

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Kilmuir House, Ebury Street, London, SW1W 8TH,		
Proposal	Demolition of existing buildings and erection of a new building of basement, lower ground, ground and 6 upper floors and plant at rooftop level to provide residential floorspace (Class C3), flexible retail floorspace (Class A1/A2/A3/A4), disabled car parking and associated landscaping works. (Site includes 60-64 South Eaton Place).		
Agent	Miss Louise Overton		
On behalf of	Kilmuir House (UK) Limited		
Registered Number	20/01346/FULL	Date amended/ completed	24 February 2020
Date Application Received	24 February 2020		
Historic Building Grade	Unlisted		
Conservation Area	Outside		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

1. Grant conditional permission subject to completion of a S106 legal agreement to secure the following:
 - i. Provision of 4 affordable housing units - for social rent tenure (at London Affordable Rent). The market residential units not to be occupied until all four affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review mechanism.
 - ii. Employment and Skills Plan including operational phase employment targets.
 - iii. Financial contribution of £51,404.31 to support the Westminster Employment Service (index linked and payable on commencement of development).
 - iv. Provision of a financial contribution of £166,208 to the carbon offset fund (index linked and payable on commencement of development).
 - v. Provision of a financial contribution of £50,000 for replacement tree planting (10 trees) (index linked and payable on commencement of development).
 - vi. Provision of a financial contribution of £61,825 for the provision and/or improvements to and the future maintenance of local play spaces in lieu of the shortfall of play space as required by the Mayor of London, Play and Informal Recreation SPG with the priority order to be within the vicinity (400m) of the site and then within Knightsbridge and Belgravia ward (index linked and payable on commencement of development).

- vii. Car parking strategy demonstrating that the six car parking spaces will be designated for use by disabled residents of the development (white badge holders) only from the outset of the development; and that they are let on a short term basis to individual properties, and not sold.
 - viii. Car club membership for the occupiers of all residential units for a period of 25 years.
 - ix. Financial contribution of £50,000 towards on-street electric vehicle and other low emission vehicle infrastructure (index linked and payable on commencement of development).
 - x. Car Lift Maintenance and Management Plan prior to occupation of the development.
 - xi. Highway Works surrounding the site required for the development to occur, including reinstatement of the existing vehicle access as footway, changes to on-street restrictions, including the relocation of parking and associated highway work (legal, administrative and physical). Changes to on-street restrictions must be completed prior to commencement of development to ensure no overall loss of on-street parking or other highway facilities.
 - xii. Monitoring costs.
2. That Committee authorises the making of a draft Order pursuant to Section 247 of The Town and Country Planning Act (1990) (as amended) for the stopping up of parts of the public highway to enable this development to take place.
- Authorise the Director of City Highways, Executive Director of City Management and Communities, or other such proper officer of the Council responsible for highway functions, to take all necessary procedural steps in conjunction with the making of the Order and to make the Order as proposed if there are no unresolved objections to the draft Order.
3. If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:
- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing 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 be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

Kilmuir House and 60-64 South Eaton Place were constructed in the 1950's and comprise 50 residential units, an estate agent and public House. They are not listed and fall outside, but adjacent to and are prominent from within the Belgravia Conservation Area.

Permission is sought for their redevelopment to provide a 'U' shaped building up to the street frontages of basement, lower ground, ground and part six upper floors to Ebury Street and part four/five upper floors to the Eaton Terrace and South Eaton Place wings. The building will provide 60 residential units including 4 affordable housing units and flexible retail floorspace at ground floor

level. Landscaping is proposed within an internal courtyard and six car parking spaces for disabled residents at basement level.

The key considerations in this case are:

- The acceptability of the proposed residential accommodation in terms of its size and mix.
- The acceptability of the proposed on-site affordable housing provision in terms of the quantum, mix and tenure of the units proposed.
- The acceptability of the energy performance of the proposed building.
- Whether the development has delivered sufficient biodiversity net gain.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the adjacent Belgravia Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings adjoining the site.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the quantum of car parking proposed.

The application has been revised during the course of the application in response to the adoption of the City Plan 2019-2040 (April 2021). The number and mix of residential units has been amended so that all units fall below 200sqm and the number of family sized units reduced to 38% (which still exceeds the policy requirement for 25% family homes). The units will be generously sized and whilst it is considered that the site could be optimised further, ten additional residential units will be provided and it will provide housing choice for families.

Four on-site affordable housing units (all 2-bed/4person duplexes) are proposed (3.6% of floorspace) which falls significantly below the policy requirement of 35%. The Council's consultant LSH has reviewed the applicant's financial viability assessment and concluded that the scheme will result in a deficit and cannot support any further affordable housing at this stage. They recommend that this is subject to the GLA's early and late stage review mechanisms. Given their size, the Council's Head of Affordable Housing and Partnerships' preference is that all four units are provided as social housing, to which the applicant has agreed.

The building has been designed with high performance materials and will incorporate high energy efficient systems to minimise energy use and carbon emissions. The design and detail of the proposed development is considered to be of high quality and will respond sensitively to the surrounding townscape context. The proposals will not cause harm to the setting of neighbouring listed buildings nor to the setting of the adjacent Belgravia Conservation Area. As such, the proposals comply with local and national policy on design and heritage and our statutory duties in relation to heritage assets.

The proposed building is considered to have a satisfactory relationship with surrounding residential properties and is considered acceptable in amenity terms. Car parking has been reduced from 52 spaces to 6 for use by disabled residents of the development only, in accordance the policy requirement for residential developments to be car free.

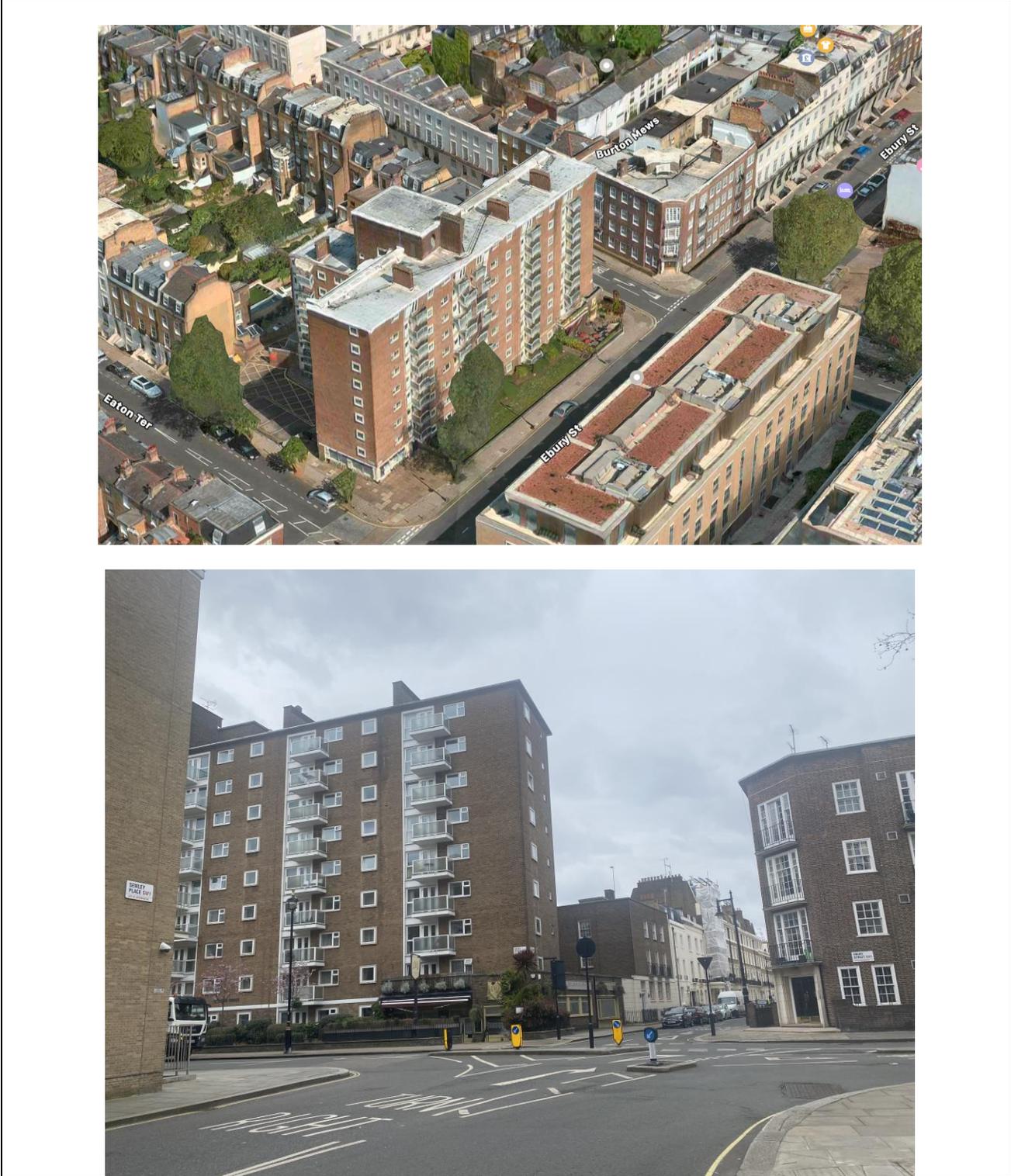
Overall, the proposed development is considered to comply with the adopted City Plan 2019-2040 and London Plan and is acceptable in land use, environmental, design, conservation, amenity and highways terms for the reasons set out in the report. The development is therefore recommended for approval subject to the conditions set out in the draft decision letter and the completion of a s106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL APPLICATION

(including application as revised May 2021 amending number and mix of units to provide 60 units in total)

CLLR ROBATHAN - WARD COUNCILLOR FOR KNIGHTSBRIDGE AND BELGRAVIA

- Only 6 of the 58 units will be affordable, just over 10% of the number of units and 7% of floorspace, which is not policy compliant and is inadequate, particularly in the context of other large scale developments in the area which are delivering the full affordable requirement on site.
- While the height of the Ebury Street elevation is the same as the existing highest point, by bringing it forward and adding considerably to the bulk it appears over imposing on the street.
- The addition of bay windows on Ebury Street may be considered attractive to break up the façade, but their scale is very heavy and has the effect of appearing to 'overhang' the line of the building bringing it too far forward on Ebury Street.
- The exit of the car park onto South Eaton Place is problematic. The road is very narrow at this point and in order to enable vehicles to exit it would be necessary to remove some resident parking bays which would be unacceptable.

HISTORIC ENGLAND (ARCHAEOLOGY)

Archaeology condition required.

TRANSPORT FOR LONDON

No objection subject to condition, given the sites close proximity to London underground tunnels and infrastructure.

NATURAL ENGLAND

No comment.

THAMES WATER

Any response to be reported verbally.

ENVIRONMENT AGENCY

Any response to be reported verbally.

METROPOLITAN POLICE (DESIGNING OUT CRIME)

Raise concern in relation to:

- The permeability throughout the site.
- The residential units on Eaton Terrace and South Eaton Place are essentially stand-alone homes, but will have access to the facilities for rest of the block (wellness centre, carpark and cycle store) which creates conflict between the two entities.
- Access control is required for the underground carpark, audio visual control for the main lobby with no trade button and compartmentalisation is required throughout so all lifts and floors are limited to those residents requiring access.
- A full postal strategy is needed.

- A different floor surface should define where the residential boundary is in relation to the commercial unit to eliminate conflict.

BELGRAVIA RESIDENTS ASSOCIATION

Whilst supportive of a redevelopment of Kilmuir House in general, the current proposals do not add to the community or fabric of the neighbourhood. Objections raised on the following grounds:

- The height and bulk of the proposed building. While the height of the Ebury Street elevation is the same as the current building, it is set further forward adding to the bulk from the immediate street and aggravating the pedestrian experience.
- The bay windows further add to the bulk and augment further the overbearing effect the proposal will have on the street.
- South Eaton Place and Eaton Terrace comprise of mainly terraced houses and the introduction of such bulk to these street will alter their character.
- Loss of light to Nos. 37-41 South Eaton Place.
- The exit of the car park on South Eaton Place will involve the removal of residents' car parking bays and will have a very negative effect and cause congestion on the street which is very narrow. This is going to be even further stressed by the rubbish collection also proposed from South Eaton Place .
- Disability access needs to be provided.

THE BELGRAVIA SOCIETY

Support the application on the basis that the proposed height is approximately the same as the existing building; that filling the gaps at the sides of the building, will not exceed the heights of the terraces they will join; and provided that there is no subsequent plan to increase the heights.

BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

WCC ECONOMY TEAM

An Employment & Skills Plan and a Financial Contribution of £ 51,404.31 is required.

ENVIRONMENTAL HEALTH

No objection on environmental or noise nuisance grounds subject to conditions.

HIGHWAYS PLANNING MANAGER

Objection raised. 52 car parking spaces is not consistent with Policy 27 and will undermine active travel modes by residential occupiers. The mitigation proposed for on-site parking is not considered sufficient to justify the level of on-site parking provided.

The basement car parking is accessed via two car lifts. The entrance car lift is set back from the highway boundary to allow a vehicle to wait off-street and will not result in vehicles obstructing other highway users. Visibility splays have been provided to ensure drivers of vehicles exiting the site are able to see pedestrians on the highway and is acceptable subject to detail.

Cycle parking is in line with London Plan standards.

No off-street servicing is proposed which is considered a poor design.

Proposed vehicle crossovers will require amendments to existing on-street car parking provision. The proposal should not result in a loss of on-street car parking in the area. New locations would need to be agreed prior to commencement of development.

WASTE PROJECT OFFICER

No objection subject to conditions.

AFFORDABLE HOUSING SUPPLY MANAGER

Welcome the provision of 6 affordable homes on site plus a payment in lieu of £2.5m towards the delivery of affordable housing elsewhere. Three 2-beds are to be provided as social housing to households under the Council's allocations scheme. A further three 1-bed units are proposed as intermediate rented homes. The 3 social housing units will have rents set at target rents or no higher than London Affordable Rents (LAR). The intermediate rents are to be set in line with Westminster lower quartile and median intermediate rent levels and will have annual rent increases capped at CPI. The Rents proposed are supported by Housing. There needs to be a requirement for service charges to be at a reasonable and affordable level.

The completed affordable housing units should be transferred to a Registered Provider or other provider of affordable housing to be approved by the Director of Housing. The Council also requires 100% nomination rights to all lettings of the social housing units in line with the Council's allocations scheme and 100% nomination rights to all lettings of the intermediate housing units according to the Council eligibility criteria.

As the level of affordable housing proposed is significantly less than the Council's policy requirement of 35% it is recommended that an early stage and late stage review should be carried out in line with the GLA recommendations.

BUILDING CONTROL

Any response to be reported verbally.

ARBORICULTURAL OFFICER

Five street trees are proposed to be removed including two high-quality alder trees which are very prominent specimens with high amenity value and two flowering cherries, which make a significant positive contribution to the character and appearance of the area.

The applicant proposes replacement street trees along Ebury Street, however, concern is raised that it may not be feasible to replace the street trees outside the development. Even if planting is feasible, it will only be possible to plant fastigate trees, which are less desirable than the existing trees in terms of amenity, townscape and canopy cover benefits. A financial contribution to secure replacement tree planting should be secure through the s106 legal agreement. If it is not feasible to plant trees in the locations as proposed by the applicant, funding should be secured to provide tree planting in alternative locations.

Full details of a hard and soft landscaping scheme and soil volumes and drainage proposed for the courtyard planting above the basement and on the podiums will be required to be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 570

No. of objections: 12 (from 9 individuals)

No. in support: 0

Letters of objection have been received from surrounding residents on the following grounds:

Land use

- Welcome new local independent shops, but are concerned about noisy restaurants and bars. There are often problems with noisy customers departing the existing pub in the evening.
- There are already empty shops in the area and question the need for more. Vacant units may be subject to antisocial behaviour.
- There should be a higher allocation of social housing units.

Design

- The proposed building is considerably higher and bigger than the existing Kilmuir House and adjoining terraced houses.
- Kilmuir House is already too big for the street, but its set back position from the pavement make it less imposing and provides a sense of space for pedestrians which is enhanced by the greenery on Ebury Street. The proposed building will consume the whole plot of land, bringing the mass forward and imposing itself upon the street.
- The proposed development is out of keeping with the style, size and massing of buildings in the surrounding area and will dwarf the residential houses on Ebury Street, Eaton Terrace and South Eaton Place.
- The building should not rise any higher than the adjoining terraced houses and the third storey should be stepped back from the street line to match the adjoining houses.
- It is disingenuous and not correct to say the new building is reducing the height of the existing. This is not the case to Eaton Terrace or South Eaton Place.
- The far greater mass would be a monolithic edifice on Ebury Street.

Amenity

- Loss of light, privacy and sense of enclosure to the rear rooms, conservatories and gardens to adjacent residential properties on Eaton Terrace.
- Loss of light and privacy to residents opposite on South Eaton Place.
- It will restrict the evening light received by residents of Semley House.
- Noise from roof terraces.
- The proposed development comes right up against the outer boundary of the plot and will make the surrounding streets darker, enclosed and windier.

Highways

- Cars will exit the car park via South Eaton Place (the existing building is accessed and egressed from Eaton Terrace). This is a much narrower street and there is already significant difficulty and congestion when cars enter and leave the Junction.

- The entrance and exit to the car park would be much better suited to Ebury Street or Eaton Terrace which are wider.
- Increased traffic, emissions and noise pollution.
- There are not enough car parking spaces which will increase pressure on residents parking.

Trees and Environment

- Loss of mature street trees, greenery and shrubs.
- The proposed development consumes the whole plot of land and does away with a broad strip of grass, and shrub-filled borders, as well as 6 cherry trees which are home to numerous birds. This is theft of our green spaces destroying valuable green space.
- Kilmuir House has recently been refurbished and new windows fitted. Demolition of this newly updated block will not meet the Council's Green agenda.
- This cannot be approved at the time when air quality in central London is deteriorating rapidly.
- The double height basement to accommodate cars does not meet the sustainability agenda.
- Building up to the pavement will create a "wind tunnel" and cause a claustrophobic feeling.

Other

- Noise and disturbance during construction. Consideration should be given to the timing of construction works given the other redevelopments taking place in the area (Cundy Street).
- Seek assurance that during buildings works the height will not be increased by the addition of duplex penthouses.
- The local population will not benefit from a roof terrace.
- No party wall agreement has been submitted

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

REVISED APPLICATION

(As revised December 2021, reducing car parking spaces to 15; and subsequently revised March 2022 further reducing car parking to 6 spaces for disabled residents only, over one basement level - reducing basement depth by 800mm).

WARD COUNCILLORS FOR KNIGHTSBRIDGE AND BELGRAVIA

No additional comments received.

HISTORIC ENGLAND (ARCHAEOLOGY)

No additional comments received.

TRANSPORT FOR LONDON

No additional comments received.

NATURAL ENGLAND

No additional comments received.

THAMES WATER

Any response to be reported verbally.

ENVIRONMENT AGENCY

Any response to be reported verbally.

METROPOLITAN POLICE (DESIGNING OUT CRIME)

No additional comments received.

HEALTH AND SAFETY EXECUTIVE

Any response to be reported verbally.

LONDON FIRE SERVICE

Any response to be reported verbally.

BELGRAVIA RESIDENTS ASSOCIATION

No additional comments received.

THE BELGRAVIA SOCIETY

No additional comments received.

BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

WCC ECONOMY TEAM

No additional comments received.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

Six car parking spaces to provide disabled car parking for residents is in accordance with Policy 27. Cycle parking is in line with London Plan standards. No off-street servicing is proposed which is considered a poor design.

Conditions and/or S106 legal agreement required to secure car parking for white badge holders only; electric vehicle charging points; cycle parking; servicing management plan; car club membership; financial contribution towards on-street electric vehicle and other low emission vehicle infrastructure; car lift maintenance; and all highway works – with the requirement that the proposal should not result in a loss of on-street car parking in the area.

WASTE PROJECT OFFICER

No objection subject to conditions.

AFFORDABLE HOUSING SUPPLY MANAGER

Welcome the provision of 4 duplex affordable homes. Note that all are 2-beds. The Council's pressing social housing need is for 2-bed accommodation, while 1-beds are the Council's current primarily intermediate housing need. Therefore, Housing's

preference is that all four 2-beds should be provided at social rents or London Affordable Rents – these rents being acceptable social rents.

BUILDING CONTROL

Any response to be reported verbally.

ARBORICULTURAL OFFICER

Maintain original concerns. Conditions recommended in relation to hard and soft landscaping and that replacement tree planting is secured through a s.106 legal agreement.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 570

No. of objections: 19 (from 15 individuals)

No. in support: 0

Objections have been received from 15 surrounding residents. Six raise objections on land use, design, amenity and/or environmental grounds on the same grounds as set out above, and remain relevant. All raise objections to the reduced car parking scheme on the following grounds:

- Lack of car parking will encourage people to park on street, causing significant stress to residents on-street parking which is already busy, making it substantially more difficult for existing residents to park.
- There will not be enough on-street car parking to accommodate this development.
- Lack of parking will decrease the quality of life to existing residents causing increased traffic, noise and pollution.
- Residents should not be entitled to residents parking permits.
- The Cundy Street Quarter project is currently underway, if this scheme is approved and implemented at the same time it will cause significant disturbance to the surrounding residents.

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. In April 2019, the applicant, Native Land appointed Kanda Consulting, a specialist public consultation company, to undertake a pre-application community consultation. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Date	Organisation
21st March 2019	The team met with the Chairman of the Belgravia Residents Association who is a near neighbour to introduce them to the proposals, site strategy, emerging massing and public benefits.
3rd April 2019	The team met with representatives of the Belgravia Society including a near neighbour on South Eaton Place to introduce them to the proposals, site strategy, emerging massing and public benefits.
9th April 2019	The team met with the Committee of the Belgravia Residents Association and two ward councillors to introduce them to the proposals, site strategy, emerging massing and public benefits.
10th April 2019	An invitation was sent to 1,840 addresses surrounding the site advertising the public exhibition of the proposals.
2nd and 3rd May 2019	A public exhibition was held over two days, with 34 attendees. Members of both the Belgravia Residents Association and Belgravia Society were in attendance as well as ward councillors from the neighbouring Churchill ward.
10th June 2019	A meeting was held with neighbours from 92 Eaton Terrace, 39 South Eaton Place , the Chairman of the Belgravia Residents Association (and neighbour at 102 Eaton Terrace), the Planning lead at the Belgravia Residents Association and a Churchill ward councillor .
25th September 2019	An invitation was sent to 1,833 addresses surrounding the site advertising the public exhibition of the proposals.
26th September 2019	The project website went live under the domain name, http://kilmuirhousebelgravia.co.uk/ .
2nd October 2019	A meeting was held with the owners of 101 Eaton Terrace .
3rd October 2019	A meeting was held with representatives of the Belgravia Society including a near neighbour on South Eaton Place to introduce them to the detailed application and how the team had sought to respond to the initial round of consultation.
3rd October 2019	A meeting was held with neighbours from 92 Eaton Terrace, 39 South Eaton Place , the Chairman of the Belgravia Residents Association (and neighbour at 102 Eaton Terrace), to present the detailed application and how the team had sought to respond to the initial round of consultation.
10th and 11th October 2019	A public exhibition was held over two days, with 27 attendees
w/c 24th January 2020	Further dialogue between members of the project team and members of the Belgravia Residents Association
3rd February 2020	Members of the project team met with representatives of the Belgravia Society

(Table provided by the applicant)

In summary, across the range of engagement undertaken by the applicant, they state that the majority of consultees agreed that the existing building detracts from the character of the area, is in need of investment and welcomed the introduction of a new residential-led scheme with on-site parking. The principle reservations raised concerned

about the impact of cumulative development taking place within the area, the building line being brought forward and additional massing leading to a loss of privacy and sense of enclosure.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement: amendments made to the design and massing to respond to amenity and townscape considerations, ground floor usage and the inclusion of affordable housing on site.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site comprises Kilmuir House and 60-64 South Eaton Place which were constructed in the 1950's following bomb damage. Kilmuir House is on a prominent site fronting Ebury Street with side returns to Eaton Terrace and South Eaton Place. It has a 'T' shaped plan and comprises ground and nine upper floors with 49 2-bed residential units and an estate agent and public house at ground floor level. 60-64 South Eaton Place comprises basement, ground and two upper floors and is in use as a single family

dwelling house. 15 Car parking spaces are currently provided at ground floor level.

The buildings are not listed and fall outside, but adjacent to and are prominent from within the Belgravia Conservation Area. The adjacent terrace of houses at Nos 87-101 Eaton Terrace immediately abutting the site, and opposite at 76-92 Eaton Terrace; 162-170 Ebury Street and 23-35 and 37-41 South Eaton Place, are all Grade II listed.

7.2 Recent Relevant History

Kilmuir House

Planning permission granted for the installation of UPVC windows to Kilmuir House in September 2003.

Planning permission granted for facade repair and refurbishment, new entrance canopy, provision of a new bin store, and associated works including hard and soft landscaping in October 2016.

60-64 South Eaton Place

Planning permission was granted for the demolition of 62-64 South Eaton Place and construction of a new five storey building with three basement levels to provide two dwelling houses with off street parking. Provision of terraces to rear at raised ground and first floor levels in April 2013.

8. THE PROPOSAL

Planning permission is sought for the demolition of Kilmuir House and 60-64 South Eaton Place and their replacement with a new 'u' shaped building of basement, lower ground, ground and six upper floors plus plant enclosure to Ebury Street and part four/five upper floors to the Eaton Terrace and South Eaton Place wings.

The building will provide 60 residential units including the provision of 4 affordable housing units (12 x 1-bed, 25 x 2-bed and 23 x 3-bed) and flexible retail floorspace (A1/A2/A3/A4) at ground floor level.

Landscaping is proposed within the internal courtyard and balconies and terraces at first to fifth floor level. Six disabled car parking spaces are proposed at basement level accessed from Eaton Terrace and egressed on to South Eaton Place via car lifts.

The application has been revised during the course of the application in response to the adoption of the City Plan 2019-2040 (April 2021). The number and mix of residential units has been amended, with unit numbers increased from 54 (as originally proposed) to 60 units, all below 200sqm. Car parking has been reduced from 52 spaces within two basement levels to 6 spaces for disabled residents only, within one basement level (reduced 800mm in depth compared to the original double basement scheme).

Table: Existing and proposed land uses:

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential	4,406	9,538	+5,132
Retail	185	74	-111
Plant / Parking / Storage / BOH	187	1,713	+1,526
Total	4,778	11,325	+6,547

(Applicants calculations)

9. DETAILED CONSIDERATIONS

9.1 Land Use

RESIDENTIAL USE

Policy Context

Achieving Westminster's housing targets to help meet growing and diversifying housing need is a key priority of the City Plan 2019-2040 (April 2021). To do this, it is necessary to protect existing housing and fully optimise the delivery of new provision across the city, ensuring land is used most efficiently. This means delivering as many new homes as each site can accommodate and will require higher density living in the majority of cases.

Policy 8 of the City Plan relates to Housing delivery and states that the number of new homes built in Westminster will exceed 20,685 over the Plan period. This will be achieved by: optimising site densities, including those in Housing Renewal Areas; delivering a higher number of homes on small sites; permitting appropriate upwards extensions; and planning positively for tall buildings in certain locations.

Policy 8B states that no new homes in Westminster will exceed 200 sqm (GIA), except where it is necessary to protect a heritage asset. Policy 8C states that all existing residential units, uses, floorspace and land will be protected (with certain exceptions where reconfiguration will better meet the needs of affordable housing or provide family sized accommodation).

The supporting text of policy 8 in para 8.7 recognises that historically, housing in Westminster has been developed at relatively low densities and that to deliver our housing targets higher density development will be required. Para 8.11 goes on to state that the size restriction of new homes (200sqm GIA) is needed because Westminster's position in the global housing market can create demand for super-sized properties which do not optimise development density on our scarce land. The 200sqm limit is 62sqm above the highest minimum standard in the Nationally Described Space Standards and is higher than the average size of recently built private homes in Westminster (163sq m between 2013 and 2018). The limit will still enable generously sized homes to be developed to meet demand from the prime market and large families, but balances that against the other, more strategic housing needs of the city.

Policy 9 of the City Plan relates to Affordable Housing and requires at least 35% of all new homes to be affordable across Westminster. All residential proposals will provide a minimum of 35% of the total residential units as affordable housing on-site if they have a site area of 0.5 hectares or more; are proposing ten or more residential units; or are proposing 1,000sqm or more residential floorspace (for sale or rent).

In exceptional cases, affordable housing provision can be made off-site (in whole or in part) in the vicinity of the host development. This will only be accepted where it is sufficiently demonstrated that on-site provision is physically or otherwise impracticable or is inappropriate in terms of the quantity or quality of affordable housing to be provided. A payment in lieu to the council's Affordable Housing Fund may be accepted only as a last resort if it is demonstrated to the council's satisfaction that no sites are available for off-site provision.

Policy 10 of the City Plan relates to housing for specific groups and seeks to ensure that residential developments will provide a mix of units in terms of size, type, and tenure to secure mixed and inclusive communities, and contribute towards meeting Westminster's housing needs for different groups. 25% of all new homes across Westminster will be family sized. Where two-bedroom units are provided, the majority should be large enough to accommodate two double bedrooms within a single development. Studios will make up no more than 10% of new homes within a single development.

Policy 12 of the City Plan relates to Housing quality. It requires new homes to be designed to a standard that ensures the safety, health and wellbeing of its occupants including:

- 90% to be accessible and adaptable dwellings and 10% wheelchair user dwellings.
- To meet or exceed the Nationally Described Space Standards.
- At least 5 sqm of private external amenity for one-two persons or more and, where practicable, a further 1 sqm for each additional person. Where it is not practicable or appropriate to provide private external amenity space for all or some homes, the provision of communal external amenity space will be required. Where it is not practicable or appropriate to provide any type of external amenity space, additional internal living space equivalent to the external requirement will be required.

Consideration

The existing building on the site currently comprises 49 x 2-bed residential units and one single family dwelling (60-64 South Eaton Place). Following its redevelopment, the proposed new building would provide 60 units, with a mix of unit sizes comprising the following:

	Existing	Proposed		
		Market	Affordable	Total
1-bed		12	0	12 (20%)
2-bed	49	21	4	25 (42%)
3-bed		23	0	23 (38%)
Total	50	54	4	60

The application originally proposed 54 residential units. Officers considered that this did not make the most efficient use of floorspace, with a significant proportion of units overly large - far exceeding the minimum residential space standards, and an overprovision of family sized accommodation (46%), and thus the number of residential units on the site was not being optimised.

In response, the applicant initially revised their application to increase the number of residential units to 58. The unit mix was amended with the provision of 38% family sized and the average size of the units reduced from 143sqm to 131sqm . However 10 units remained overly large (above 200sqm GIA), and thus the number of units proposed did still not fully optimise housing on the site.

Following the adoption of the City Plan 2019-2040 (April 2021) and the policy requirement that no new homes exceed 200 sqm (GIA), the applicant further revised their scheme to ensure that all residential units fall below 200 sqm (GIA). This has resulted in the provision of two additional residential units, bringing the total to 60 units. The size of the proposed units are set out in the table below:

1 bed	53	53	54	58	53	53	55	57	66	50										
1 bed duplex (affordable)	78	87																		
2 bed	131	90	91	90	96	96	96	95	95	95	95	95	95	86	86	86	130	130	130	132
2 bed duplex (affordable)	82	79	78	92																
2 bed townhouse	101																			
3 bed	199	162	185	163	166	198	148	172	172	179	197	163	167	193	181	191	199	199	199	
3 bed townhouse	189	186	199	199																

The average size of the residential units has been reduced to 123sqm, however, the scheme will still provide generously sized homes. At 38% the number of family sized units will exceed the 25% requirement for family homes set out in policy 10 of the City Plan. Whilst it is considered that the site could be further optimised, no units will exceed the 200sqm threshold and it will provide housing choice for families. Overall, the proposed development will provide 10 additional units on the site with an improved unit mix (with one, two and three bed units) and range of unit sizes, when compared to the existing building.

All units will exceed the Nationally Described Space Standards, and all 2-bed dwellings will be large enough to accommodate two double bedrooms. All units will be ‘accessible and adaptable’ with 10% ‘wheelchair user dwellings’.

21 units will have access to a private balcony, terrace or garden area. Those without, generally have additional internal living space equivalent to the external requirement with bay windows or Juliet balconies; and all residents will have access to the communal landscaped garden in the centre of the development.

Affordable housing and Viability

Under policy 9 of the City Plan, the development requires the provision of a minimum of 35% of the total residential units as affordable housing on-site. The 9,538sqm (GIA) of residential floorspace proposed would require the provision of 3,338.3sqm (35% of floorspace) of on-site affordable housing.

The applicant originally proposed 4 on-site affordable housing units of 340sqm (representing 4% in terms of floorspace and 7% of the total units provided) which they considered was the maximum reasonable level of affordable housing the scheme could provide. The Council employed LSH as an independent consultant to review the applicant's financial viability assessment, and whilst the applicant disagreed with the conclusions of the LSH report, they increased their affordable housing offer to 6 on-site affordable units of 512sqm (6.7% in terms of floorspace and 10% in unit numbers), and a financial contribution of £2.5million towards the Council's affordable housing fund in line with LSH's recommendations.

Following the adoption of the City Plan 2019-2040 (April 2021), the scheme has been further revised to reduce the proposed car parking from 52 on-site spaces to 6 spaces for disabled use only (see section 9.6 below), which the applicant states has had significant implications on the viability of the proposed development and its ability to support any affordable housing. However, in acknowledgement of the overwhelming demand for new affordable homes across London and in Westminster, the applicant has offered to provide four on-site affordable housing units (2-bed/4person duplexes). This equates to their original offer of 340sqm, 3.6% of floorspace and 6.6% of the total units provided, which falls significantly below the Council's policy requirement of 35%.

The Council's consultant LSH has reviewed the applicant's addendum to their financial viability assessment. They have concluded that the scheme as proposed will result in a deficit of £8,063,805 and that it cannot support any further affordable housing at this stage. However, they do consider that there are design issues, such as the high cost of the basement at c£12m, with no revenue suggested by the applicant to compensate for this cost, despite a number of areas that are not required for planning or practical purposes, which contribute to the deficit of the scheme, which could be improved by cost saving and revenue earning potential. LSH therefore recommend that the Greater London Authority's formulas be adopted for the early and late stage Review Clauses within the s.106 legal agreement, and that a viability review should be undertaken at any stage should any changes be made to the planning consent in the future, including minor amendments.

Policy 9 E states that 60% of the affordable units will be 'intermediate' affordable housing for rent or sale and 40% will be social rent or London Affordable Rent.

The four affordable apartments (2-bed duplexes) are located at lower ground and ground floor level on South Eaton Place, with direct access from the street and all exceed the Nationally Described Space Standards. The applicant proposed two of the units were delivered at London Affordable Rent (LAR); and two as intermediate units, for Intermediate Rent with one unit at the "lower quartile" and the other at the "upper quartile".

The Council's Head of Affordable Housing and Partnership has confirmed that the Council's pressing social housing need is for 2-bed units, while 1-beds are the primarily intermediate housing need. Therefore, Housing's preference is that all four of the 2-bed units are provided as social housing at social rents or London Affordable Rents, to which the applicant has agreed.

It is recommended that the 4 affordable units are secured and transferred into the legal ownership of a Registered Provider or other provider of affordable housing to be approved by the Director of Housing, through the S106 legal agreement, as well as the details of rental levels; service charges (to ensure that it is as low as possible and only refers to the areas that the residents can use); and early and late stage viability review mechanisms in accordance with the Mayor's Supplementary Planning Guidance, 'Affordable Housing and Viability' SPG (August 2017).

COMMERCIAL USES - FLEXIBLE RETAIL/RESTAURANT/BAR USE

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. Former Class A1 (Shops), Class A3 (Restaurants and Cafes) and Class B1 (Business) are now included within Class E, whilst former Class A4 (Drinking Establishments) are now removed from any of the classes and are now a sui generis use.

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), financial and professional services (class A2), restaurants and cafes (Class A3) and drinking establishment (Class A4). If permission is granted and the development built out and occupied, the commercial unit will transition into the relevant classes of the amended Order (1987) or, in the case of a drinking establishment to a sui generis use.

Policy Context

Policy 14 (I) of the City Plan states that within largely residential areas not well served by the town centre hierarchy, conversion of existing shops to residential use will be resisted. Alternative uses that maintain an active frontage, provide opportunities for employment, or serve local community needs, will be supported where any negative impacts on residential amenity are fully mitigated.

Policy 16 of the City Plan relates to food, drink and entertainment. It states that proposals for food, drink and entertainment uses will need to be of a type and size appropriate to their location.

Policy 16B states that public houses will be protected throughout Westminster, except where there is no reasonable prospect of its continued use as a public house, as evidenced by appropriate marketing for a period of at least 18 months. Replacement of ancillary spaces on upper floors to public houses, such as function rooms or accommodation, may be acceptable where it can be satisfactorily demonstrated that loss of this floorspace will not compromise the viability or function of the public house.

Consideration

The site falls outside of the central activities zone and town centre hierarchy. There is currently an estate agents (class A2) of 70sqm and public house (class A4) of 185sqm on the site. As part of the redevelopment proposals it is proposed to provide one

commercial unit of 74sqm at ground floor level for flexible retail, financial and professional services, restaurant/café or bar/public house use (class A1, A2, A3 or A4).

The existing public house forms part of the 1950's building. No objections have been received to its loss. Given that the flexible retail floorspace will enable the reprovision of a public house/bar use the proposal is considered acceptable in land use terms.

Given that any new restaurant or bar/public house will be significantly smaller than the existing public house on the site, it is not considered that it will adversely impact on residential amenity, local environmental quality or the character and function of the area. Should the unit be occupied as a restaurant or bar use, conditions are recommended to secure an operational management plan including operating procedures, numbers of staff and customers, and how they will prevent customers who are leaving the building from causing nuisance to surrounding residents; limiting the hours of opening to between 07.00 – 23.30; to control internal noise to prevent noise outbreak from the unit; and full details of plant and kitchen extraction equipment, in order to protect the amenity of surrounding residents.

9.2 Environment & Sustainability

Sustainable Design and Energy Performance

Policy 36 of the City Plan relates to energy and states that the council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. All development proposals should follow the principles of the Mayor of London's energy hierarchy. Major development should be net zero carbon. Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement.

Policy 38(D) of the City Plan relates to Sustainable Design and seeks to ensure that development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including: 1. use of high-quality durable materials and detail; 2. providing flexible, high quality floorspace; 3. optimising resource and water efficiency; 4. enabling the incorporation of, or connection to, future services or facilities; and 5. minimising the need for plant and machinery.

The Council's Environmental Supplementary Planning Document (ESPD) states that major development proposals, including shell and core schemes, should include a detailed energy assessment to demonstrate how energy use and carbon emissions have been reduced for the development in accordance with policy requirements, and that energy use has been a central consideration in the development's design and evolution.

The applicant has submitted an Energy Strategy and Sustainability Statement in support of their application. The Energy strategy has been updated to reflect the changes to the scheme and policy requirements since the application was originally submitted. The

strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Domestic		Non-Domestic	
	Tonnes CO ₂ /year	Percentage	Tonnes CO ₂ /year	Percentage
Savings from Be lean.	13	11.3%	1	4.4%
Savings from Be clean.	0	0.0%	0	0.0%
Savings from Be green.	53	45.2%	7	45.7%
Total reduction:	66	56.5%	7	50.1%
	Domestic		Non-Domestic	
Target reduction:	117	100%	15	100%
Annual shortfall / surplus	-51	43.5%	-7	-50.2%
Carbon offset payment Rate (£/tCO₂)	£2,850		£2,850	
Offset payment	£21,157		£145,051	
Total offset payment	£166,208			

The proposed energy strategy will minimise energy use and carbon emissions through a combination of passive design and energy efficiency measures with the incorporation of a highly efficient shell, efficient lighting and ventilation. Renewable energy is proposed in the form of high efficiency air source heat pumps (ASHPs) at roof level which will provide the development with both space heating and hot water as well as water-to-water heat pumps within the basement. The proposed 'electric led' system will take advantage of the projected decarbonisation of the national grid and is therefore expected to be lower in Whole Life Carbon terms than a traditional gas boiler servicing strategy. A small photovoltaic panel array of 10sqm is also proposed. This is limited due to use of the roof space for terraces and mechanical plant for the ASHPs. These measures will result in an overall annual carbon reduction of 55.6% relative to the Building Regulations Part L 2013 'baseline'.

A carbon offset payment is required for the shortfall in carbon savings relative to the zero carbon target of £166,208. It is recommended that this is secured through the s.106 legal agreement.

There are no available existing or proposed district heating networks in the vicinity of the proposed development and a condition is recommended to ensure that the scheme is future proofed to make allowance for connection should a low-carbon district heat network become available.

The scheme aims to achieve a BREEAM 'Very Good' rating assessed using the BREEAM "Retail" category, applying the "Shell Only" approach. There is currently no requirement for the applicant to carry out a BREEAM pre-assessment for new build residential schemes.

Overheating and Cooling

Policy 36 E relates to overheating and states that all developments should be designed and operated to minimise the risk of internal overheating. Major development proposals will include a cooling strategy in line with the Mayor of London's cooling hierarchy

The applicant states that the building has been designed to follow the cooling hierarchy principles as a means of reducing the amount of solar and internal gains, reducing the risk of overheating, and subsequently reducing the demand placed upon the systems to condition the space. The framework of brise soleil and vertical fins on a proportion of the façades have been designed and integrated with the purpose of reducing the overheating risk posed to the development.

Whole Life Carbon Cycle

The environmental concerns raised about demolition of the existing buildings is understood. Embodied carbon is defined in the London Plan as "The total life cycle carbon/energy/greenhouse gases used in the collection, manufacture, transportation, assembly, recycling and disposal of a given material or product."

The Council's ESPD states that while reducing operational energy is a key priority to reach our net zero carbon targets, whole life carbon costs and benefits over the life of the building also need to be carefully considered to avoid allowing practises that unintentionally increase the overall carbon impact of a development. The Council require Whole Lifecycle Carbon Assessments (WLC) to be submitted for major developments involving substantial demolition, following the GLA's approach to WLC assessments which requires applicants to consider the retrofit or reuse of any existing built structures before embarking on the design of a new structure or building.

The applicant states that the existing 1950's building significantly underperforms in terms of energy efficiency, with the apartments currently only achieving energy performance certifications of between C and E and a major overhaul would therefore be required to meet emerging regulations. Works to refurbish and re-use the existing building would be extremely challenging due to its age and would involve extensive structural remodelling, comprehensive replacement of the facades and mechanical plant and the resulting residential accommodation would still be compromised. Even then, they consider a full redevelopment would likely be required within 50 years, when the existing structure is expected to reach the end of its design life that would add embodied carbon to the 2,500 tonnes assumed for the refurbishment. The applicant therefore considers that the short term environmental concerns of demolition is outweighed by its redevelopment to create

a highly efficient building with a 120 year design life.

The applicant has submitted a WLC assessment which sets out the Whole Life Carbon emissions estimated for the site, following the GLA Whole Lifecycle Carbon Assessment Guidance (March 2022).

The WLC emissions calculated for the development show that performance will meet the GLA Business as Usual target. The applicant advises that for carbon used to practical completion, the carbon used to complete the proposed development of 787 kilograms of carbon per sqm (modules A1-A5) will be lower than the GLA's WLC benchmark of 850 kilograms of carbon per sqm. In terms of carbon used within the operational lifespan of the new building (60 years), the applicant predicts a carbon usage of 338 kilograms of carbon per sqm (B and C modules), lower than the GLA's WLC benchmark of 400 kilograms of carbon per sqm. The applicant states that further opportunities will continue to be explored in order to reduce material quantities and to enhance the environmental performance of the materials selected.

Circular Economy

Policy 37 (C) on Waste management states that developers are required to demonstrate through a Circular Economy Statement, Site Environment Management Plan and/or associated Site Waste Management Plan, the recycling, re-use, and responsible disposal of construction, demolition and excavation waste in accordance with London Plan targets and the council's Code of Construction Practice (CoCP).

In terms of Circular Economy, the Council's ESPD emphasises the importance of resource efficiency stating: 'as we move to a resource efficient Westminster, we will be looking for opportunities to move from a linear to a circular economy. The Circular Economy is described by the London Plan as an economic model in which resources are kept in use at the highest level possible for as long as possible in order to maximise value and reduce waste, moving away from the traditional linear economic model of 'make, use, dispose'. City Plan policy aims to contribute to the London Plan targets for recycling and for London's net self-sufficiency by 2026.'

The applicant has submitted a Circular Economy statement in support of their application outlining how the proposed development has considered the key Circular Economy principles through careful design and specification to extend the lifetime of the building; and the importance of retaining materials at their highest value and reusing and recycling them into the design where practical for the future building life cycle.

The applicant states that implementation of the Circular Economy principles and achieving the targets and commitments will be further developed at detailed design stage and that they are therefore willing to accept a condition that a further detailed Circular Economy Statement is submitted prior to the commencement of work on site.

Air Quality

Policy 32 of the City Plan relates to Air quality. The council is committed to improving air quality in the city and expects development to reduce exposure to poor air quality and maximise opportunities to improve it locally without detriment of air quality in other areas.

Major developments should be at least Air Quality Neutral.

The whole of Westminster falls within an Air Quality Management Area. The applicant has submitted an Air Quality Assessment in support of their application. The overall construction and operational air quality impacts of the proposed development are judged to be not significant. The development will be air quality neutral in terms of building and transport related emissions.

Flood Risk & Sustainable Drainage

Policy 35 relates to Flood risk. Part J requires new development to incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk and aim to achieve greenfield run-off rates.

The site is located within Flood Zone 1 and is classified as having 'low' and 'very low' risk of surface water flooding, according to the Environment Agency. The applicant has submitted a Drainage Strategy in support of their application. This report demonstrates that surface water runoff from the site can be managed sustainably to ensure that flood risk is not increased elsewhere. Sustainable urban drainage measures (SuDS) have been incorporated in the proposed development, including rain gardens and an attenuation tank at basement level.

Land Contamination

Policy 33 E relates to land contamination and states that applicants are required to carry out contaminated land assessments and take appropriate remediation measures for development on or near a site which is potentially contaminated

The applicant has submitted a Geotechnical Report in support of their application which indicates the presence of contaminants including asbestos in some of the soil samples. The Council's Environmental Sciences Team recommended that full details of land and building contamination and remediation measures are secured by condition.

Environment & Sustainability Summary

Sustainability and energy use has been embedded into the design and evolution of the proposed development. The building is designed with high performance materials and will incorporate high energy efficient systems, to minimise energy use and carbon emissions. The cumulative sustainability credentials proposed are therefore considered to result in a policy compliant scheme. Conditions are recommended to secure delivery of the sustainability benefits proposed. A carbon offset payment of £166,208 for the shortfall in carbon savings relative to the zero carbon target will be secured through s.106 legal agreement.

9.3 Biodiversity & Greening

Policy 34 relates to green infrastructure. Part B states that developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the

scheme. Policy 34 D relates to open space and states that major developments will be required to provide new or improved public open space and space for children's active play, particularly in areas of open space or play space deficiency.

With regard to biodiversity Policy 34 G states that developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised.

The ESPD expands further on greening and biodiversity and states that the London Plan's Urban Greening Factor (UGF) will apply to major development proposals. Biodiversity Net Gain (BNG) is an approach to development that leaves biodiversity in a better state than before. The City plan requires developments to achieve biodiversity net gain, wherever feasible and appropriate and the Environment Act has introduced a requirement for biodiversity net gain of 10%.

Objections have been received on the grounds that the proposal will result in the loss of the street trees and greenery and shrubs to the front of the existing building with a resultant loss of birds and wildlife. The proposed reinstatement of the historic building line up to the street frontages (the merits of which are discussed in section 9.4 below), will result in the loss of the existing street trees and greenery/landscaped strip. However, the proposed development includes urban greening and opportunities for biodiversity with the provision of a private landscaped courtyard, terraces to the upper levels and new street trees (see also section 9.4 'Trees and landscaping' below).

The applicant has undertaken an UGF assessment of the proposed development, which shows that the scheme would achieve a score of 0.3. This falls short of the 0.4 target for residential developments as set out in The London Plan. However, given the site constraints this is considered acceptable. The proposal will also result in a BNG of 31.82%, exceeding the target of at least 10% net gain. A condition is recommended to secure a management plan, including details of greening and biodiversity features, for all areas of soft landscaping, including the courtyard and terrace planting and any green roof areas.

The site falls within an area of play space deficiency. The GLA's play space calculator (2019), has been used to assess play space provision, which based on the housing mix anticipates 16 children within the development which generates a requirement for 162.6sqm of play space. Whilst private external amenity space is proposed for the residents within the landscaped courtyard, no formal play space is proposed. Given the constraints of the site, it is not possible to provide publicly accessible play space and the applicant has therefore agreed to mitigate this through a payment of £61,825 towards the provision and/or improvements to and the future maintenance of local play spaces, as required by the Mayor's Play and Informal Recreation SPG. In the absence of a formula to calculate such a payment, the contribution has been based on that achieved for the shortfall in play space at the nearby Cundy Street redevelopment (£380.2/sqm). It is recommended that this is secured through the s106 legal agreement.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

In assessing the above, key considerations are the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act'). Section 66 of the LBCA Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

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

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Relevant city plan policies are - Policy 38 (design principles) which requires exemplary standards of high quality, sustainable and inclusive urban design and architecture, Policy 39 which relates to Westminster's heritage and Parts I and K specifically which relate to the consideration of setting to listed buildings and to conservation areas and their settings and Policy 40 which relates to townscape and architecture, requiring development to be sensitively designed having regard to the surrounding townscape.

Consideration

Key design and townscape issues are:

- (i) the quality of the design of replacement building and its acceptability within the local townscape context, including acceptability of the demolition of the existing unlisted building
- (ii) the impact of proposals on adjoining heritage assets including the settings of the adjoining Grade II listed buildings at 87-101 Eaton Terrace, settings of listed buildings at 76-92 Eaton terrace and on nos. 23-35 and nos. 37-41 South Eaton Place and the impact on setting and views from the Belgravia Conservation Area

Loss of existing building and quality of proposed replacement buildings

Kilmuir House dates from the 1950s, occupying a large plot cleared as result of bomb damage. It set back from the historic and predominant building line to this part of Ebury Street with a small landscape buffer. The existing building is simply detailed in brick with projecting balconies and is not of particular architectural merit. At nine storeys, it is also

out of scale with and contrasts in its design and layout with the late Georgian townscape within the adjoining Belgravia Conservation Area. Adjoining it, is a 1950s three storey terraced house at 60-64 South Eaton Place. This is in neo-Georgian style but relates poorly in its detailing to that of adjoining terraced houses and its demolition and redevelopment has previously been permitted.

As such, given the limited architectural value of the existing buildings and their location outside a conservation area, the principle of their demolition and replacement is acceptable in townscape terms. It is nonetheless recognised that the demolition and replacement of the building would represent a loss of embodied carbon and the generation of further carbon costs in the construction of a replacement building. This issue has been addressed above and subject to the highest environmental performance standards being achieved in the new building, this is considered acceptable.

The proposed replacement building would be U-shaped, with the principal elevation and tallest elements fronting Ebury Street and secondary elevations to South Eaton Place and Eaton Terrace. It would occupy a larger footprint than the existing, infilling gaps to South Eaton Place and Eaton terrace and extending forward of the current building line on Ebury Street, resulting in the loss of a small landscaped strip to the front of the building. This would, however, reinstate what was the historic building line and layout and would reintroduce continuous building frontages around the site. This echoes the approach to recent developments opposite the site which have sought to return the built edge to the street having regard to the historic building form and street pattern in the area.

Reflecting its location at the transition between smaller scale townscape within the conservation area and larger scale development on Ebury Street, the heights of new buildings proposed vary across the site. The tallest part of the development is proposed to the Ebury Street frontage which will be seven storeys, 32.03m AOD (25.3m) at its tallest point with lower return wings to South Eaton Place and Eaton Terrace stepping down in height. This compares with 26.95m to the existing building. The overall height of the replacement buildings is therefore slightly lower than the existing and the impact within the proposed scheme is reduced as the top two roof storeys have been recessed.

As noted, the proposed building line will be forward of the existing which does serve to accentuate its overall scale when viewed from Ebury Street. However, this is mitigated by the design treatment of the Ebury Street facade. This incorporates a clear base, middle and top, with roof storeys differently treated and set back to minimise their impact. The four projecting bays subdivide and provide vertical articulation to what would otherwise be a very large, unrelieved façade. The projecting precast concrete fins add some further architectural interest and in addition will prevent solar gain and minimise potential for overheating. Overall, the height, massing and design of the Ebury Street frontage is therefore considered acceptable particularly in this context to a main thoroughfare and in this location which is characterised by a more mixed character and larger scale of building.

On the return elevations to Eaton Terrace and South Eaton Place, a projecting bay is proposed to articulate the corner and the buildings then step down in height towards the lower scale terraced housing within the conservation area. The design detail proposed to the side streets is also more subdued, to complement the simple restrained classical

townscape within the conservation area. The frontages follow the rhythm of adjoining townscape and are each subdivided to have the appearance of two bay town houses which recreate the plot widths of neighbouring terraced houses. In terms of their detail, a hierarchy of windows has been introduced and at ground floor level, the characteristic detail of raised entrance doors set behind a lightwell and cast-iron railings is echoed in the proposed design. To these frontages modern roof storeys are more significantly recessed to minimise visual impact.

Overall, this design approach is considered acceptable and sympathetic to the surrounding context. The proposed materials and detailing of the buildings across the site are of higher quality than the existing building and the palette of materials - London stock brick and render base, metal clad roofs, are appropriate and relate sympathetically to the surrounding context. To ensure quality of detailing, it is proposed a number of elements of detail including materials, roof storeys, windows, railings, ground floor treatment and vehicular entrances will be conditioned.

Impact on adjoining heritage assets

The development will affect the setting of a number of designated heritage assets, as discussed below.

Belgravia Conservation Area is immediately adjacent to the site and is characterised by its coherent early 19th century townscape. This primarily consists of terraced houses from the early with classical proportions, typically faced in a combination of brick and stucco and ranging from 3-5 storeys.

A number of the original terraces within the conservation area are also listed and some are in close proximity to the site. This includes the Grade II listed terrace at 87-101 Eaton Terrace, those on the opposite side of the road at 76-92 Eaton Terrace, on South Eaton Place to the opposite side of the road (including nos. 23-35 and nos. 37-41) and at 162-170 Ebury Street are also listed Grade II. The terraced housing immediately adjoining the application site on South Eaton Terrace is unlisted but does contribute positively to the character of the conservation area.

In terms of impacts on settings, as set out previously, Kilmuir House has a different character which contrasts with the original listed terraces and predominant built form in the conservation area and the site is situated at a transition point between traditional Belgravia townscape and post-war and more recent developments around Ebury Square. The proposed development would be slightly lower in height than the existing and locates the tallest elements to the main thoroughfare of Ebury Street. As such, particularly when viewed from the parts of the conservation area on Ebury Street, the proposals are seen as part of an already mixed context with a number of larger scale buildings to the south and the new development will not have a significantly increased or harmful impact.

The most sensitive views are those from Eaton Terrace and South Eaton Place where the new development can be seen immediately adjacent to 19th century townscape which has a more coherent character. However, as set out in discussion of the design above, the proposed building would step down in scale at this point and its design has sought to respond to character in terms of its detail and materials. The most closely

affected listed buildings are the terraced houses at 87-101 Eaton Terrace which directly abut the boundary of the site and the new development. Here the rear of Kilmuir House is highly visible adjacent to the listed terraces and causes some harm to their settings. The proposals seek to mitigate this to some degree and will return a built edge within the streetscape which will introduce greater coherence and more gradual step up in scale. While the new buildings will be taller than the three listed houses immediately adjoining the site, the building height across the listed terrace is varied. As such, it is considered this relationship is acceptable and has a neutral impact and does not cause harm to the setting of the listed terrace or views from and setting of the conservation area.

It is noted that the last house within this terrace, no 101, shares a boundary with the application site and the new development. No works to the listed building are proposed but given its immediate proximity to the development, an informative is proposed to make clear that listed building consent would be required should there be any impact or alterations affecting original fabric of the listed building.

Other listed buildings are more distant from the site, and the proposal building does not have a greater impact than the existing building and would not cause harm to their settings and are acceptable for reasons covered above and this is demonstrated in a townscape visual and heritage impact assessment which has been provided with the application.

The design and detail of the proposed development is considered to be of high quality and this has sought to respond sensitively to surrounding townscape context. The proposed building is marginally lower than the highest part of the existing structure and the form and detail of the proposed massing has been designed to respond to amenity and townscape considerations.

The proposals will not cause harm to the setting of neighbouring listed buildings nor will they cause harm to the setting of the Belgravia Conservation Area. As such, the proposals comply with local and national policy on design and heritage and our statutory duties in relation to heritage assets.

Archaeology

Policy 39(O) of the City Plan relates to Archaeology and requires development which involves excavation or ground works in Westminster's Archaeological Priority Areas or other areas suspected of having archaeological potential will demonstrate that they have properly evaluated the archaeological potential and significance of the site and assessed and planned for any archaeological implications of proposals.

The site is within Pimlico Tier 3 Area of Archaeological priority and the Greater London Archaeological Advisory Service have been consulted. They have advised that the site may have archaeological potential and have requested the imposition of a pre-commencement condition to ensure this is fully investigated.

Fire Safety

London Plan policy D12 relates to Fire Safety and requires that all major development proposals are submitted with a Fire Statement, which is an independent fire strategy.

The applicant has submitted a fire safety statement and Planning Gateway One statement in support of their application which sets out their approach and provisions relating to fire safety. The statement demonstrates that the proposals have considered fire safety at the earliest stage, and that the fire strategy for the building will be further developed based upon these principles.

Trees and Landscaping

Policy 34 of the City Plan relates to Green infrastructure. Part H states that trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected. Part I states that the planting of trees to optimise the city's canopy cover will be encouraged in new developments.

Five street trees are proposed to be removed including two high-quality alder trees which are very prominent specimens with high amenity value and two flowering cherries, which make a significant positive contribution to the character and appearance of the area. In addition a number of smaller trees within the site are to be removed.

The applicant proposes 10 replacement street trees along Ebury Street and Eaton Terrace. The Council's Arboricultural Officer has raised concern that it may not be feasible to replace the street trees outside the development and that even if planting is feasible, it will only be possible to plant fastigate trees, which are less desirable than the existing trees in terms of amenity, townscape and canopy cover benefits, which is regrettable.

It is recommended that a financial contribution of £50,000 for replacement tree planting (10 trees) is secured through the s106 legal agreement, with provision to provide the trees in alternative locations should it not be feasible to plant the trees in the locations immediately outside the development as proposed by the applicant.

Landscaping is proposed within the new internal courtyard garden and on the terraces. It is recommended that full details of hard and soft landscaping for the courtyard and terraces including soil volumes, profiles and water irrigation be secured by condition.

9.5 Residential Amenity

Policy 7 of the City Plan relates to managing development for Westminster's people. It states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

The proposed building will extend up to the site boundary to the three street frontages and up to the rear of the site adjacent to 101 Eaton Terrace and 58 South Eaton Place. Objections have been received from surrounding residents on amenity grounds, principally loss of light, loss of privacy/overlooking and overbearing impact.

Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set

out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultants, GIA, have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at 35, 37, 39, 41 50, 52, 54, 56, 58 South Eaton Place; 85, 88, 90, 91, 93, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102 Eaton Terrace; 142-148 Ebury Street; the Ebury Square Development; 1-27 Lochmore House; and 9 Burton Mews;

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

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

The daylight and sunlight report demonstrates that there will be no material impact upon the daylight or sunlight received by residential windows in 9 Burton Mews, 35, 50, 52, 54, 56 South Eaton Place, 85, 88, 91, 93, 97, 99 Eaton Terrace and 1-27 Lochmore House.

Residential windows in properties immediately surrounding the site will experience some losses in daylight and or sunlight beyond BRE guidelines. The impact to each effected property is discussed below:

Ebury Square Development

This is a five storey residential block of flats on the south side of Ebury Street immediately opposite the site. Of the 91 windows tested to the front elevation, 7 windows, serving living rooms to four flats which are served by multiple windows, will experience a loss of VSC beyond BRE guidelines of between 23.7% and 61%. All seven windows are located below balconies at first floor level and already receive a low level of daylight of between 4.1 and 9.3% which will be reduced to 1.6% and 7.1%. The BRE guidelines acknowledge that existing windows with overhangs/balconies above them typically receive less daylight, and that even a modest obstruction opposite may result in a large relative impact on the VSC. It is not considered that the application could be refused on the impact on daylight to these windows.

Six windows orientated within 90 degrees of due south will meet BRE guidelines for sunlight.

142-148 Ebury Street

This property comprises 16 flats and is located on the corner of Ebury Street and South Eaton Place immediately opposite the application site. Whilst the exact layout of the flats are unknown, the windows appear to serve a mixture of living room, kitchen, bedroom and bathroom windows. This building currently receives good sunlight and daylight levels due to a gap between the existing buildings above the ground floor pub. The reinstatement of the building line along South Eaton Place and closing the existing gap will therefore impact on the light levels to these flats.

Eighteen windows in the South Eaton Place frontage at ground to third floor level will experience a loss of daylight beyond BRE guidelines of between 22% - 39.2% VSC. Thirteen of the windows will have retained VSC levels of between 15.2 – 22.8%, and four windows at ground and first floor level will have retained VSC levels of between 12.1 – 13.2%. One window at ground floor level will see a loss of 54% VSC with a retained level of 6.1, but this is located beneath an existing balcony where daylight is restricted. Whilst the exact internal arrangements are unknown the NSL test has also been carried out which shows that the same windows will breach BRE guidelines with losses of between 30 – 65%.

In terms of sunlight 20 of the 25 windows assessed will comply with BRE guidelines. Of the five windows that do not comply (at ground and first floor level), three will retain at least 21% APSH with no breach to winter sunlight and One window at first floor level will breach winter sunlight only with 30 APSH retained overall. The ground floor window beneath the balcony will experience the biggest loss in sunlight, retaining 11% APSH, however, it will not breach winter sunlight.

Whilst these losses are regrettable, the retained daylight and sunlight levels to the most effected windows are typical of a densely developed urban location and it is not considered that the application could reasonably be refused on the grounds of loss of light to these flats.

37 - 41 South Eaton Place

These properties are three single family dwelling houses opposite the South Eaton Place wing of the application site. They comprise open plan kitchen/reception rooms at basement level or in the case of No. 39 ancillary living accommodation/kitchenette; reception and dining rooms at ground, living rooms at first and bedrooms at second and third floor level.

No. 37 will comply with BRE guidelines for daylight. There will be a minor transgression in sunlight with a 22.6% reduction in APSH to the ground floor window, however, it will retain 24% APSH which is only marginally less than the 25% recommendation.

No. 39 will experience a loss of daylight to one window at ground floor level beyond BRE guidelines of 22.1% with a retained VSC level of 12%. This window will also see a 25.2% reduction in NSL. With regards to sunlight, one window at basement level will experience a moderate reduction in APSH of 33.3% retaining 14 APSH, and the ground floor window will have a reduction in APSH of 25%, retaining 24% APSH. The two windows at first floor level will continue to receive excellent APSH, although will see a reduction in winter sunlight hours to 4% which is slightly below the BRE target.

No. 41 will experience a loss of daylight beyond BRE guidelines to five windows at basement to second floor level of between 21.2 - 29.2% with a retained VSC levels between 10.9 and 23.9 (the most effected being at basement (10.9) and ground floor level (18)). Three of the windows will also see a reduction of between 29.4 – 33.9% NSL. With regards to sunlight, windows at basement and ground floor level will see a reduction in APSH of 39.1 and 37% respectively, but will retain 14% and 17% APSH with no change in winter sunlight. One window at first floor level will experience a loss in winter sunlight (4 retained) but will retain 35% APSH.

The windows at basement level to these properties are already obstructed given their location within the front basement lightwell which also contain a stair; and the ground floor window is located beneath a balcony to the first floor, thus limiting the availability of daylight to these windows. As single family dwellings they have multiple reception/living rooms, some of which are open-plan with further windows to the rear and overall, it is considered that these property will continue to receive good levels of daylight and sunlight.

58 South Eaton Place

This property is in use as a single family dwelling and immediately adjoins the site, with its side elevation along the site boundary. The windows to the front of the property will not be impacted upon by the development. This property has been extended to the rear with a full depth extension at basement and ground floor level containing no windows to the rear, with a terrace above at first floor level. The windows at rear first to third floor level serve bathrooms and hallway/stairs.

The sunlight and daylight report submitted tested the previous situation, prior to the extensions being built, which contained more windows to the rear than that now in place. No habitable room windows will be effected by the development.

101 Eaton Terrace

This property is in use as a single family dwelling and immediately adjoins the site, with its side elevation along the site boundary. The windows to the front of the property will not be impacted upon by the development. The property comprises open plan kitchen/reception room at ground floor level with conservatory at lower ground floor level into the garden and bedrooms and bathroom at first to third floor level. Window in the side elevation of the closet wing facing the site serve bathrooms.

Four windows to the conservatory roof will experience a loss of daylight beyond BRE guidelines of between 20.9 – 45.8% with retained VSC levels of between 11.5 and 21% and it is not considered that light to this property will be significantly impacted upon. No loss of sunlight will be experienced to this property.

90, 92, 94, 96, 98, 100 and 102 Eaton Terrace

These properties are located opposite the Eaton Terrace wing of the application site and are all single family dwelling houses. Eaton Terrace is wider when compared to South Eaton Place and the majority of windows will be compliant with BRE guidelines.

Two ground floor windows at Nos. 94 and 98 will experience a loss of daylight beyond BRE guidelines, however, these are located below a storm porch. 13 windows at basement and ground floor level will see a reduction in NSL beyond 20%. The windows

at basement level are already obstructed given their location within the front basement lightwell. The windows at ground floor level will experience minor to moderate transgressions, however, it is considered that sufficient daylight will be retained to these rooms. All windows orientated within 90 degrees of due south will meet BRE guidelines for sunlight.

Sense of Enclosure

The existing 'T' shaped building is set back from the street frontages. Whilst the proposed building will be no higher than the tallest element of the existing building, the development of the site up to the street frontages and rear boundary will result in a bulkier more imposing building, which will result in an increased sense of enclosure to surrounding residential properties and gardens, however, it is not considered so significant to justify a refusal on amenity grounds.

Privacy

Balconies and terraces are proposed at first to fifth floor level on the flat roof areas where the building steps in.

Large terraces were originally proposed at first floor level immediately adjacent to the boundary with 101 Eaton Terrace and 58 South Eaton Place which would have resulted in direct overlooking and a loss of privacy to these properties. The two terraces have now been replaced with shallow balconies less than 1m deep with planting to the remaining flat roof area to protect the privacy of neighbouring residents. Given the height and set back nature of the terraces above, these will not result in any significant loss of privacy to the detriment of neighbouring residents.

Noise & Vibration

Plant is proposed at basement level and within an enclosure at roof level. Conditions are recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

Conditions are recommended to control noise outbreak from the commercial unit to ensure that they do not cause noise and vibration nuisance to the residential units above and surrounding the site.

9.6 Transportation, Accessibility & Servicing

The applicant has submitted a Transport Assessment in support of their application.

Car parking

When the application was submitted Policy Trans 23 of the UDP was relevant which encouraged car parking up to a maximum standard of 1 off -street car parking space per residential unit of 2 bedrooms or less; and 1.5 spaces per residential unit of 3 bedrooms or more. The originally submitted application therefore proposed 52 car parking spaces within two basement levels accessed from Eaton Terrace and egressed on to South Eaton Place via car lifts.

During the course of the application, the City Plan 2019-2040 (April 2021) has been adopted which has seen a major shift in the Council's approach to off-street car parking for residential developments.

Policy 27A of the City Plan states that the parking standards in the London Plan will apply to all developments. For residential developments within PTAL 6b locations, as in this case, developments should be car free, other than an element of disabled car parking. Disabled parking provision is required for 3% of dwellings from the outset – this equates to 2 spaces for the 60 units proposed; and demonstrate how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in the future - a further 4 spaces in this case.

Policy 27E states that for major developments, contributions will be required for on-street provision of electric vehicle and other low emission vehicle infrastructure.

Policy 27F states that where sites are redeveloped, existing parking provision must be reduced to meet the parking standards in the London Plan unless there is site specific justification to re-provide an element of the existing parking.

The supporting text to policy 27 in paragraph 27.5 states that '.... new development should be predominantly car free. Notwithstanding, there will always be a need to ensure that a lack of provision does not result in significant increases in demand for on-street parking in the vicinity of the development, leading to increased congestion, disruption to traffic flow, air and noise pollution, poor parking practices, and adverse impacts on the amenity of residents. To ensure this is the case, developments should not create or exacerbate areas of parking stress. 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 and other measures agreed with us.

The applicant originally sought to retain 52 car parking spaces on the basis of the transitional nature of the application (submitted under the old policies but determined under the new) and the viability implications that the removal of the car parking would have on the scheme. However, this was considered to provide excessive on-site car parking contrary to policy 27 and would undermine active travel modes - cycling, walking and public transport use by its residents.

In December 2021, the application was revised to reduce the number of car parking spaces to 15 (the same number of car parking spaces which currently exist on the site), however, this remained contrary to Policy 27. The application has subsequently been revised to reduce the number of car parking spaces to provide 6 spaces for use by designated disabled residents only (white badge holders) – 2 spaces from the outset with the provision of a further 4 spaces to accommodate future demand. It is accepted that the spaces for future demand will need to be constructed up front and the proposal is therefore in accordance with Policy 27.

Objections have been received to the reduced car parking scheme on the grounds that the lack of car parking will encourage residents of the development to park on street, causing significant stress to existing on-street parking which is already busy. Whilst these concerns are understood, it is now Council policy for residential schemes to be car free. The Highways Planning Manager raises no objection, subject to all six car parking spaces being designated for use by disabled residents of the development (white badge holders) only from the outset; and that they are let on a short term basis to individual properties, and not sold. It is recommended that this is secured by condition and through the s106 legal agreement. All spaces will provide electric car charging points which is also recommended be secured by condition.

Lifetime car club membership is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers and not increase on-street parking stress. In order to mitigate against parking stress in the area the applicant has confirmed they will provide Lifetime car club membership for all residential units within the development. The applicant has also agreed to make a financial contribution of £50,000 towards on-street electric vehicle and other low emission vehicle infrastructure in the vicinity of the site in accordance with Policy 27E (£50,000 would cover the cost of one on-street rapid charge point comprising the unit, power upgrades, physical works and legal processes). It is recommended that these provisions are secured through the s106 legal agreement.

Objections have also been received to the car park exit onto South Eaton Place on the grounds that it will cause congestion and noise to this narrow street. This has been alleviated to a large degree in the reduced car parking scheme. Visibility splays have been provided to ensure drivers of vehicles exiting the car park are able to see pedestrians on the highway. The Highways Planning Manager raises no objection subject to detail, which is recommended be secured by condition. It should be noted, that the Highways Planning Manager has questioned the need for the provision of two car lifts given the reduced number of car parking spaces, which could be adequately served by one car lift and a passenger/goods lift for cycle parking access. The applicant, however, seeks to retain the two car lifts within the scheme.

It is recommended that the highway works surrounding the site, including amendments to existing on-street car parking provision as a result of the proposed vehicle crossovers are completed prior to commencement of the development, to ensure that there is no overall loss of on-street parking or other highway facilities, and that this is secured through the s106 legal agreement, as well as the maintenance and management of the car lifts.

Cycle parking

London Plan Policy T5 requires 1.5 cycle spaces per 1-bedroom unit and 2 spaces per 2-bedroom unit; and 1 space per 175m² of A class with a minimum of 2 spaces at a threshold of 100m². Cycle parking for all uses will assist in prompting this sustainable transport mode for residents and staff. Long term cycle parking must be secure, accessible and weather proof.

114 cycle parking spaces are proposed at basement level for the residential units in line

with London Plan standards. Electric charging points are to be provided within the cycle store which is welcomed.

1 cycle parking space is proposed for the retail/commercial use as well as an element of short stay cycle parking. The details are unclear and it is therefore recommended that this is secured by condition.

Servicing and Waste & Recycling Storage

Policy 29 states that servicing, collection and delivery needs should be fully met within a development site. Where it is not possible to fully meet these needs within a development site they must be met in such a way that minimises adverse effects on other highway and public realm users, and other residential or commercial activity.

Policy 37(B) on waste management states that all new developments (including extensions and change of use) must provide appropriate facilities for the storage of separate waste streams which are safe and convenient to access for deposit and collection, with sufficient capacity for current and projected future use

The proposed development will rely on on-street servicing with no off-street servicing proposed which the Highways Planning Manager considers regrettable. It is recommended that a servicing management plan is secured by condition to minimise the impact of the proposed development on the highway network, so as not to have a significantly detrimental impact on highway safety and operation.

It is proposed to use the 'down/entry' car lift on Eaton Terrace for waste collection. The application has been revised to include the provision of a waste holding area for four bins at ground floor level to prevent waste being stored on-street pending collection. The Highways Planning Manager considers that the use of the down lift acceptable, given the reduction in the number of car parking spaces.

Highway Boundary/Footway Widths

Changes to the boundary alignment are proposed. This includes reducing footway widths in South Eaton Place, Ebury Street and Eaton Terrace. The applicant has modified the scheme to retain the existing chamfered corner on South Eaton Place and Ebury Street which is welcomed. Whilst the development cannot therefore be considered to represent an improvement to the current pedestrian environment, the Highways Planning Manager raises no objection. The applicant would require a stopping up order for parts of the highway to enable this development to take place pursuant to s247 of the Town and Country Planning Act 1990.

9.7 Economy including Employment & Skills

The applicant states that the development will create an estimated 1,500 jobs during construction of the development and 5-6 full time jobs through the provision of the ground floor retail unit. The new residential accommodation proposed will also support the local economy through increased local spending, thereby supporting local employment and services.

Policy 18(D) states that major developments will contribute to improved employment prospects for local residents. In accordance with the council's Planning Obligations and Affordable Housing SPD, this will include: 1. financial contributions towards employment, education and skills initiatives; and 2. for larger schemes, the submission and implementation of an Employment and Skills Plan. An Employment and Skills Plan, including operational phase employment targets and a financial contribution of £51,404.31 to support the Westminster Employment Service is secured through the S106 legal agreement.

9.8 Other Considerations

Basement excavation

Policy 45 of the City Plan relates to basement developments. Policy 45 A states that they should incorporate measures recommended in the structural statement or flood risk assessment to safeguard structural stability, and address surface water and sewerage flooding.

Policy 45 B goes on to state that Basement developments will be supported where they:

- do not comprise more than one storey beneath the lowest original floor level - exceptions may be made on large sites with high levels of accessibility for construction;
- provide a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement; and
- do not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.

The proposal includes excavation to create a lower ground and basement level beneath the lowest original floor level of the existing building.

With regards to policy 45 A, the applicant has provided a self-certified Structural Methodology Statement and Hydrogeological Study explaining the likely methodology of excavation, as well as the drainage, groundwater regime and structural stability. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

With regards to 45 B, the site has three street frontages and is considered a large site, that it is well connected by local and strategic roads, capable of carrying large vehicles during construction works. A 1.2m soil depth (1m plus 200mm drainage layer) is proposed to the internal courtyard above the basement (to be secured by condition); and

it will not encroach under any part of the adjacent highway. The proposed basement excavation is therefore considered acceptable.

Construction impact

It is inevitable that the construction work will cause noise and disturbance to local residents and businesses. The concerns of local residents who have objected on construction grounds, which is particularly compounded given the other major redevelopments taking place in the area (Cundy Street), are fully understood. However 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.

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which requires the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are: liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

Designing Out Crime

Policy 44 of The City Plan relates to security measures in the public realm. The Metropolitan Police's Designing Out Crime Officer has raised concerns about the permeability of the site, access control and the requirement for a postal strategy to prevent anti-social behaviour and crime issues.

The concerns of the Designing Out Crime officer are understood, however, it is considered that many of these issues can be dealt with at the detailed design stage of the development and through appropriate management controls.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment. Environmental Impact issues have been covered in section 9.2 above.

9.10 Planning Obligations & Pre-Commencement Conditions

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

- Provision of 4 affordable housing units - for social rent tenure (at London Affordable Rent). The market residential units not to be occupied until all four affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review mechanism.
- Employment and Skills Plan including operational phase employment targets.
- Financial contribution of £51,404.31 to support the Westminster Employment Service (index linked and payable on commencement of development).
- Provision of a financial contribution of £166,208 to the carbon offset fund (index linked and payable on commencement of development).
- Provision of a financial contribution of £50,000 for replacement tree planting (10 trees) (index linked and payable on commencement of development).
- Provision of a financial contribution of £61,825 for the provision and/or improvements to and the future maintenance of local play spaces in lieu of the shortfall of play space as required by the Mayor of London, Play and Informal Recreation SPG with the priority order to be within the vicinity (400m) of the site and then within Knightsbridge and Belgravia ward (index linked and payable on commencement of development).
- Car parking strategy demonstrating that the six car parking spaces will be designated for use by disabled residents of the development (white badge holders) only from the outset of the development; and that they are let on a short term basis to individual properties, and not sold.
- Car club membership for the occupiers of all residential units for a period of 25 years.
- Financial contribution of £50,000 towards on-street electric vehicle and other low emission vehicle infrastructure (index linked and payable on commencement of development).
- Car Lift Maintenance and Management Plan prior to occupation of the development.
- Highway Works surrounding the site required for the development to occur, including reinstatement of the existing vehicle access as footway, changes to on-street restrictions, including the relocation of parking and associated highway work (legal, administrative and physical). Changes to on-street restrictions must be completed prior to commencement of development to ensure no overall loss of on-street parking or other highway facilities.
- Monitoring costs.

The estimated CIL payment is £11,776,250.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions relating to the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development; contaminated land remediation; to secure an archaeological written scheme of investigation, circular economy statement and design and method statements in relation to London Underground assets. The applicant has agreed to the imposition of these conditions.

10. Conclusion

The application has been revised during the course of the application in response to the adoption of the City Plan 2019-2040 (April 2021). The number and mix of residential units has been amended so that all units fall below 200sqm and the number of family sized units reduced to 38% (which still exceeds the policy requirement for 25% family homes). The units will be generously sized and whilst it is considered that the site could be optimised further, it will provide ten additional residential units on the site with a range of unit sizes and housing choice for families.

Four on-site affordable housing units (2-bed/4person duplexes) are proposed (4% of floorspace) which falls significantly below the policy requirement of 35%. The Council's consultant LSH has reviewed the applicant's financial viability assessment and concluded that the scheme will result in a deficit and cannot support any further affordable housing at this stage. They recommend that this be subject to the GLA's early and late stage review mechanisms. The Council's Head of Affordable Housing and Partnerships' preference is that all four of the 2-bed units should be provided as social housing, to which the applicant has agreed.

The proposed building is considered to have a satisfactory relationship with surrounding residential properties and is considered acceptable in amenity terms. Car parking has been reduced from 52 spaces to 6 for use by disabled residents only, in accordance with the policy requirement for residential developments to be car free.

The building has been designed with high performance materials and will incorporate high energy efficient systems to minimise energy use and carbon emissions. The design and detail of the proposed development is considered to be of high quality and will respond sensitively to the surrounding townscape context. The proposals will not cause harm to the setting of neighbouring listed buildings nor will they cause harm to the setting of the adjacent Belgravia Conservation Area. As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990."

Overall, the proposed development is considered to comply with policies in the adopted City Plan 2019-2040 and London Plan and is acceptable in land use, environmental, design, conservation, amenity and highways terms for the reasons set out in the report. The development is therefore recommended for approval subject to the conditions set out in the draft decision letter and the completion of a s106 legal agreement.

Item No.
2

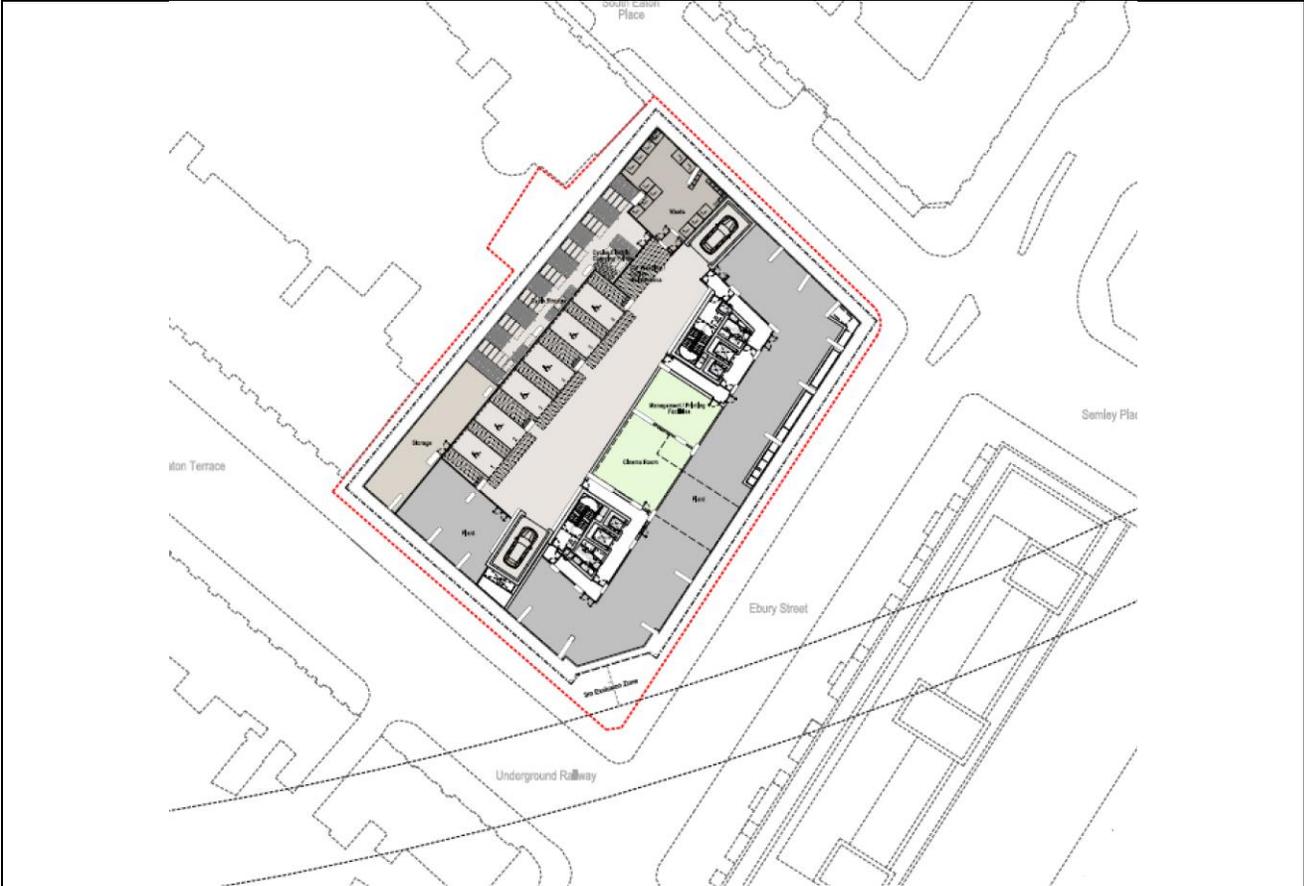
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

11. KEY DRAWINGS

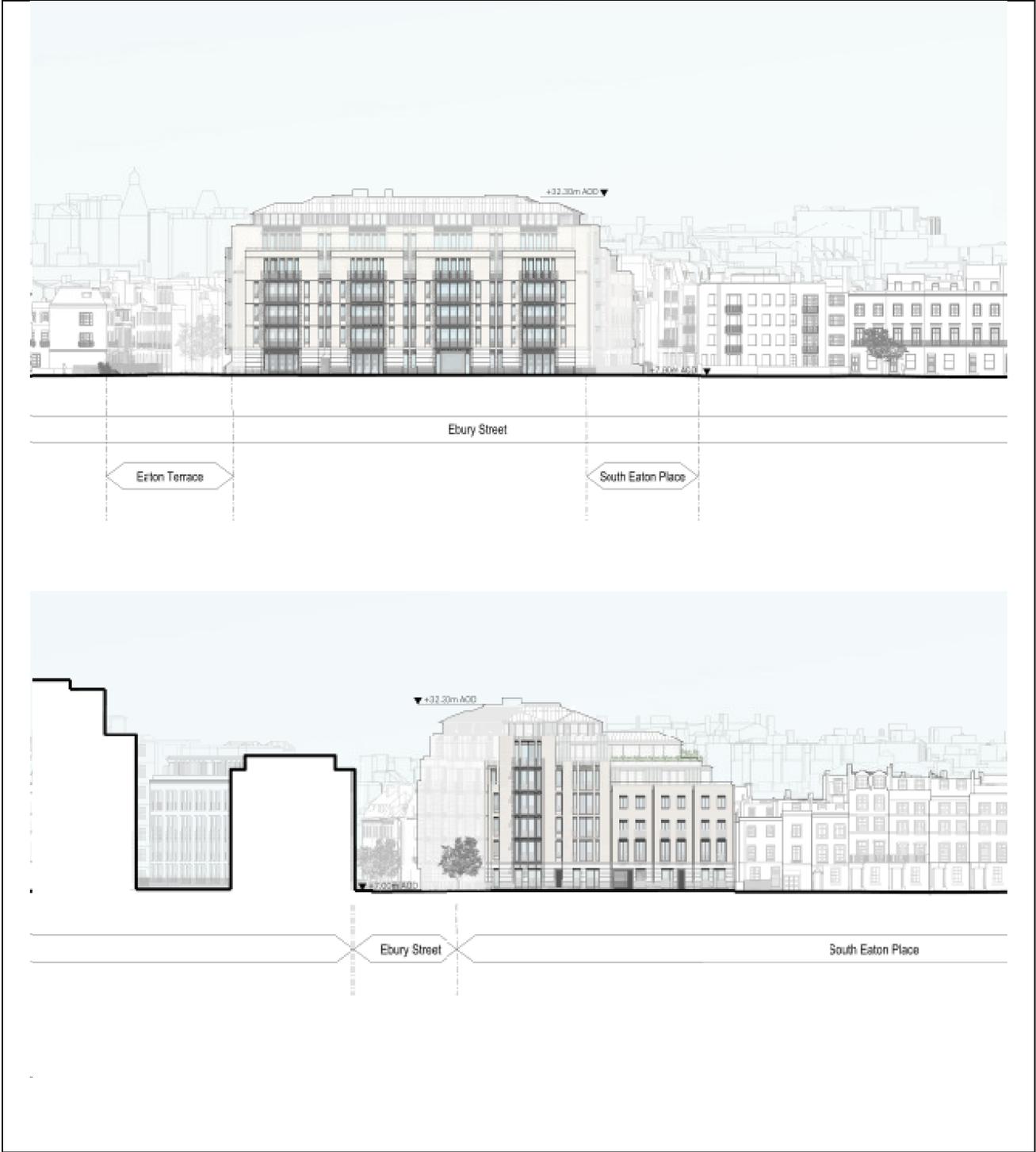


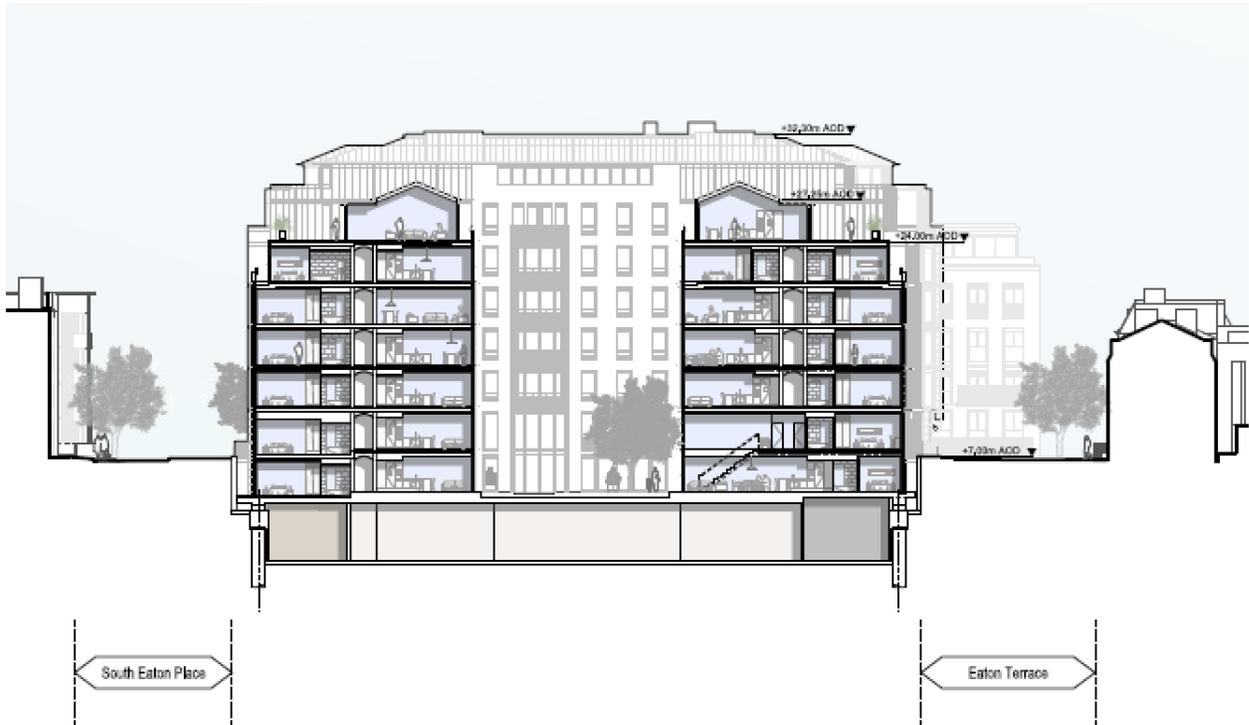
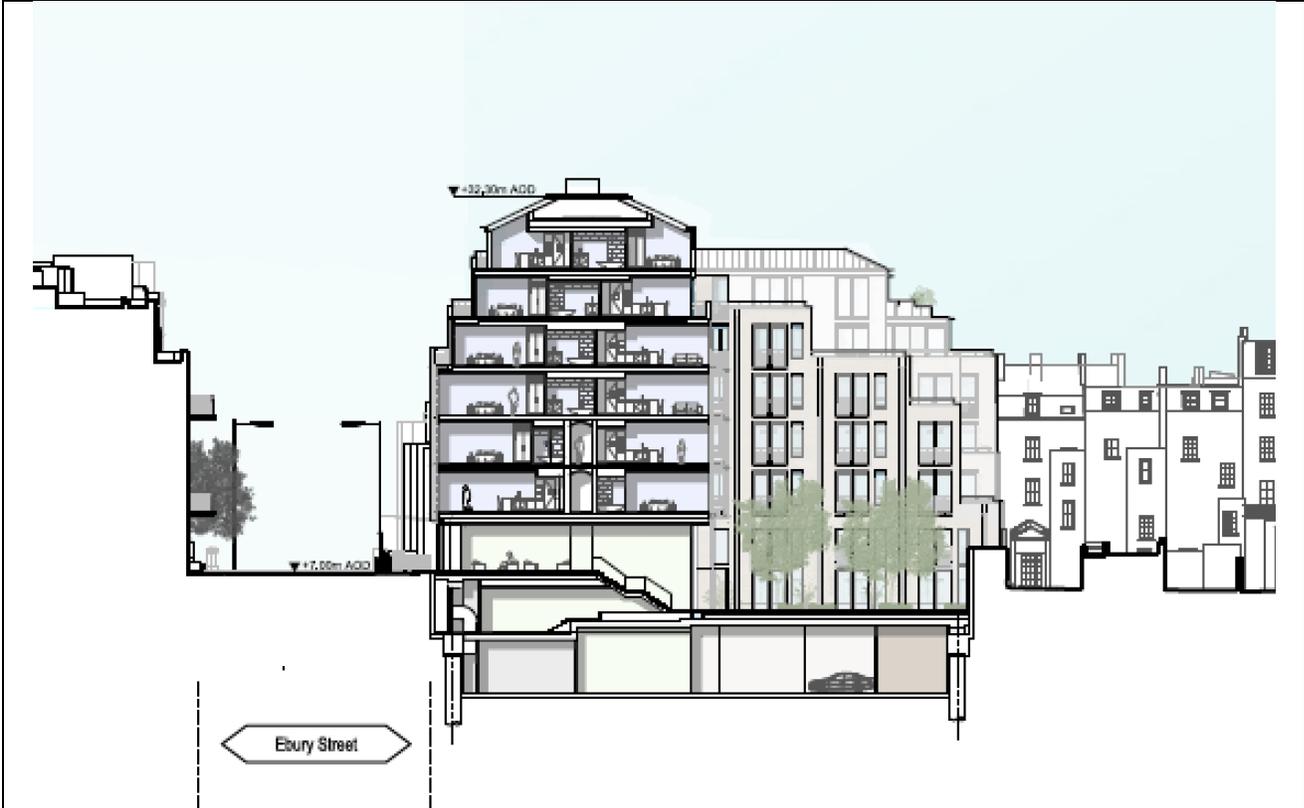
Existing plans and elevations



Proposed Basement













DRAFT DECISION LETTER

Address: Kilmuir House, Ebury Street, London, SW1W 8TH

Proposal: Demolition of existing buildings and erection of a new building of basement, lower ground, ground and 6 upper floors and plant at rooftop level to provide residential floorspace (Class C3), flexible retail floorspace (Class A1/A2/A3/A4), disabled car parking and associated landscaping works. (Site includes 60-64 South Eaton Place).

Plan Nos: 1627-PP-Z1-99-DR-A-01-204; 1627-PP-Z1-00-DR-A-01-205; 1627-PP-Z1-01-DR-A-01-206; 1627-PP-Z1-02-DR-A-01-207; 1627-PP-Z1-97-DR-A-10-097/3; 1627-PP-Z1-98-DR-A-10-098/4; 1627-PP-Z1-99-DR-A-10-099/5; 1627-PP-Z1-00-DR-A-10-100/7; 1627-PP-Z1-01-DR-A-10-101/2; 1627-PP-Z1-02-DR-A-10-102/2; 1627-PP-Z1-03-DR-A-10-103/2; 1627-PP-Z1-04-DR-A-10-104/2; 1627-PP-Z1-05-DR-A-10-105/2; 1627-PP-Z1-06-DR-A-10-106/2; 1627-PP-Z1-07-DR-A-10-107/2; 1627-PP-Z1-07-DR-A-10-108/2; 1627-PP-Z1-XX-DR-A-11-200; 1627-PP-Z1-XX-DR-A-11-201/1; 1627-PP-Z1-XX-DR-A-11-202; 1627-PP-Z1-XX-DR-A-12-101/02; 1627-PP-Z1-XX-DR-A-12-102/02; 1627-PP-Z1-XX-DR-A-15- 1001/2; 1627-PP-Z1-XX-DR-A-15- 1002/2; 1627-PP-Z1-XX-DR-A-15- 1003/1; 1627-PP-Z1-XX-DR-A-15- 1004/1; 1627-PP-Z1-XX-DR-A-15- 1005/1; 1627-PP-Z1-XX-DR-A-15- 1006/1; 1627-PP-Z1-XX-DR-A-15- 1007/1; 1627-PP-Z1-XX-DR-A-15- 1008/1; 1627-PP-Z1-XX-DR-A-15- 1009/1; 1627-PP-Z1-XX-DR-A-15- 1010/2; 1627-PP-Z1-XX-DR-A-15- 1011/1; 1627-PP-Z1-XX-DR-A-15- 1012/2; 1627-PP-Z1-XX-DR-A-15- 1013/1; 1627-PP-Z1-XX-DR-A-15- 1014/1; 1627-PP-Z1-XX-DR-A-15- 1015/1; 1627-PP-Z1-XX-DR-A-15- 1016/1; 1627-PP-Z1-XX-DR-A-15- 1017/1; 1627-PP-Z1-XX-DR-A-15- 1018/1; 1627-PP-Z1-XX-DR-A-15- 1019/1; 1627-PP-Z1-XX-DR-A-15- 1020; 1627-PP-Z1-XX-DR-A-15- 1021; 1627-PP-Z1-XX-DR-A-21-1001; and 1627-PP-Z1-XX-DR-A-21-1002.

Archaeological Historic Environment Assessment, dated January 2020 prepared by MOLA; Air Quality Assessment, Revision 2 dated 20 December 2021 prepared by Hoare Lea dated; Drainage Strategy, dated February 2022 prepared by Waterman; Updated Energy Strategy Revision 7, dated 17 May 2022, prepared by Hoare Lea; Sustainability Statement, dated January 2020 prepared by Hoare Lea; Noise Assessment, Revision 2 dated January 2020 prepared by Hoare Lea; Waste Management Strategy Addendum: February 2022, prepared by Simon Clewlow Consulting; and Fire Statement (including Gateway One Statement) dated February 2022, prepared by Hoare Lea.

For information only: Covering Letter by DP9 dated 4 March 2022; Design and Access Statement, prepared by Pilbrow and Partners, Addendum dated October 2020 and Addendum II dated February 2022; Visual and Heritage Impact Assessment, dated January 2020 prepared by Peter Stewart Consultancy and Pilbrow and Partners; Daylight and Sunlight Report, dated 2 January 2020 prepared by GIA; Transport Statement Second Addendum: February 2022, prepared by Simon Clewlow Consulting; Financial Viability Assessment Addendum dated February 2022, prepared by Gerald Eve; Whole Life Carbon Assessment dated February 2022, prepared by Hoare Lea; Circular Economy Statement dated February 2022, prepared by Hoare Lea; Letter from Waterman dated 25th February 2022; Building Impact Assessment dated February 2022, prepared by Waterman;

Geotechnical and Geoenvironmental Interpretative Report dated February 2022, prepared by Waterman; Ground Movement Assessment dated February 2022, prepared by Waterman; Hydrogeological Study dated February 2022, prepared by Waterman; Preliminary Environmental Risk Assessment dated February 2022, prepared by Waterman; Structural Methodology Statement dated February 2022, prepared by Waterman; Foul Sewage and Utilities Assessment, dated January 2020 prepared by Hoare Lea; Outline Construction Management Plan, prepared by WT Partnership; Statement of Community Involvement, dated February 2020 prepared by Kanda; Tree Survey, dated June 2017 prepared by CBA Trees; Arboricultural Impact Assessment dated 27 November 2020 prepared by Landmark Trees and Landscaping Strategy dated February 2021.

Case Officer: Julia Asghar

Direct Tel. No. 07866037964

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

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

Reason:

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

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

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

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

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

Reason:

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

- 3 **Pre Commencement Condition.** Prior to the commencement of any:
 - (a) demolition, and/or
 - (b) earthworks/piling and/or
 - (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 You must apply to us for approval of samples and specifications of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 5 You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 6 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5); of the following parts of the development:

- i) Railings and balustrades
- ii) external doors and windows
- iii) vehicle entrances

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details;. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan

2019 - 2040 (April 2021). (R26AE)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 10 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

Photovoltaic Panels and Air Source Heat Pumps

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 11 The commercial unit at ground floor level for Class A1/A2/A3/A4 shall only be used for the following purposes: (i) For the display or retail sale of goods, other than hot food, principally to visiting members of the public; and / or (ii) financial and professional services (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises; and/or (iii) Public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision. You must not use the unit for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, and is not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the development provides active street frontage, in accordance with Policies 14 and of the City Plan 2019 - 2040 (April 2021).

- 12 Customers shall not be permitted within the commercial unit at ground floor level before 0700 or after 2330 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 13 You must apply to us for approval of a management plan for the commercial unit at ground floor level if it is occupied for either restaurant or bar use, to include operating procedures, numbers of staff and customers and show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant or bar use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurant or bar is in use. (C05JC)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 14 No music shall be played in the commercial unit at ground floor level such as to be audible outside the premises to the nearest noise sensitive, residential receptor.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 15 If the commercial unit at ground floor level is used for either restaurant or bar use you must apply to us for approval of details of the ventilation system to get rid of cooking smells, including

details of how it will be built and how it will look. You must not begin the restaurant or bar use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

If a recirculation system is to be used, all equipment within the premises shall operate by electricity only and not by gas or solid fuels such as coal or wood. Following installation of a recirculation system, you must submit a further report to include:

- o A schedule of all plant and equipment installed.
- o Details of monitoring devices interlocked with the electric cooking equipment, such that cooking is only enabled when all parts of the system are operating.
- o Proof that the breakout noise in the working environment in the kitchen is not exceeding 55dB (A)
- o Details of the whole ventilation scheme in the kitchen that maintains an ambient temperature of not more than 25 centigrade whilst cookline equipment is operating
- o Details of service and filter replacement and maintenance arrangements.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 16 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;

- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 17 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 18 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens.

The design of the separating wall and/or floor should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LMax in the octave bands of 63 Hz & 125 Hz.

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040

(April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 19 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the sound insulation will be sufficient to protect residential from external noise and that the development will comply with the Council's noise criteria set out in Conditions 15, 16 and 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and these measures must be retained for the lifetime of the development.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 20 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window

of it;

- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 21 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 22 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. The system shall include:
- 1. A system of air quality filtration is installed and or inlets are positioned so that that they are drawing air of a sufficient quality so that the National Air Quality Objectives and WHO guideline levels for Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{10/2.5}) are not exceeded within the properties.
 - 2. The mechanical ventilation is designed in compliance with the current Technical Memorandum produced by CIBSE to prevent overheating when the windows are closed

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

change it without our permission.

Reason:

To protect neighbouring residents from noise and vibration nuisance; and to comply with National Air Quality objectives and WHO Guideline Levels, as set out in Policies 7, 32 and 33 of the City Plan 2019 - 2040 (April 2021).

- 23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 19 and 20 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 24 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:
- (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.
 - (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.
 - (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 25 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1627-PP-Z1-98-DR-A-10-098/4 and 1627-PP-

Z1-00-DR-A-10-100/7 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 26 No waste shall be left or stored on the public highway.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 27 Waste Servicing must be carried out in accordance with the Waste Management Strategy dated February 2022 and drawing number 3017002/A/11A.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 28 You must apply to us for approval of a Servicing Management Plan prior to occupation of the development. The plan should identify process, internal storage locations, scheduling of deliveries and staffing arrangements, as well as how vehicle size will be managed. You must not occupy the development until we have approved what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of the development, unless otherwise agreed in writing by the local planning authority. (Please see informative 4).

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 29 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 30 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 31 You must apply to us for approval of details of short term cycle parking (minimum 2 additional spaces) and one long term cycle parking space for the commercial unit . You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 32 All car parking spaces shall have electric vehicular charging points.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 27 of the City Plan 2019 - 2040 (April 2021).

- 33 The car parking shall only be used by disbaled residents/white badge holders living in the residential part of this development. You must provide a minimum of two car parking spaces shown on the approved drawings prior to occupation of the development and thereafter permanently retain them. (C22BB)

Reason:

To provide parking spaces for disbaled residents/white badge holders living in the residential part of the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22BC)

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

1. The detailed design of the vehicle entrance and exit and adjoining walls to ensure adequate visibility splays can be achieved to other highway users, including pedestrians.
2. A vehicle signalling system for the car parking.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details and maintain them for the lifetime of the development.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 35 All vehicles must enter and exit the site in forward gear;. South Eaton Place shall be used for

exiting vehicles only.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 36 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within one of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within three of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 37 You must apply to us for details of the depth, specification and profile of the soil which you propose above the basement level, and on the podiums including details of the drainage layer and other components, You must not start any work on this part of the development until we have approved what you have sent to us. You must then carry out the work according to the details approved.

Reason:

To ensure that the soil is adequate to support the growth of new and/ or existing trees and shrubs, and to improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policies 34 and 45 of the City Plan 2019 - 2040 (April 2021). (R30DB)

- 38 You must apply to us for approval of a management plan including details of biodiversity features, for all areas of soft landscaping, including the courtyard and terrace planting. You must not occupy the development until we have approved what you have sent us. You must then carry out this work according to the approved details and thereafter retain and maintain these features in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 39 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that

is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 40 Prior to the commencement of the development, you must apply to us for approval of a detailed Circular Economy Statement and Operational Waste Management Strategy in line with the GLA's Circular Economy Statement Guidance. The development shall be carried out in accordance with the details so approved.

Reason:

In the interests of sustainable waste management and in order to maximise the re-use of materials as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021) and SI7 of the London Plan.

- 41 Prior to the commencement of the development, you must apply to us, in consultation with London Underground, for approval of detailed design and method statements for each stage of the development for all of the demolition, foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), which:
- o provide details on all structures, showing proximity to LUL assets.
 - o to accommodate the location of the existing London Underground structures and tunnels
 - o accommodate ground movement arising from the construction to sufficiently demonstrate that safe operation of the railway can be maintained during the course of the construction works and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

- o To ensure safety of the railway no works to commence without prior written approval from TfL Engineer.

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy T3 of the London Plan and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - i. Provision of 4 affordable housing units - for social rent tenure (at London Affordable Rent). The market residential units not to be occupied until all four affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review mechanism.
 - ii. Employment and Skills Plan including operational phase employment targets.
 - iii. Financial contribution of £51,404.31 to support the Westminster Employment Service (index linked and payable on commencement of development).
 - iv. Provision of a financial contribution of £166,208 to the carbon offset fund (index linked and payable on commencement of development).
 - v. Provision of a financial contribution of £50,000 for replacement tree planting (10 trees) (index linked and payable on commencement of development).
 - vi. Provision of a financial contribution of £61,825 for the provision and/or improvements to and the future maintenance of local play spaces in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG with the priority order to be within the vicinity (400m) of the site and then within Knightsbridge and Belgravia

- ward (index linked and payable on commencement of development).
- vii. Car parking strategy demonstrating that the six car parking spaces will be designated for use by disabled residents of the development (white badge holders) only from the outset of the development; and that they are let on a short term basis to individual properties, and not sold.
 - viii. Car club membership for the occupiers of all residential units for a period of 25 years.
 - ix. Financial contribution of £50,000 towards on-street electric vehicle and other low emission vehicle infrastructure (index linked and payable on commencement of development).
 - x. Car Lift Maintenance and Management Plan prior to occupation of the development.
 - xi. Highway Works surrounding the site required for the development to occur, including reinstatement of the existing vehicle access as footway, changes to on-street restrictions, including the relocation of parking and associated highway work (legal, administrative and physical). Changes to on-street restrictions must be completed prior to commencement of development to ensure no overall loss of on-street parking or other highway facilities.
 - xii. Monitoring costs.
- 3 With regards to Condition 9, the written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 With regards to Condition 28, the Servicing Management Plan (SMP) should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (ie set out how the occupant is expected to service the unit). A supplier instructions sheet is a helpful part of the SMP.
- 5 With regards to Condition 41, you are advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods.
- 6 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

- 7 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 8 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 9 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 10 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 11 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 12 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.

- 13 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 14 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 15 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.

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

- 16 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 17 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 18 For the avoidance of doubt the Construction Management Plan required under condition 3 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 19 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 20 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and

submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

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

- 21 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 22 Condition 39 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 23 Please contact a Metropolitan Police Designing Out Crime Officers about suitable security measures for your development. These might include . You should also check whether these features will need planning permission. The contact details for Designing Out Crime Officers that cover Westminster can be found at the following link: www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region.
- 24 This site is inside an 'area of nature deficiency' as set out in Policy 34 of our City Plan 2019-2040 that we adopted in April 2021. So, you should include environmental features that enhance biodiversity, particularly for priority species, when designing the development and any open areas pursuant to the requirements of any relevant conditions attached to this planning permission.
- 25 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way

Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

- 26 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

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

- 27 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.