets out maximum off-street parking standards of one car space per residential unit containing two bedrooms or less and one or two car spaces per unit of residential accommodation comprising three bedrooms or more (provided that the aggregate provision does not exceed 1.5 spaces per dwelling).

Policy 27 of the City Plan 2019-2040 Intend to Adopt version sets out that council will apply the maximum non-residential car parking standards set out in the London Plan.

Where a

residential development without on- or off-site car parking is proposed in an area of existing high parking stress (i.e. over 80% of on-street parking spaces being occupied during the day or at night, in compliance with existing parking restrictions), mitigation measures will be expected to off-set the impact of increased car parking on Westminster's streets. As a minimum, mitigation may include lifetime car club membership for all future residential occupiers, increased cycle parking quantum and quality within the development site.

The London Plan (2021) sets out a car free standard (excluding disabled parking) for residential and retail uses within PTAL 6b locations such as this.

There are seven disabled parking spaces located on the existing estate. Masterplan wide, it is proposed to provide a 'car-lite' development with only disabled parking being provided. The illustrative Masterplan indicates that 42 car parking spaces are proposed at grade level in under croft car parks. In addition to the disabled parking, two car club spaces are proposed to be provided within the site adjacent to Blocks 6 and 8.

Full details of the carparking arrangements for the outline area will form part of the reserved matters applications. However a condition is recommended to restrict the maximum number of car parking spaces within the outline area to 26.

Within the detailed area, 16 spaces will be provided for Blocks 7 and 8. An additional two spaces are proposed for these two blocks that will be provided in a subsequent phase forward for construction. A condition is recommended to ensure that the car parking spaces are leased rather than sold and that 50% of spaces will have active Electric Vehicle Charging and 50% will have passive provision.

The Highways Planning Manager is concerned that the proposal will increase demand for on-street parking spaces in the surrounding area beyond the 80% stress threshold. In response to these concerns, the applicant proposes car club membership for all residents to ensure that the lack of parking provision does not result in significant increases in demand for on-street parking in the vicinity of the development.

It is considered that the proposal to provide a car free development except for disabled parking is acceptable and in accordance with London Plan (2021) policy and emerging Policy 27 of the City Plan 2019-2040 Intend to Adopt. It is recommended that life-time car club membership is secured for all residents as part of the S106 unilateral undertaking as well as the proposed two car club spaces.

The GLA has requested that the council restricts RESPARK permits being issued to

future residents. Policy 27 of the City Plan 2019-2040 Intend to Adopt version does not seek this as a form of mitigation to prevent significant increases in demand for on-street parking in the vicinity of the development.

### Cycle Parking

The proposed cycle parking will be provided to London Plan (2021) standards and access to them designed in accordance with London Cycle Design Standards (LCDS) guidance. Currently there are no dedicated long-stay cycle parking facilities, or short-stay cycle parking spaces on the site.

For the outline application, full details of cycle parking provision will be finalised at reserved matters stage. Indicatively cycle parking for the outline area is shown at ground and basement levels.

For the detailed application for Blocks 7 and 8, 445 long-stay and 44 short-stay spaces are proposed which meets the requirements of Policy 5 of the London Plan (2021). In line with the LCDS, 5% of the total spaces are designed for larger or adapted cycles. Cycle storage is split up into small clusters at ground and basement levels and meets LCDS requirements.

The Design out Crime Officer has concerns that the cycle store door to Blocks 7 and 8 has no natural surveillance and advises that the cycle stores should be accessed from within the development. The design of the cycle store entrance does not raise significant security considerations. However it is recommended that the applicant address these concerns through an updated estate management strategy for the detailed area to be secured by condition.

### Cycle Docking Station

The cycle hire docking station on Ebury Bridge is proposed to be extended as part of the proposals with the cost to be met by the applicant. The extended docking station would be located within the outline area and is shown indicatively adjacent to Block 5. The final design and location will therefore emerge as part of future reserved matters applications. It is recommended that the delivery of the extended docking station as part of the construction of Block 5 is secured as part of the S106 unilateral undertaking .

### Delivery and Servicing and Waste Collection

It is proposed that servicing activities for all land uses, including the non-residential uses, will take place on site. By way of comparison all servicing for the existing retail units on the estate takes place from Ebury Bridge Road.

The Masterplan illustrates that the five loading bays would be provided within the public realm accessed via the two proposed vehicular access points on Ebury Bridge Road. These would form part of the outline application and full details of their design and location would form part of the reserved matters application.

For waste collection, the Masterplan illustrates that each residential block will have a ground floor refuse and recycling store. Separate refuse and recycling stores would be

provided for the non-residential uses within their respective blocks. These would be within approximately 10m of refuse vehicle routes. Waste collection vehicles will be able to access the site and will be able to use either the loading bays provided or, given the expected short dwell time, stop temporarily on the internal loop roads to collect waste. .

Details of refuse and recycling stores proposed for Blocks 7 and 8 within the detailed area are provided and are considered acceptable by the Project Officer (Waste). Details of refuse and recycling stores for the outline area will be submitted as part of the reserved matters application.

It is recommended that a Delivery and Servicing Plan, to include waste collection is secured by condition for each phase of the development. This will need to include how the development would manage home deliveries.

### Trip Generation

A trip generation exercise has been undertaken which concludes that the development is expected to give rise to a net increase of a worst-case peak hour flow of 374 two-way trips in the AM peak, of which more than 90% would be undertaken by sustainable modes. The GLA advise in their Stage 1 report that the impact of trips on London Underground station capacity and line loading has been assessed as required by Policy T1 of the London Plan (2021) and mitigation may be required.

In response, the applicant advises that the additional two-way London Underground trips in the AM peak hour (117) represents an increase of approximately 0.2% of passengers travelling through Victoria Station. The applicant considers this is a negligible increase that it is expected to be accommodated within existing capacities. Officers support this position and the impact on local transport is considered acceptable.

### Travel planning

A draft travel plan has been submitted with the application. The GLA in their Stage 1 report has requested that a final Travel Plan be secured as part of the development. The Highways Planning Manager advises that for the residential, office and retail/restaurant type uses, a travel plan would not be required in this location. Whilst Class D class uses may generate the need for a travel plan, given the small amount of floorspace proposed for this use, a travel plan is not considered necessary.

## **8.6 Socio - Economic Considerations**

The economic benefits of the propose development through construction work and the end user jobs within the commercial, management and community spaces are welcome. It is recommended that an Employment and Skills Plan and a payment towards the Westminster Employment Service of £190,993.96 is secured as part of the S106 unilateral undertaking.

Masterplan wide, the area will comprise 3,018 sqm of non-residential commercial floorspace. This compares to 846 sqm of non-residential commercial floorspace in the existing estate. The Environment Statement predicts the proposed development when complete will support approximately 96–103 net additional full-time equivalent (FTE) jobs

at the London scale.

An objector has requested that the cumulative impact of this development, the Cundy Street Quarter and Chelsea Barracks, on social infrastructure including healthcare and local transport should be undertaken. A concern has also been raised about impact on local education. These concerns are noted; however, each planning application is assessed on its own merits and appropriate measures secured to mitigate against any identified impact. The impact of the development on local transport is set out in Section 8.5.

In terms of healthcare the Environmental Statement sets out that existing local healthcare facilities are currently operating at close to the NHS target capacity and the additional 1,781 new residents of the proposed development will place additional demand upon local GP surgeries. Taking a 'worst case scenario' the proposal would be likely to drive the need for a single additional GP. The proposed development does not make specific provision for healthcare floorspace to accommodate the healthcare needs generated by new residents.

In terms of education the proposed development would be estimated to yield 154 primary school pupils (aged between 5-11 years), and 80 secondary school pupils (aged between 12-15 years) and 42 children aged 16-17 years. In addition, an estimated 192 children aged between 0-4 years would generate need for early years places<sup>1</sup>. The Environmental Statement sets out the impact on local provision would not be significant.

The Community Infrastructure Levy (CIL) is a charge on development to help fund infrastructure. The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities. The proposed development is CIL liable and the estimated CIL payment is £23,535,257.

## **8.7 Access**

Policy D5 of the adopted London Plan requires that all new development achieves the highest standard of accessible and inclusive design and can be used safely, easily and with dignity by all.

Policy S28 of the City Plan states that development must incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policy 38 of the City Plan 2019-2040: Intend to Adopt version states that all development will place people at the heart of design, creating inclusive and accessible spaces and places.

The Masterplan illustrates that an inclusive and accessible public realm is proposed which is supported. It is recommended that full details of the hard landscaping for the detailed and outline areas is secured by condition.

The Design code states that 90% of the new dwellings designed to meet Building Regulations Approved Document M4(2) and 10% will meet Part M4(3). This is welcome and it is recommended that this is secured by condition to ensure policy compliant levels

of accessible dwellings are carried through to the detailed design and delivery stages. ,

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

### **Noise and Vibration**

For the detailed area for Blocks 7 and 8, whilst general mechanical plant locations are shown on the drawings, detailed information on the plant is not yet available . Standard noise conditions relating to plant and internal activity are therefore recommended together with a condition requiring the submission of a supplementary acoustic report. With these conditions in place the proposal would comply with Policy ENV 7 of the UDP which seeks to control noise from plant, machinery and internal activity.

For the outline area, full details of plant and machinery will form part of the reserved matters applications.

Vibration impacting the development, both perceptible vibration and from structure-borne noise, transmitted from the road and railway line, has the potential to impact the future occupiers. It is recommended that this is addressed through the standard vibration condition for both the detailed and outline areas.

The proposal includes commercial uses which have the potential to produce high internal activity noise from music and other regulated entertainment. The proposed development will need to ensure that noise does not break-out of such areas or be transmitted within the structure to noise sensitive uses within the development itself. It is recommended this matter is dealt with by way of condition.

### **Trees and Landscaping**

The application proposes the removal of 32 trees (excluding tree groups) within the development site boundary. These comprise 11 low quality (Category C) trees, 20 moderate quality (Category B), trees and 1 high quality (Category A) tree. The Category A tree is a Caucasian Wingnut and the Design and Assess Statement advises that it is situated in a location which requires new paving to support vehicular access and its retention is not feasible. Masterplan wide it is the intention that 6 trees are due to be retained although this would be subject to review in later phases of development. The loss of trees is regrettable but is considered necessary to allow space for the development. All retained trees may be damaged by construction activities and will require protection. Conditions requiring arboricultural supervision and tree protection measures for are recommended.

The Design code sets out the replacement tree planting strategy for the Masterplan site. The new tree planting falls into nine broad categories and includes a trio of 'anchor' trees to the proposed Community Hub Square, feature trees and large trees to the other public squares, trees to the Ebury Bridge Road gateways and buffer trees to Cheylesmore House boundary. Where possible trees will be planted into the soft landscaping without the need for tree pits. Further tree planting is proposed within planters within podiums and terraces. Overall it is considered that tree planting strategy proposed within the Masterplan is extensive and it is supported.

The detailed area for Blocks 7 and 8 includes two retained Category B trees and 47 new trees. 30 of the new trees are located at podium level in planters. Within the public realm the focal point for tree planting is the proposed public square with a range of tree sizes proposed.

In terms of general landscaping, the Design code sets out that new areas of planting are proposed within the public realm with themed zones including woodland, rain garden and defensive space planting. For example the 'towpath' character area informs planting inspired by native woodlands with a variety of trees and low level under-planting. The planting strategy set out within the Design code indicates that a high quality soft landscaping scheme is proposed for the new estate which is supported.

The Design and Access Statement sets out that Secure by Design principles will be incorporated into detailed design proposals to ensure clear sightlines across the public realm and a general feeling of safety within all types of open space. Trees will generally have a 2m clear-stem and planting will typically be maintained to 1m high

The Arboricultural Manager has raised a concern that the planting depth for the raised planters over the basement will be 1.0-1.2m. Whilst this concern is noted, officers recognise that a minimum 1.2m soil planting depth is not always achievable above basements. Some reduced tree growth may be expected from reduced soil depth but the proposal would allow for the establishment of new trees at podium level. It is recommended that full details of soil depth for the planters at podium level are secured by condition. Automatic irrigation to the planters is not proposed and the applicant advises that a watering regime as part of the overall site management is proposed. I

Overall the details submitted relating to trees and landscaping are considered acceptable. It is recommended that full details of the soft and hard landscaping for both the outlined and the detailed area are secured by condition together with a landscaping management plan.

### **Ecology and Biodiversity**

Policy G5 of the London Plan (2021) states that Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

It is accepted that the existing site generally has a low ecological value. Masterplan wide, the proposal seeks to enhance the habitat complexity and biodiversity of the site. The design code sets out that there would be a planting bias towards native and semi-native planting, green roofs are proposed to Blocks 1-4 and bird and bat boxes would be promoted across the site.

For the detailed area, ecological enhancements include bird boxes, bat boxes and elements of natural timber for wildlife to colonise. It is recommended that these measures are secured by condition.

The applicant has undertaken an Urban Greening Factor (UGF) assessment in

accordance with policy G5 of the London Plan (2021). This shows an UGF for the Masterplan site of 0.3. This falls short of the 0.4 target set out in the London Plan (2021).

In their Stage 1 response, the GLA has raised a concern that the development does not propose additional greening methods such as improving the number, extent and quality of green roofs (only Blocks 1-4 have a green roof), increasing ground level planting in place of hard landscaping, including green walls or greening sections of the building façade, and expanding greening on the proposed terraces. In response the applicant advises that the proposed public areas and communal terraces have been designed to be maintainable and cost efficient to residents who will be paying service charges to maintain any greening features. As part of the design evolution of those blocks in the outline area, the applicant advises that the UGF will be reviewed to explore opportunities for enhancement.

Officers have requested that the applicant include green roofs on Blocks 5, 6, 7, 8 and 9, however, the applicant is reluctant to do so, citing health and safety concerns and cost consideration as their justification. The applicant advises that the roof of these blocks is currently designed as being inaccessible and that the provision of green roofs might require safe management systems which would have design considerations. Whilst it is disappointing that further ecological enhancement measures are not proposed to further increase the ecological value and sustainability of the site, given the overall benefits of the scheme, including the provision of a minimum of 50% affordable housing, this is considered acceptable.

## **Sustainability**

### Energy

Policy SI 2 [Minimising greenhouse gas emissions] of the London Plan (2021) requires major developments to be net zero-carbon. The policy also requires that a minimum on-site reduction of at least 35 per cent beyond Building Regulations is met with residential development achieving 10 per cent carbon reductions, and non-residential development achieving 15 per cent carbon reductions through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough's carbon offset fund, or 2) off-site.

Policy 36 (B) of the City Plan 2019-2040 Intend to Adopt version states that all development proposals should follow the principles of the Mayor of London's energy hierarchy. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved.

In their Stage 1 comments the GLA advise that the energy strategy is generally compliant with the London Plan (2021) policies. Masterplan wide two energy centres are proposed (in Blocks 6 and 7) which are envisaged to each serve half the site, becoming operational commensurate with phasing. These centres will encompass an open loop ground source heat pump at basement level alongside air source heat pumps at roof level. The applicant has satisfactorily demonstrated that it is not possible to connect to existing off-site networks, however, the heating infrastructure will be future proofed to allow for district heating connections and utilisation of waste heat sources in the future.

At the request of the GLA, a condition is recommended to require the applicant to demonstrate as part of the reserved matters applications that the number of energy centres has been minimised and the infrastructure has been provided to ultimately create a site-wide heat network with a single point of connection to a future off-site network.

Carbon emissions have only been provided for the detailed area for Blocks 7 and 8 at this stage. CO<sub>2</sub> emissions from regulated domestic sources achieve a 58% overall improvement on Part L baseline whilst CO<sub>2</sub> emissions from regulated non-domestic sources achieve a 47% overall improvement. These exceed the 35% on site target set out in the adopted London Plan. The carbon reductions achieved through energy efficiency measures is 17% for residential development and 16% from non-residential development which exceeds the respective 10% and 15% improvement sought by London Plan policy.

Zero carbon is not achieved for the detailed area. A carbon offset payment of £282,928 is required to address the emissions shortfall. The masterplan amount has been estimated as £844,643; however, this will need to be recalculated for each reserved matters application. It is recommended that the carbon offset payment for the detailed area is secured through the S106 unilateral undertaking together with the submission of an updated Energy Plan for each reserved matters application. The updated Energy Plan will indicate whether a carbon offset payment is required for subsequent phases and what the amount should be.

At the request of the GLA, the updated Energy Plan will need to demonstrate that future phases meet the 10% and 15% saving from energy efficiency measures for the domestic and non-domestic elements respectively. The plan will also need to provide an updated GLA Carbon Emissions Reporting spreadsheet.

Masterplan wide, the development proposes approximately 577sqm of photovoltaic (PV) solar panels. These are proposed to be located to the roof of Blocks 1-4 in the outline area. The GLA in their Stage 1 comments consider that renewable energy technologies should be maximised within the development and that PV solar panels are required to be provided where it is technically feasible. A condition is therefore recommended to require the applicant to demonstrate that PV provision has been maximised for the detailed area and for each reserved matters application.

It has already been set out that as a result of railway and road traffic noise active cooling is proposed to all dwellings. In response to concerns raised by the GLA about energy consumption, the applicant advises that the cooling system has been sized in order to provide comfort cooling for a setpoint of 24+/-2°C. In line with the Mayor's cooling hierarchy, the applicant has agreed to issue a Building User Guide to occupants which sets out strategies on minimising overheating risk in line with the cooling hierarchy, including guidance on use of blinds, natural ventilation and the active cooling systems provided. It is recommended that this be secured through suitable wording in the Section 106 legal agreement.

The applicant has provided a commitment that the development will be designed to enable post construction monitoring and that the information set out in the 'be seen' guidance is submitted to the GLA's portal at the appropriate reporting stages. It is

recommended that this be secured through suitable wording in the Section 106 legal agreement.

### Whole Life Carbon Cycle

Whole Life-Cycle Carbon (WLC) emissions are the carbon emissions resulting from the materials, construction and the use of a building over its entire life, including its demolition and disposal. A WLC assessment provides a true picture of a building's carbon impact on the environment. Policy SI 2 of the London Plan (2021) sets out a requirement for developments to calculate and reduce WLC emissions.

Policy SI 2 'Minimising greenhouse gas emissions' of the London Plan (2021) sets out that development proposals should calculate whole life cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions. The applicant has submitted a Whole Life-Cycle Carbon Assessment utilising the GLA's assessment template for this which was published alongside draft GLA guidance. The applicant has identified the measures as set out in the submitted Sustainability and Energy Statement, BREEAM Assessment and Circular Economy Statement to identify carbon used to complete and operate the proposed development. This utilises estimates at this stage informed by detailed design undertaken to date on Phase 1 of the project and will inform targets for future phases of the development. Based on the data available at the time of assessment, the scheme at practical completion, will be below the GLA's WLC benchmark target of 850 kilograms of carbon per sqm, and below 400 kilograms of carbon per sqm for the operational lifespan of the new buildings (60 years).

In their Stage 1 comments the GLA advise that the WLC assessment has not been completed in accordance with the published guidance. The applicant has not provided for assessment 2 which account for decarbonisation for both embodied carbon emissions and for operational carbon. The assessment required is currently being drafted and finalised in discussion with the GLA. A verbal update on this issue will be provided at the committee meeting.

### Circular Economy

Policy SI 7 of the London Plan (2021) seeks to reduce waste and support the circular economy. Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste.

In their Stage 1 comments the GLA welcome principles set out within the Circular Economy statement but that a detailed Circular Economy statement is required for the detailed elements of the planning application and a Post Completion Report is required. It is recommended that these matters are secured by condition. An updated Circular Economy statement will be required for future phases of development as part of the reserved matters application.

### Flood risk

The site is in Flood Zone 3, in an area benefitting from River Thames tidal

defences. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted as required under the NPPF.

In response to GLA concerns in their Stage 1 report, the FRA has been revised to include a Flood Warning and Evacuation Management Plan in the event the River Thames breaches. A condition is recommended to secure a final version of this plan and to ensure it is established and implemented for blocks prior to occupation.

The GLA has raised concerns about sleeping accommodation at the ground floor and the flood resilience of the basement which contains mechanical services.

On sleeping accommodation, the applicant advises that all sleeping accommodation within Blocks 7 and 8 within the detailed area is located on the first floor and above, which is approximately 4m above the breach flood level. For the outline area, the applicant advises that all sleeping accommodation (including those in ground floor duplexes) will be located above the respective breach flood level. This is considered acceptable.

On flood risk management, the applicant states that the emergency flood procedure for Blocks 7 and 8 within the detailed area will be to install flood barriers (or similar temporary defence systems) at all ground floor entrances and openings during the flood warning period. There is no ramp into the basement, and it is only accessible via stairwells and lift pits. An additional access hatch is provided at ground floor level to allow for irregular large plant replacement, this is impervious. It is recommended that a revised Flood Warning and Evacuation Management Plan (FWEMP) is secured by condition for the detailed area with all flood risk management measures to be implemented prior to occupation. For the outline area, a Flood Warning and Evacuation Management Plan will be submitted as part of the reserved matters applications.

### Sustainable Drainage

Policy S1 13 of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improve water quality, and enhance biodiversity, urban greening, amenity and recreation.

Policy 35 (J) of the City Plan 2019-2040 Intend to Adopt version sets out that new development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

The Drainage Strategy sets out that the drainage scheme Masterplan wide is based on the integration of various SuDS into the proposed layout. The SuDS features which are proposed within the development are blue roofs, green roofs on Blocks 4-7, rainwater harvesting, rain gardens, selected areas of permeable pavements and sub-surface storage tanks. It is the intention that the surface water drainage and SuDS features will be managed and maintained by a private management company. A condition is recommended to secure further details and to secure these SUDS features as part of the detailed and outline area applications.

The GLA advise that the surface water drainage strategy does not comply with London Plan policy and they have requested additional long terms water storage features. In response the applicant considers that as the site is previously developed and considered 100% impermeable, the proposed drainage strategy will not increase the volume of water leaving the site post redevelopment. For this reason, the applicant does not propose to provide long term water storage. is not considered appropriate.

#### Water efficiency

The sustainability statement proposes that the proposed dwellings will have a maximum indoor water consumption of 105 l/person/day. This is compliant Policy SI.5 of the London Plan (2021). The exact uses of the commercial units are not known therefore it is recommended that as part of the future reserved matters applications, these details are conditioned to comply with adopted water targets.

#### **Air Quality**

The application is supported by an air quality assessment. Environmental Health conclude that the air quality effect of the proposed development is acceptable subject to appropriate mitigation measures. Environmental Health also confirm that the development meets the required air quality neutral benchmarks.

Environmental Health advise that the air quality impacts from construction traffic and construction dust can be mitigated through a Construction Logistics Plan and Site Environment Management Plan. These documents are required as part of the Council's Code of Construction Practice (CoCP) and it is recommended that our standard condition is used to require the applicant to sign up to the CoCP. The GLA has also requested that the council impose a number of conditions relating to construction. It is considered that these can be also be addressed through the CoCP process.

In terms of operational impacts, moderate adverse impacts have been predicted at one receptor location relating to operational traffic. Environmental Health advise that whilst this impact does not exceed the national air quality objectives, a condition should secure a low emission strategy for the development. It is recommended that this condition is used to secure this strategy.

Environmental Health advise that any sensitive uses (such as D1 nurseries) should not located on the lower floors of future buildings where the annual mean for national air quality objectives are to be exceeded. This is relevant for the outline area and it is recommended that this is set out as an informative.

In response to the GLA's concerns in the Stage 1 report, the applicant confirms that all traffic emissions in the air quality assessment were modelled with Defra's EFT v9 and . the height stated (18m) for Ebury Bridge Road represents the height of the street canyon modelled using ADMS-Roads on the northern section of the road.

In response to the GLA's request for a site-specific air quality monitoring survey (for nitrogen dioxide) the applicant advises that relevant local authority monitoring was used in the air quality assessment and no significant impacts were predicted. The council's Environmental Health officer has not requested the use of such a condition.

## **Environmental Wind**

Both the detailed area and the wider Masterplan were tested individually as part of the Environment Statement.

The assessment for the detailed area includes Ebury Estate buildings that form part of the outline area, existing landscaping and the meanwhile structure on Ebury Bridge Road. The worst case wind conditions indicate that other than a single point recording 'Business Walking' at the western corner of proposed Block 7, all conditions across all other areas of the site and surroundings are calmer and are also acceptable for the expected uses (e.g. entrances, leisure spaces and general access).

The assessment for the Masterplan was tested with the detailed and outline areas (based on the illustrative/indicative massing) in existing surroundings. Conditions within the site improve compared to the scenario discussed above so all areas are in the 'Sitting' to 'Strolling' range and all areas have acceptable conditions for the intended activities. Wind speeds off-site increase towards the north of the test area, affecting Ebury Bridge Road and an existing bus stop on Ebury Bridge. The ES states these conditions are safe and whilst mitigation is recommended the bus stop already has two street trees planted in close proximity which should help offset some of the increased wind speed.

## **Designing Out Crime**

Policy S29 of the City Plan seeks to ensure that development addresses the need to secure a healthy and safe environment, including minimising opportunities for crime.

Policy 38 (C) of the City Plan 2019-2040 Intend to Adopt version states that all development will place people at the heart of design "introducing measures that reduce the opportunity for crime and anti-social behaviour".

The Metropolitan Police's Design Out Crime officer has raised concerns about the proposal principally relating the permeability of the site, the absence of natural surveillance on some blocks at ground floor, the provision of play space at podium level and the design of the bike stores. The design of Block 7 has been given as an example for some of the issues raised.

The introduction of greater permeability across the site is something that is supported by officers. It is considered that many of the concerns raised about potential anti-social behaviour can be dealt with through natural surveillance. Masterplan wide, the rear blocks have been designed to maximise active frontages to allow for natural passive surveillance of the site with duplex units at ground floor (except Block 7), B1 use and D1 community space in Block 5, the Management Hub in Block 7 and D1/D2/A3 in Block 9. In addition measures such as the 'zig zag' arrangement of the blocks which provides a larger amount of inward facing façade and balconies will maximise visual amenity towards the public squares and therefore natural surveillance

For the detailed area, the requirement for refuse stores, cycle parking, car parking and plant and machinery means that natural surveillance cannot be achieved across the entire ground floor. However Block 7 will have the Management Hub at ground floor level

and Block 8 will have three residential units which all overlook the public realm. In response to the concerns raised by the Design Out Crime officer, the residential entrance lobby to Block 7 has been redesigned and made larger. The comments relating to the cycle store have been addressed earlier in the report.

Policy 44 of the City Plan 2019-2040 Intend to Adopt version states that development and or public realm improvement proposals will be required to incorporate appropriate counter terrorism measures advised by the Metropolitan Police and / or the council. It is recommended that details of these measures are secured by condition.

### **Fire Safety**

In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan (2021) seeks to ensure that development proposals achieve the highest standards of fire safety.

A fire strategy statement has been submitted with the application. In response to Stage 1 comments from the GLA, the statement has been updated to include the qualifications of the assessor who prepared it.

The submitted fire strategy sets out that the main objective of the document is to satisfy the functional life safety requirements of Part B of the UK Building Regulations 2010 and the report concludes that overall it is considered that the life safety standards required for compliance with the Building Regulations can be achieved for the Detailed Area within Blocks 7 and 8.

In response to GLA concerns the fire strategy statement has been revised to state that any changes to the building design or use type will need to be assessed with regards to the proposed fire strategy to ensure the strategy satisfies the functional life safety requirements of the Building Regulations 2010 (as amended). In addition the statement confirms that one lift per core has been designed as a suitably sized evacuation lift.

A condition is recommended to secure the provision of fire statements for future phases of the outline scheme which addresses London Plan (2021) policy. Details of the measures that should be included within the fire statement are set out in an informative.

### **Archaeology**

The site is located within a tier 3 Archaeology Priority Area: Pimlico near Chelsea Barracks with post-medieval archaeological and prehistoric geoarchaeological potential. The Ebury Estate has been subject to a programme of archaeological desk-based assessment with monitoring of site investigations. This is due to the presence and potential survival of post-medieval/industrial archaeological remains of the 19th century Grosvenor Canal and 1720's Chelsea Waterworks. Whilst the development could cause harm to archaeological remains Historic England advise that the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition to secure a written scheme of investigation.

## Westminster City Plan

Following an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concludes that with the recommended main modifications, the plan is sound and compliant with legal requirements. In light of this conclusion, council intends to formally adopt the City Plan 2019-2040: Intend to Adopt version (incorporating these main modifications) at the next meeting of Full Council. Therefore, having regard to the tests set out in paragraph 48 of the NPPF and the advanced stage in the plan-making process, all policies in the City Plan 2019-2040 now carry significant weight as a material consideration when determining applications in accordance with the duty set out under s.38(6) of the Planning and Compulsory Purchase Act 2004."

### 8.9 Neighbourhood Plans

The site is not located in an area where there is a Neighbourhood Plan in place.

### 8.10 London Plan

Adopted London Plan policies on estate regeneration, the Central Activities Zone, sports facilities and social infrastructure, equalities, housing, affordable housing, urban design, play space, heritage, inclusive design, energy, circular economy air quality, flood risk, sustainable drainage, water efficiency, urban greening, trees and transport are relevant to this application. In his Stage I response, the Mayor advises that the below issues must be addressed to ensure the proposal complies with the adopted London Plan:

#### Principle of estate regeneration

The proposed development would secure a net increase in existing affordable housing floorspace on a like for like tenure basis and would accord with the Mayor's key principles for estate regeneration schemes. As such, the comprehensive redevelopment of the existing affordable housing can be supported.

#### Land use principle

The optimisation of land and contribution towards increased housing delivery are supported. The inclusion of non-residential land uses, including community uses, is appropriate in strategic planning terms, and the objectives of the Central Activities Zone (CAZ) location. Further clarification in respect of the re-provision of the existing multi-use games area is required.

#### Affordable housing

The submitted viability information is being scrutinised to ensure the maximum quantum and affordability of affordable housing. Early, mid and late stage viability review mechanisms, and affordability levels for the various affordable housing tenures should be confirmed and secured.

#### Design and heritage

The height, massing and architecture do not raise strategic concern. However, the lack of private outdoor amenity for some units within the detailed phase, and the provision of an alternative access core, should be further explored. The design code should be secured to ensure a high-quality environment for future residents. Further consideration

of the play strategy is required. The proposal will result in less than substantial harm to the setting of designated heritage assets, which is outweighed by public benefits, subject to resolution of the affordable housing position.

#### Energy

Further information is required in respect of a number of elements of the energy strategy.

#### Air quality

The full development traffic should be modelled using EFT emissions factors and backgrounds appropriate to the first year that the development will be operational. The height of the Ebury Bridge road link used for modelling purposes should be revisited. A condition should be imposed requiring that a site-specific air quality monitoring survey (for nitrogen dioxide) is carried out to establish baseline air quality condition across the site, and conditions should be imposed in relation to the construction phases of the scheme.

#### Flood risk and drainage

The proposals do not give appropriate regard to residual flood risks, and the need for resilience and emergency planning measures. A Flood Warning and Evacuation plan should be prepared and submitted in support of the proposed development. This needs to be addressed. Further details on how SuDS measures at the top of the drainage hierarchy will be fully included in the development, and how greenfield runoff rate will be achieved should be provided. Additional attenuation storage volume calculations should be provided.

#### Urban greening

The applicant should review the urban greening proposed to increase the UGF to meet the target score of 0.4. Following any design review, a drawing showing the surface cover types and accompanying UGF calculation should be submitted prior to stage 2. The applicant should prepare the UGF based on the total site area, using the illustrative scheme masterplan for the outline parts of the site to demonstrate an UGF of 0.4 is achievable.

#### Transport

Cycle hire mitigation is required. TfL must be consulted in regard to the proposed bus stop location. Construction logistics, deliveries, servicing, travel plans and cycle parking should be secured by conditions and obligations.

### **8.11 National Policy/Guidance Considerations**

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

### **8.12 Planning Obligations**

The draft heads of terms are proposed as follows:

- a) Provision of 142 x affordable housing units within the detailed area (Blocks 7 and 8) made up of 98 x social rent tenure and 44 x intermediate tenure (comprising

28 London Living Rent units and 16 Intermediate Ownership Units. The market units within Blocks 7 and 8 not to be occupied until all 142 affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.

- b) Provision of a minimum of 50% affordable housing when measured in habitable rooms Masterplan wide. Of those affordable habitable rooms across the Masterplan that are an uplift against the existing provision, 60-70% should be provided as intermediate and 30-40% should be provided as social rent. The market units within each subsequent phase not to be occupied until all affordable housing units are ready for occupation. The obligation to be subject to an early, mid and late stage review.
- c) Undertaking of highways works on Ebury Bridge Road for each phase of development including access, parking bays, bus stop relocation and associated traffic management orders.
- d) A Walkways Agreement to safeguard a publicly accessible route through the site.
- e) An Employment and Skills Plan and a contribution of £190,993.96 (index linked) to support the Westminster Employment Service including measures for Ebury residents (payable on a pro rata basis and submitted prior to the commencement of the relevant phase of development)
- f) Car club membership for the occupiers of all residential units for a period of 25 years.
- g) The space for a Cycle Hire Docking Station extension within the private public realm (not on highway) at a location to be agreed with the City Council and TfL, to provide before first occupation of the adjoining building and retain for the life of the development.
- h) Provision of a minimum of 2 car club spaces to be provided within the site and made available to a car club operator at no cost to them prior to occupation of the phase within which they are located.
- i) The dedication of part of the site on Ebury Bridge Road as public highway prior to first occupation of the relevant phase of development.
- j) Payment of £282,928 (index linked) towards the City Council's Carbon Off Set fund for the detailed area (payable prior to commencement of development).
- k) An updated energy plan for the outline area to be submitted prior to commencement of relevant phase of development. Where a net zero-carbon shortfall for any individual building with a development phase is identified, the carbon offset contribution is required to be paid prior to commencement of the relevant phase.
- l) The long term retention, access to and maintenance of any play space within the development.
- m) The provision of a 158sqm (minimum) community space facility to be provided within the relevant phase of development. The space to be provided in perpetuity at a peppercorn rent and made ready for occupation prior to occupation of market units within the same phase of development.
- n) The costs of monitoring the S106 unilateral undertaking .

## CIL

The estimated combined WCC CIL and Mayoral CIL payment is £17.8m. The final figure will be dependent on the content of the reserved matters applications. The estimated calculation is made on the basis that the existing floorspace (that which remains and has not already been demolished) being discounted from the total as per the regulations. If

further buildings are demolished early the total payment will increase. Under reg.2(1) of the CIL regulations, this is a phased planning permission.

### **8.13 Environmental Impact Assessment**

The applicant has carried out an Environmental Impact Assessment (EIA) of the development. EIA is a formal procedure underpinned by The Town and Country Planning (EIA) Regulations, 2017 (as amended). The EIA process systematically identifies and assesses the likely significant environmental effects of a development and the results are reported in an Environmental Statement (ES).

The Council sought independent EIA advice from Waterman to review the ES submitted and advise upon the adequacy of the ES. Waterman's Initial Report dated October 2020 sought clarification and further information on a number of the ES sections. Following receipt of this information Watermans confirmed their opinion that the ES is sufficiently sound and accurately presents the environmental impacts of the development.

The following environmental impact issues have been assessed in the main sections of this report: Air Quality, Archaeology, Daylight and Sunlight; Ecology and Biodiversity; Environmental Wind, Noise and Vibration , Socio-Economics and Heritage and Townscape.

Climate change, electromagnetic interference, health and land quality are assessed below.

#### **Climate Change**

The scope of the ES assessment covers greenhouse gas (GHG) emissions from construction materials, construction site works, construction transport including construction staff travel, operational transport and operational energy consumption. The assessment concludes that the GHG emissions from construction and operation of the proposed development are a significant adverse effect. The assessment sets out a range of mitigation measures that will be employed through design and construction to minimise the GHG emissions in accordance with good practice policy and guidance.

#### **Electromagnetic Interference**

The proposed development is predicted to have a negligible effect on satellite television signals and a moderate impact on terrestrial television signals. The potential affected area for satellite signals would be to the north-west of the application site. For terrestrial the total number of households likely to be affected as a result of shadowing from the Crystal Palace transmitter is predicted to be 245.

In terms of mitigation, the ES sets out that if any degradation or loss of service is reported to the Council, the applicant will investigate at their own cost. In the event that degradation or loss of service is found to be attributable to the proposed development then suitable mitigation measures would be proposed and agreed with the impacted household. It is recommended a proposed television mitigation strategy is secured by condition.

#### **Health**

The ES concludes that the construction effects of the proposed development are mostly

negligible or not significant. Air quality and neighbourhood amenity effects can be mitigated through dust suppression and appropriate hoardings. However, noise during construction is likely to result in a moderate adverse health effect.

In terms of the operational effects of the development, there will be major beneficial health effects in terms of housing quality and design. In all other respects, the effect to health would be mostly minor or moderate beneficial.

#### Land Quality

Chapter 13 of the Ebury Bridge Renewal statement has confirmed that there is potential for a significant adverse effect to human health from contaminated land.

For the detailed area which includes public open space and raised planters, a supplementary contaminated land report has been provided during the course of the application which includes a remediation strategy. The remediation strategy is considered acceptable by Environmental Health who advise that the thickness of the soil and compliance testing for the planters (which could be used as productive gardens to grow vegetables) will be incorporated into the verification report. Environmental Health advise that the verification report will also need to include the measure incorporated into the building design to deal with ground gas. It is recommended that the verification report is secured by condition and the Environment Agency are consulted with regards to its discharge.

For the outline area, it is recommended that the standard land contamination condition is attached to the draft decision notice.

### 8.14 Other Issues

#### Equalities

Policy GG1 of London Plan (2021) highlights the diverse nature of London's population and underscores the importance of building inclusive communities to guarantee equal opportunities for all, through removing barriers to, and protecting and enhancing, facilities that meet the needs of specific groups and communities. More generally, the 2010 Equality Act places a duty on public bodies, including the City Council, in the exercise of their functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The Act defines protected characteristics, which includes age, disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

An equalities statement has been provided with the planning application that details a number of potential equalities impacts arising from the proposed redevelopment of the site. Identified impacts on residents during redevelopment relate to social infrastructure and access to services, access to finance and affordable housing, appropriate and accessible housing, health effects, safety and security, accessibility and mobility in the

area and information and communication. Identified impacts on businesses during redevelopment relate to loss of business and/or employment, impact of redundancy on health and wellbeing, difficulty accessing commercial finance and reduced job satisfaction. Identified impacts on the community following redevelopment relate to improved housing provision, provision of community resources and improved social cohesion, improved public realm and green space, tackling crime and disorder, improved access mobility and navigation and new employment opportunities. The need for existing residents and business to relocate is the main consequence arising from the redevelopment.

The equalities statement sets out that these impacts can be mitigated through the mitigation measures set out for residents in the Policy for Tenants in Housing Renewal Areas and Policy for Leaseholders in Housing Renewal Areas. In addition to providing new housing and facilities that suit the needs of returning residents, the mitigation measures include:

- keeping up-to date records of changing needs and circumstances of tenants,
- providing information on rehousing options to tenants,
- explore service charge levels in detail to determine whether there are mechanisms to maximise affordability for those wishing to return to the Estate
- provide ongoing support to residents through the rehousing process;
- continue to work with local businesses to prevent business closures and ensure residents in the area can continue to access their services,
- ensure that access to community resources is maintained throughout the renewal process where possible,
- for families with school-aged children, temporary or permanent housing off the Estate should not be at such a distance as to necessitate and involuntary school change
- continue to monitor the security of the Estate and consider additional
- security where concerns are flagged.
- ensure that accessibility of the Estate is planned for and monitored through the construction process through the development of a SEMP.

The mitigation measures recommended specifically for businesses include:

- continue to provide business development support to help businesses deal with periods of in continuity and change;
- maintain businesses in place for as long as possible, if they plan to return to premises on the Estate;
- ensure businesses are fully informed of the timescales that would affect them as soon as possible, including when they would need to vacate the premises and the period of time they would be inactive for before being able to reopen on the redeveloped Estate;
- consider providing financial support to businesses to facilitate relocation after Council takes possession of a property; and
- signpost to resources for finding employment or other support if an owner or employee is facing redundancy.

In order to avoid, remedy or mitigate negative impacts and secure and improve positive

impacts, a condition is recommended to secure an equalities impact assessment management plan prior to the commencement of each phase of development. This should set out how the recommendations set out in the equalities statement have been taken forward by the applicant.

### Community involvement

The applicant has submitted a detailed Statement of Community Involvement (SCI) with the application. This sets out that there has been a team of on-site officers who have engaged and built relationships with households across the estate since 2017. The applicant states that this process has resulted in resident support for Scenario 7, the comprehensive redevelopment of the existing estate. The key consultation figures set out in the SCI set out that:

- Over 80% of Ebury Bridge residents were involved in shaping designs throughout the project.
- A strategic resident Body, the Community Futures Group has met over 30 times to provide a resident voice in influencing the project.
- Over 40 meetings were held with recognised amenity groups, resident associations and ward councillors and businesses to seek their views on the renewal project.
- A range of written, electronic and personal consultation methods were provided to stakeholders giving them a number of accessible feedback channels.
- Over 2000 local residents have received a monthly Ebury Bridge newsletter containing updates on the scheme.
- The Ebury Bridge Regeneration Base is sited on Ebury Bridge Road.

In response to some of the issues raised by residents and business the applicant has summarised their responses as follows:

- A set of key pledges were established with Ebury Bridge residents to underpin the project from beginning to end.
- A right of first refusal has been offered to all longstanding business owners on Ebury Bridge Road.
- A series of design principles were established with residents to provide a framework for the design team.
- We have listened to neighbouring residents and have made significant design changes based on their feedback.
- The views of local amenity groups have helped shape the design, positioning, material and mass of buildings.
- The needs of both existing residents and the needs of families in the City have been considered in the development of the public realm, play spaces and community facilities.
- A community commitments document has been agreed with residents to establish the way the council and it's contractors will work with residents both during construction and in the future management of the estate.

Concerns have been expressed in some representations that there has been a lack of transparency in pre-application engagement with residents and that the Statement of

Community Engagement and the Estate Regeneration Statement fail to show major support for the development from estate residents and no evidence that the scheme has changed in response to concerns raised by residents. These concerns are noted but this view is not supported by the Community Futures Group who state in their letter of representation that they are “confident that the plans put forward for the renewal of the estate have been developed in collaboration with Ebury Bridge residents”.

Overall the SCI is considered comprehensive and provides a detailed outline off all the extensive community engagement undertaken for this estate regeneration project.

### Construction impact

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. Given the construction phasing set out below this would be likely to extend for a number of years. The construction will also impact on future occupiers of the blocks as phases 1 and 2 complete. The concerns of local residents who have objected on construction grounds are fully understood. It is considered that through appropriate controls and careful management the impact from construction works can be lessened.

The City Council’s adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects. This will ensure that the site:

- will be inspected and monitored by the City Council’s Code of Construction Practice Team
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel
- pay the charges arising from site inspections and monitoring
- ensure that contractors and sub-contractors also comply with the code requirements.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP) which will need to be approved by the City Council’s Environment Inspectorate team. This would need to include site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison.

Prior to commencement of works the Contractor will produce a Construction Logistics Plan to manage the sustainable delivery of goods and materials to site in a co-ordinated manner. It is recommended that the CLP is secured as part of the CoCP by condition.

Permitted hours for site work would be 08:00 – 18:00 (Monday to Friday), 08:00 – 13:00 (Saturday) with no work permitted on Sundays or Bank Holidays. It is recommended that this is secured through our standard working hours condition.

### Resident Liaison

The Ebury Bridge Management Strategy sets out that the Community Futures Group will continue to have a monitoring role, alongside the Council in the monitoring of contractor performance. In addition, a quarterly Stakeholder Construction Forum will be set up and held by the contractor. The forum will have representation from the Council and the Ebury Bridge Community Futures Group, as well as local ward councillors, community stakeholders, local residents and neighbours to the Ebury Bridge Estate. This forum allows for matters related to the construction of the new estate or the maintenance of the existing estate to be raised, recorded and rectified.

The strategy sets out that the onsite Regeneration Team will work with the resident liaison team of the contractor to ensure that the communication to the community is structured, transparent and timely. This includes leaflets, letters, newsletter and notices on the estate wide notice boards, as well as progress reports on the project website:

### **8.15 Conclusion**

The comprehensive estate renewal proposed will create a high quality neighbourhood for both the existing and new residents of Ebury Bridge Estate. The site is well located, and the proposal is a high density form of development designed to meet the objectives of national, regional and local planning policies that seek to intensify the use of land and optimise the delivery of new homes. The new development will generate a number of public benefits as a result.

It has been identified in the report that the proposals will result in less than substantial harm to various designated heritage assets around the development site.

Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal and to take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 193 of the NPPF requires that great weight should be given to the conservation of designated heritage assets, irrespective of the level of harm to significance. Paragraph 194 of the NPPF requires that any harm of loss to the significance of a designated heritage asset should require clear and convincing justification and at paragraph 196 where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Considerable importance and weight must be attributed to any harm to designated heritage assets. Paragraph 197 of the NPPF requires the effects on the significance of non-designated heritage assets to be taken into account in the planning balance.

The daylight and sunlight impact from the development has been set out in detail in this report. The conclusion is that the development would harm the residential amenity of a number of properties that surround the site when assessed against the BRE Guidelines, with some significant reductions in daylight and sunlight levels. This harm weighs against the scheme.

The proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. Specifically these policies are S25 and S29 of the City Plan, DES 9, DES 10 and ENV 13 (E) of the Unitary Development Plan and Policies 7 and 39 of the City Plan 2019-2040: Intend to Adopt version. The proposed development does, however, comply with policies H3 and H4 of the UDP, S14 and S16 of the City Plan and Policies 8 and 9 within the City Plan 2019-2040 Intend to Adopt version which seek to optimise housing delivery and to optimise the delivery of new affordable homes. The proposed development is also consistent with Policy 6 of the City Plan 2019-2040 version which sets out the approach to the Ebury Bridge Housing Renewal Area. Finally the proposal also largely accords with UDP policies DES 1, DES 3 (in part) and DES 7; City Plan policies S28 and S41; and policies 38 and 42-45 of City Plan 2019-2040 Intend to Adopt, in relation to design matters

In this report, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. In addition to providing in the region of 445 additional homes and a minimum of 50% affordable housing across the illustrative Masterplan, there are other significant public benefits arising from the proposed development that are material considerations, namely improvements to the quality and energy efficiency of homes. enhancements to the public realm, new community and social facilities, an enhanced Ebury Bridge Local Centre and enhanced connectivity and new public route through the site. The proposed development would also meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site.

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

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

## Appendix 1

Residential properties experiencing significant adverse effect in terms of daylight (based on the significance attributed by the City Council's independent daylight consultant).

## 1 Ebury Bridge – Vertical Sky Component

Floor	Window	Room use	Existing VSC	Proposed VSC	Times Former Value	BRE Compliant
<b>Flat N</b>						
First	W1	LKD	14.30	9.55	0.67	No
First	W2	LKD	24.19	13.52	0.56	No
First	W3	LKD	25.67	14.04	0.55	No
First	W4	Bedroom	26.85	14.89	0.55	No
First	W5	Bedroom	27.78	16.05	0.58	No
First	W6	Bedroom	28.55	16.92	0.59	No
First	W7	Bedroom	22.13	21.74	0.98	Yes
First	W8	Bedroom	21.71	21.36	0.98	Yes

## 1 Ebury Bridge – Daylight Distribution

Floor	Room Ref	Room use	Existing SQM	Proposed SQM	Times Former Value	% Loss	BRE Complaint
<b>Flat A</b>							
Second	R1	Living Room	14,1	6.5	0.46	54	No
Second	R2	Kitchen	11.6	6.1	0.53	47	No
Second	R3	Bedroom	14.4	7.8	0.54	46	No
Second	R4	Bedroom	10.2	6.5	0.64	36	No
<b>Flat C</b>							
Third	R1	Bedroom	10.3	6.8	0.66	34	No
<b>Flat D</b>							
Third	R1	Bedroom	12.5	8.2	0.66	34	No
Third	R2	Living Room	15.1	8.0	0.53	47	No
Third	R3	Kitchen	12.3	7.5	0.61	39	No
Third	R3	Bedroom	14.8	9.2	0.62	38	No
<b>Flat N</b>							
First	R1	LKD	24.8	17.5	0.7	30	No
First	R2	Bedroom	9.6	5.1	0.54	46	No
First	R3	Bedroom	10.2	10.0	0.98	2	Yes

## Cheylesmore House - Vertical Sky Component

Floor	Window	Room use	Existing VSC	Proposed VSC	Times Former Value	BRE Compliant
<b>Flat 4</b>						
Ground	W1	Bedroom	25.02	14.95	0.60	No
Ground	W2	Bedroom	25.40	14.59	0.57	No
Ground	W3	Living Room	25.43	13.89	0.55	No
Ground	W4	Kitchen	23.73	11.56	0.49	No
Ground	W5	Bedroom	20.06	9.27	0.46	No
<b>Flat 5</b>						
Ground	W1	LKD	17.19	6.91	0.40	No
Ground	W2	LKD	23.49	11.88	0.51	No
<b>Flat 16</b>						
First	W1	Bedroom	27.47	15.66	0.57	No
First	W2	LD	27.75	15.08	0.54	No
First	W3	Kitchen	24.80	13.08	0.53	No
First	W4	Bedroom	20.84	10.38	0.50	No
<b>Flat 17</b>						
First	W1	LD	18.28	7.68	0.42	No
First	W2	LD	24.75	13.82	0.56	No
<b>Flat 18</b>						
First	W1	Bedroom	24.56	13.74	0.56	No
First	W3	Bedroom	19.90	17.06	0.86	Yes
<b>Flat 30</b>						
Second	W1	Bedroom	29.55	16.78	0.57	No
Second	W2	LD	29.81	16.18	0.54	No
Second	W3	Kitchen	25.95	14.81	0.57	No
Second	W4	Bedroom	21.65	11.63	0.54	No
<b>Flat 31</b>						
Second	W1	LD	19.46	8.63	0.44	No
Second	W2	LD	25.76	15.94	0.62	No
<b>Flat 44</b>						
Third	W1	Bedroom	31.59	17.98	0.57	No
Third	W2	LD	31.83	17.38	0.55	No
Third	W3	Kitchen	27.48	197.04	0.62	No
Third	W4	Bedroom	22.72	13.28	0.58	No
<b>Flat 59</b>						
Fourth	W1	LKD	24.56	13.19	0.54	No
Fourth	W2	LKD	28.83	20.93	0.73	No
Fourth	W3	LKD	28.07	21.04	0.75	No

## Cheylesmore House – Daylight Distribution

Floor	Room Ref	Room use	Existing SQM	Proposed SQM	Times Former Value	% Loss	BRE Complaint
<b>Flat 4</b>							
Ground	R1	Bedroom	6.3	2.9	0.47	53	No
Ground	R2	Bedroom	9.4	4.1	0.43	57	No
Ground	R3	Living Room	12.0	7.1	0.59	41	No
Ground	R4	Kitchen	5.4	4.5	0.84	16	Yes
Ground	R5	Bedroom	9.3	5.1	0.55	45	No
<b>Flat 5</b>							
Ground	R1	LKD	20.0	8.5	0.43	57	No
<b>Flat 15</b>							
First	R1	LD	10.6	11.1	1.05	-5	Yes
First	R2	Bedroom	7.3	4.5	0.62	38	No
<b>Flat 16</b>							
First	R1	Bedroom	5.7	3.2	0.56	44	No
First	R2	LD	10.6	5.9	0.56	44	No
First	R3	Kitchen	5.3	3.6	0.67	33	No
First	R4	Bedroom	9.5	3.3	0.34	66	No
<b>Flat 17</b>							
First	R1	LD	19.9	6.1	0.31	69	No
<b>Flat 18</b>							
First	R2	Bedroom	6.8	2.6	0.38	62	No
First	R3	Bedroom	6.8	5.8	0.85	15	Yes
<b>Flat 29</b>							
Second	R1	LD	12.9	11.0	0.86	14	Yes
Second	R2	Bedroom	9.0	4.5	0.49	51	No
<b>Flat 30</b>							
Second	R1	Bedroom	7.0	3.3	0.47	53	No
Second	R2	LD	11.9	6.2	0.52	48	No
Second	R3	Kitchen	5.4	3.8	0.71	29	No
Second	R4	Bedroom	9.5	3.5	0.37	63	No
<b>Flat 31</b>							
Second	R1	LD	20.0	6.6	0.33	67	No
<b>Flat 43</b>							
Third	R1	LD	13.5	11.1	0.82	18	Yes
Third	R2	Bedroom	10.6	4.6	0.44	56	No
<b>Flat 44</b>							
Third	R1	Bedroom	8.5	3.5	0.41	59	No
Third	R2	LD	13.5	6.4	0.47	53	No
Third	R3	Kitchen	5.4	4.4	0.82	18	Yes
Third	R4	Bedroom	9.5	4.0	0.42	58	No
<b>Flat 45</b>							
Third	R1	LD	20.2	7.7	0.38	62	No
Floor	Room Ref	Room use	Existing SQM	Proposed SQM	Times Former	% Loss	BRE Complaint

					Value		
<b>Flat 57</b>							
Fourth	R1	LD	13.5	11.2	0.83	17	Yes
Fourth	R2	Bedroom	10.7	4.8	0.45	55	No
<b>Flat 58</b>							
Fourth	R1	Bedroom	8.5	3.6	0.43	57	No
Fourth	R2	LD	13.5	6.6	0.49	51	No
Fourth	R3	Kitchen	5.5	5.2	0.96	4	Yes
Fourth	R4	Bedroom	9.6	4.5	0.47	53	No
<b>Flat 59</b>							
Fourth	R1	LKD	20.4	11.0	0.54	46	No
<b>Flat 60</b>							
Fourth	R1	LKD	17.3	9.3	0.54	46	No
Fourth	R2	Bedroom	7.3	6.4	0.88	12	Yes

## Appendix 2

Residential properties experiencing significant adverse effect in terms of sunlight (based on the significance attributed by the City Council's independent daylight consultant).

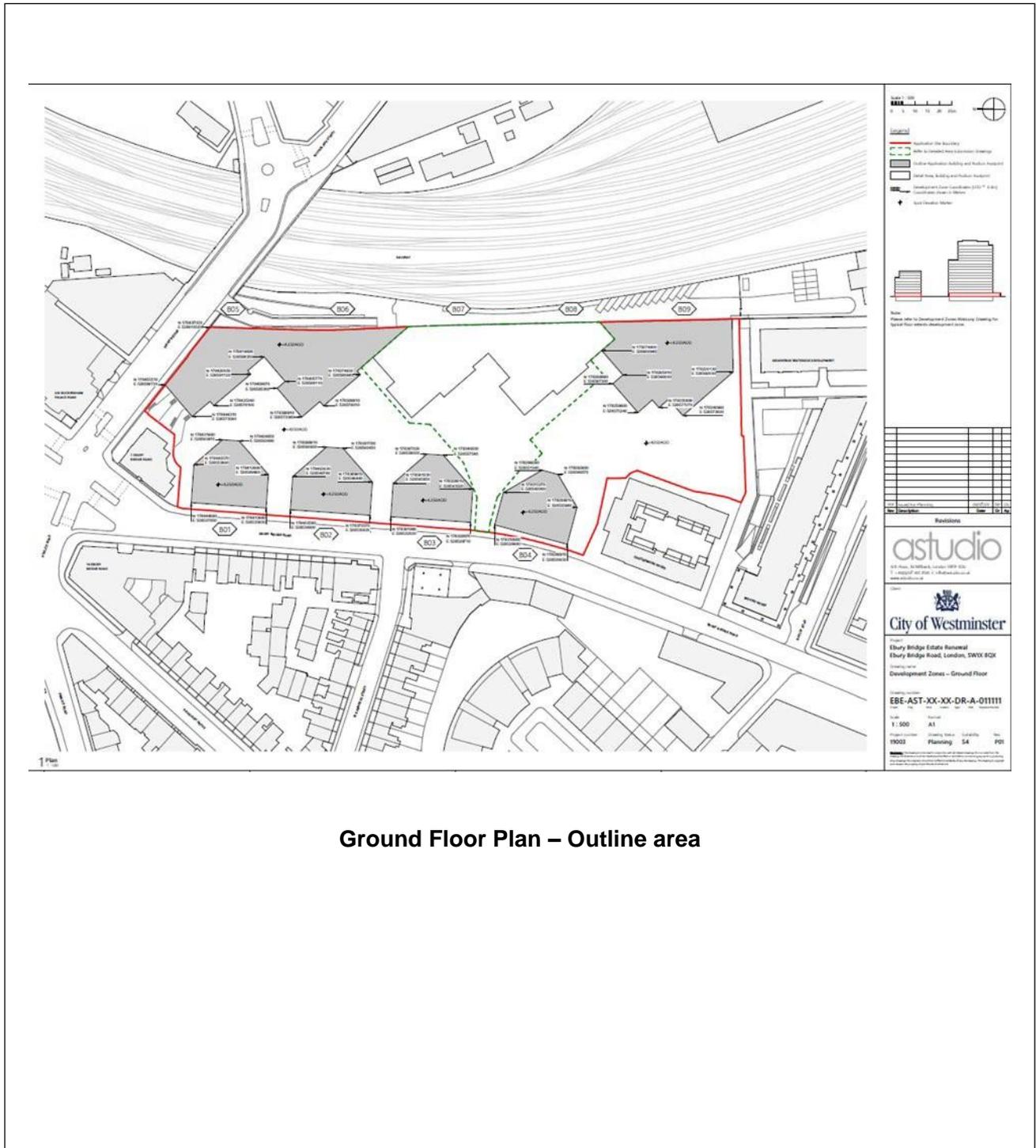
### 1 Ebury Bridge

Floor	Window	Existing		Proposed		Winter times former value	Annual times former value	BRE Compliant
		Winter%	Annual%	Winter%	Annual%			
Flat J								
Ground	W1	4	27	1	14	0.25	0.52	No
Ground	W2	1	36	1	17	1.00	0.47	No
Ground	W3	2	41	2	21	1.00	0.51	No
Ground	W4	5	47	2	25	0.40	0.53	No
Flat K								
Ground	W1	2	11	2	8	1.00	0.73	Yes
Ground	W2	6	25	2	8	0.33	0.32	No
Ground	W3	8	32	2	10	0.25	0.31	No
Ground	W4	7	29	2	12	0.29	0.41	No
Ground	W5	6	27	1	16	0.17	0.59	No
Ground	W6	7	28	2	17	0.29	0.61	No
Ground	W7	4	30	2	14	0.50	0.47	No
Ground	W8	2	24	1	13	0.50	0.54	No

### Cheylesmore House

Floor	Window	Existing		Proposed		Winter former value	Annual former value	BRE Compliant
		Winter%	Annual%	Winter%	Annual%			
Flat 5								
Ground	W1	0	12	0	0	1.00	0.00	No
Flat 17								
First	W1	0	15	0	0	1.00	0.00	NO
Flat 31								
Second	W1	0	15	0	1	1.00	0.07	No
Flat 45								
Third	W1	1	18	0	2	0.00	0.11	No
Flat 59								
Fourth	W1	1	25	0	9	0.00	0.36	No

9. KEY DRAWINGS



Ground Floor Plan – Outline area



Ground Floor Plan for Blocks 7 and 8 - Detailed Area



**Aerial view of illustrative Masterplan from south west.**





**Image of Masterplan from railway**



**Image of public realm within Masterplan**