

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 October 2014	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Operational Director Development Planning		<b>Wards involved</b> St James's	
<b>Subject of Report</b>	<b>Westminster College, Castle Lane, London, SW1E 6DR</b>		
<b>Proposal</b>	Demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total) including rooftop plant, cycle parking, waste store and plant, new access and servicing arrangements, hard and soft landscaping and other associated works.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	LS Victoria Properties Ltd		
<b>Registered Number</b>	14/02489/FULL	<b>TP / PP No</b>	TP/22579
<b>Date of Application</b>	14.03.2014	<b>Date amended/ completed</b>	15.09.2014
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Birdcage Walk		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee consider the applicant's revisions to the scheme acceptable in the light of residents' concerns?
2. Does the Committee consider that the applicant's viability case for paying a financial contribution of £1.625m towards affordable housing provision rather than £2.5m in addition to a S106 obligation to ensure that all parking spaces at the site will be unallocated is acceptable?
3. Subject to 1. and 2. above, grant conditional permission subject to a S106 legal agreement to secure the following:
  - i) A financial contribution towards affordable housing payable on commencement of development;
  - ii) A parking mitigation payment of £12,000 index linked and payable on commencement of development;

- iii) Lifetime car club membership (25 years) for each residential unit;
- iv) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £16,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (Index linked);
- v) Highway works to Wilfred Street as shown indicatively on drawing CL-DWG-023/B;
- vi) S106 Monitoring contribution.

4. If the S106 legal agreement has not been completed within six weeks of the date of the Committee's resolution then:

(a) The Operational Director shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Operational Director is authorised to determine and issue such a decision under Delegated Powers; however, if not

(b) The Operational Director shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Operational Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.



City of Westminster

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 Data: 06/10/2014

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0 5 10 20 Metres





Castle Lane (Top)  
Wilfred Street (Bottom)

**WESTMINSTER COLLEGE, CASTLE LANE, SW1**

## 2. SUMMARY

This application was considered by the Planning Applications Committee on 15 July 2014. The Committee resolved that the application be deferred for a site visit. In addition, the Committee resolved that the applicant be requested to reconsider the scheme in light of residents' concerns and the applicant be requested to confirm payment of a financial contribution towards affordable housing of £2.5m index linked payable on commencement of development in addition to a S106 obligation to ensure that all parking spaces at the site will be unallocated.

A Committee site visit took place on 8 September 2014.

The applicant has reconsidered the scheme and proposes a number of revisions to the townhouses on Wilfred Street and to the roof terrace on the main building:

- The useable terrace at the rear first floor level to the rear of the two townhouses (fronting Wilfred Street) has been removed from the scheme. The applicant proposes to create a low maintenance non-accessible living roof in place of the terrace.
- The four windows at first floor level of the townhouses have been removed. Rooflights have been added to the townhouses to maintain adequate internal light levels to the first floor. The applicant has suggested treating the rear elevation with a living green wall, details of which can be secured by condition.
- The bulk and mass of the eastern townhouse has been reduced at first floor level. The applicant advises that this results in the reduction of 11m<sup>2</sup> from the townhouse.
- The roofline of the townhouses has been altered.
- The useable terrace at fourth floor level between the proposed main building and 36 Buckingham Gate has been reduced in size and the balustrade further set back by 1100mm. The total balustrade set back is now 1700mm.

### **Design and Amenity**

The alterations to the townhouses are considered acceptable in design terms.

The alterations to the two townhouses will reduce the losses in daylight and sunlight to occupiers of 36 Buckingham Gate compared to the scheme presented to Committee in July. For the daylight distribution test, three rooms do not meet the BRE Guidelines whereas previously it was four rooms. For sunlight, the scheme is now compliant with the BRE Guidelines.

### **Car Parking**

The applicant confirms that they will accept that the proposed 19 car parking spaces will be unallocated and that the applicant will enter into a S106 obligation that the spaces will be unallocated.

However, the applicant advises that an unallocated car parking arrangement reduces the financial viability of the scheme because the units can no longer be sold with a dedicated car parking space. The applicant has confirmed that on this basis the maximum financial contribution towards affordable housing with unallocated car parking is £1.625m.

The City Council's independent consultant GVA previously assessed the viability of the scheme with unallocated parking. GVA's conclusions (which are set out in Section 6.1.3 of the original report) are that unallocated parking will reduce the overall viability of the scheme. If half of the parking is unallocated then the maximum reasonable amount of affordable housing that the scheme can support in the form of a PIL is reduced to £2.0m. If the entire scheme has unallocated parking then the PIL is further reduced to £1,625,000.

### 3. CONSULTATIONS

#### CONSULTATION RESPONSES TO REVISED SCHEME.

##### AKA Planning

The amendments do not overcome the cumulatively harmful impact of the various increases in building scale and mass compared to the current scheme. Objections maintained on grounds of overlooking from significant amount of new glazing, noise and overlooking from the excessive size of the fourth floor balcony and increased sense of enclosure from the two new mews houses on Wilfred Street. The mews houses should be removed or reduced to a single storey. Concerns maintained about cumulative impact from the scheme. There are windows that continue to fail the BRE guidelines.

##### Flat 18, 36 Buckingham Gate.

Although the depth of the balcony is a slight improvement, this will not allow for any noise reduction of people gathering on the balcony. The total area of balcony is 27m<sup>2</sup>. The only gain for the townhouses is a greener wall and a very slight improvement from the second bedroom.

##### Flat 17a, 36 Buckingham Gate.

Maintain opposition because of loss of daylight/sunlight, sense of enclosure, inappropriate design, increased size, height and shape, noise from car lift, loss of privacy and noise from use of terraces. There is no guarantee that there won't be a future application to restore the windows into the townhouses.

##### Flat 24, 36 Buckingham Gate.

The modifications are mere tinkering at the edges. The new buildings are still too high, too wide and too deep.

##### Flat 20, 36 Buckingham Gate.

Concerns that the sketch images presented by the applicant are not representative of the view from the window.

Two additional letters objecting to the scheme on design and amenity grounds but no address given.

#### BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health dated 24 March 2014.
3. Memorandum from Highways Planning Manager dated 24 March 2014.
4. Memorandum from Cleansing Manager dated 24 April 2014.
5. Letter from Thames Water dated 16 April 2014.
6. Letter from English Heritage dated 14 April 2014.
7. Letter from Westminster Society dated 1 April 2014.
8. Letter from Victoria BID dated 23 April 2014.
9. Letters from AKA Planning dated 21 May and 8 May 2014.
10. Letters from Right of Light Consulting dated 19 June, 2 June and 16 May 2014.
11. Letter from owner/occupier of Flat 5, 36 Buckingham Gate dated 7 April 2014.
12. Letter from owner/occupier of Flat 12A, 36 Buckingham Gate (undated).
13. Letter and enclosures from owner/occupier of Flat 14, 36 Buckingham Gate dated 31 March 2014.
14. Letters from owner/occupier of Flat 15B, 36 Buckingham Gate dated 4 April and 3 April 2014.
15. Letter from owner/occupier of Flat 16, 36 Buckingham Gate dated 10 April 2014.
16. Letters from owner/occupier of Flat 17, 36 Buckingham Gate (undated).
17. Letters and enclosures from owner/occupier of Flat 17A, 36 Buckingham Gate dated 9 April 2014.
18. Letters and photos from owner/occupier of Flat 18, 36 Buckingham Gate (undated)

19. Letter from owner/occupier of Flat 19, 36 Buckingham Gate dated 4 April 2014.
20. Letter from owner/occupier of Flat 20, 36 Buckingham Gate dated 3 April 2014.
21. Letter from owner/occupier of Flat 22, 36 Buckingham Gate dated 31 March 2014.
22. Letter from owner/occupier of Flat 24, 36 Buckingham Gate dated 8 April 2014.
23. Letters from owner/occupier of 36 Buckingham Gate dated 5 April 2014.
24. Letter from the Caretaker at 36 Buckingham Gate dated 16 April 2014.
25. Letter from owner/occupier of 2 Wilfred Street dated 07 April 2014.
26. Letter from owner/occupier of 22 Wilfred Street dated 4 April 2014.
27. Letters from owner/occupier of 27 Wilfred Street dated 29 May 2013 and 3 March 2014.
28. Letter from owner/occupier of 36 Catherine Place dated 1 April 2014.
29. Letter from owner/occupier of 40 Catherine Place dated 07 April 2014.
30. Letter from owner/occupier of 59 Catherine Place dated 6 April 2014.
31. Letter from owner/occupier of 61 Catherine Place dated 7 April 2014.
32. Letter from owner/occupier of 6 Buckingham Place dated 04 Apr 2014
33. Letter from owner/occupier of 11 Glenfields Road, Haverfordwest dated 9 April 2014
34. Letter from owner/occupier of 11 Pennyford Court, St John's Wood dated 13 April 2014
35. Letter from owner/occupier of Flat 1002, 20 Palace Street dated 8 April 2014.
36. Letter from owner/occupier of Flat 604, 20 Palace Street dated 31 March 2014.
37. Letters from owner/occupier of Flat 502, 20 Palace Street dated 2 April 2014.
38. Letter from owner/occupier of 7 Stafford Mansions, Stafford Place dated 7 April 2014.
39. Letter from Iain Lough @ bt internet.com (undated).
40. Letter from owner/occupier of Flat 19, Murray House, Vandon Street dated 24 March 2014.
41. Letter from Point Surveyors dated 5 June 2014.
42. Letter from WKC dated 14 February 2013.
43. Assessment of Jones Lang LaSalle Marketing Campaign and Report.

#### ADDITIONAL BACKGROUND PAPERS

44. Email from Gerald Eve dated 23 September 2014.
45. Letter from Gerald Eve dated 11 September 2014.
46. Letter from AKA Planning dated 29 September 2014.
47. Letters from owner/occupier of Flat 18, 36 Buckingham Gate dated 18, 17, 6 and 3 September 2014.
48. Letter from owner/occupier of Flat 17a, 36 Buckingham Gate dated 21 September 2014.
49. Letter from owner/occupier of Flat 24, 36 Buckingham Gate dated 4 September 2014.
50. Letters from owner/occupier of Flat 20, 36 Buckingham Gate dated 4 September 2014 and 29 July.
51. Email from Cllr Hyams dated 15 July 2014.
52. Letter from AKA Planning dated 8 May 2014.
53. Letter from Cllr Thomson dated 15 July 2014.
54. Two letters with no address given.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

# RESOLUTION

submitted and approved before the development is commenced.

## **2 WESTMINSTER COLLEGE, CASTLE LANE, SW1**

Demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total) including rooftop plant, cycle parking, waste store and plant, new access and servicing arrangements, hard and soft landscaping and other associated works.

Additional representations were received from the Strategic Director, Built Environment (15/7/14).

Councillor Louise Hyams addressed the Committee in her capacity as Ward Councillor.

### **RESOLVED:**

1. That the application be deferred for a site visit.
2. That the applicants be requested to reconsider the scheme in light of residents' concerns.
3. That the applicants be requested to confirm payment of a financial contribution towards affordable housing of £2.5m index linked payable on commencement of development in addition to a S106 obligation to ensure that that all parking spaces at the site will be unallocated.

## **3 ELIZABETH HOUSE HOTEL, 118-120 WARWICK WAY AND 27 ST GEORGES DRIVE, SW1**

Use of the buildings as student accommodation (Class C2) for the Royal Ballet School. Associated alterations, refurbishment and rear extensions at lower ground, ground and first to third floors. Erection of mansard roof extension to form a fourth floor.

Additional representations were received from the Senior Partner, Cunnane Town Planning LLP (10/7/14).

### **RESOLVED:**

that permission and listed building consent be granted, subject to conditions to be agreed under delegated powers following consultation with the Chairman, including the permitted use being personal to the Royal Ballet School; and mansard roof extension to be constructed in its entirety.



Item No
<del>X</del>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 15 July 2014	<b>Classification</b> For General Release	
<b>Report of</b> Strategic Director Built Environment		<b>Wards involved</b> St James's	
<b>Subject of Report</b>	<b>Westminster College, Castle Lane, London, SW1E 6DR</b>		
<b>Proposal</b>	Demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total) including rooftop plant, cycle parking, waste store and plant, new access and servicing arrangements, hard and soft landscaping and other associated works.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	LS Victoria Properties Ltd		
<b>Registered Number</b>	14/02489/FULL	<b>TP / PP No</b>	TP/22579
<b>Date of Application</b>	14.03.2014	<b>Date amended/ completed</b>	18.03.2014
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Birdcage Walk		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

**1. RECOMMENDATION**

For Committee's consideration:

1. Does the Committee consider that the offer of £2.5m towards the Council's affordable housing fund is acceptable given the circumstances of the case?
2. Subject to 1. above, grant conditional permission subject to a S106 legal agreement to secure the following:
  - i) A financial contribution towards affordable housing of £2.5m index linked and payable on commencement of development;
  - ii) A parking mitigation payment of £12,000 index linked and payable on commencement of development;
  - iii) Lifetime car club membership (25 years) for each residential unit;

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- iv) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £16,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (index linked);
- v) Highway works to Wilfred Street as shown on drawing CL-DWG-023/B; and
- vi) S106 Monitoring contribution.

3. If the S106 legal agreement has not been completed within six weeks of the date of the Committee's resolution then:

(a) The Strategic Director shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Strategic Director is authorised to determine and issue such a decision under Delegated Powers; however, if not

(b) The Strategic Director shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The application site comprises a part four and part five storey 1930s brick building, an ancillary caretaker's house dated circa 1870-1890 and a modern single storey toilet block. The site has three frontages with the main entrance facing onto Castle Lane with vehicular access, servicing and a parking area accessed from Wilfred Street. Pineapple Court runs along part of the south west boundary of the site.

The application site is unlisted but is located within the Birdcage Walk Conservation Area. The site is within the Core CAZ. The immediate vicinity is dominated by residential uses although there are office, public house and religious uses nearby. The current building has been vacant since 2011 and was formerly occupied by Westminster Kingsway College as an adult education centre.

Permission is sought for the redevelopment of the site and a change of use from educational (Class D1) to residential (Class C3) use. The scheme comprises a main six storey building containing 28 residential units and three stand-alone townhouses fronting Wilfred Street. A total of 31 residential units are proposed with 19 basement car parking spaces.

The key issues with this application are:

- The loss of social and community floorspace.
- The external appearance and bulk of the new buildings.
- The impact of the new buildings on the character and appearance of the Birdcage Walk Conservation Area.
- The level of the affordable housing contribution and viability of the scheme.
- The impact of providing unallocated parking on the viability of the scheme.
- The amenity impact of the proposed buildings on neighbouring properties.
- The acceptability of the off-street parking proposals.

The scheme has attracted a large number of objections, principally on land use, amenity, conservation and design and highways terms. However, for the reasons set out in the main report the proposal is considered to comply with relevant policies in the UDP and in Westminster's City Plan: Strategic Policies. Committee are asked to agree whether the offer of £2.5m towards the Council's affordable housing fund is acceptable given the circumstances of the case.

## 3. CONSULTATIONS

### ENVIRONMENTAL HEALTH

Objects to the application on the grounds that the arrangements for means of escape in case of fire appear to be inadequate, some residential units do not provide WC facilities from common circulation areas and that the residential units are not provided with adequate means of ventilation.

### HIGHWAYS PLANNING MANAGER

The off street parking provision is not consistent with TRANS 23 and will add to parking stress overall. The car parking should be provided unallocated to best accommodate the needs of the development and decrease the impact on on-street car parking levels. A parking mitigation payment and car club membership should be sought. Additional electric charging points should be sought.

### CLEANSING MANAGER

No objection to the storage and collection arrangements for waste and recyclable materials.

**ENGLISH HERITAGE**

The existing building has been much altered and although its loss would harm the character and appearance of the conservation area, that harm is less than substantial. Consider that the proposed replacement building would benefit from design improvements to assist its integration into the historic environment.

**THAMES WATER**

Comments made on impact piling and surface water drainage.

**WESTMINSTER SOCIETY**

The change of use of the site to residential is welcome. The Council should press for as great a financial contribution to the affordable housing fund as can be achieved. The realignment of the frontages along both Castle Lane and Wilfred Street is an improvement although the resultant buildings will still at times appear far bulkier in the CGIs than they will be in reality. The concerns of local residents about the impact on their homes should be taken most seriously by the Council. Further thought should be given to the choice of brick.

**VICTORIA BID**

The green roofs are welcome. Bird and bat boxes should be incorporated into the design. The solar panels are welcomed. A cycle ramp should be provided. The scheme should design out crime and remove sheltered overhangs and recesses along buildings lines.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 178; Total No. of Replies: 32.

28 letters of objection received on all or some of the following grounds:

**Design**

- The new building is inappropriate for this conservation area where the architecture is mainly Georgian, Victorian and Edwardian.
- The building is too tall, represents overdevelopment of the site, is not contextual and will be overbearing.
- The three townhouses add to the density of the site.
- There is minimal soft landscaping, no open space and no play area. The development should include a publicly accessible play space to replace the playground on the roof and at ground level.
- A series of townhouses would work better than a monolithic block of flats.
- The footprint is greater than existing and the proposed building line will make Castle Lane feel more enclosed and destroy the rhythm of the street.
- The mechanical plant should be concealed from view.

**Amenity**

- Increased sense of enclosure and loss of sunlight and daylight to flats within 36 Buckingham Gate and other neighbouring properties.
- Loss of privacy to hallway, kitchen and bedroom windows to flats within 36 Buckingham Gate and other neighbouring properties.
- The townhouses will cause loss of outlook, increased sense of enclosure and loss of daylight and reflective sunlight to windows in 36 Buckingham Gate.
- The proposed building should be no higher than the existing to protect daylight to neighbouring properties.
- Light pollution.
- Noise disturbance to 36 Buckingham Gate from use of balconies, mechanical plant and the car lift.
- Noise disturbance from construction works.

**Land Use**

- Is there any affordable housing ~~as part of~~ the scheme?

**Highways**

- The scheme does not provide enough car parking and this will worsen car parking in the local area.
- The car park lift will cause traffic blockages in Wilfred Street. The waiting area for cars should be off street.
- A greater set back would allow for a widened pavement on Castle Lane and Wilfred Street. The proposed building line on Castle Lane will not improve the public realm.
- Construction vehicles using Wilfred Street will be difficult and should be restricted to smaller lorries.

**Other**

- The visual produced by the applicant does not show the windows to 36 Buckingham Gate facing Wilfred Street whose light will be affected; this is misleading.
- The Colonies would be threatened by the loss of its outside seating area.
- There should be a delay to the determination of the application whilst matters relating to the Party Wall Act, light surveys and legal advice are sought.
- The asphalt pavement on Wilfred Street should be repaved.

Four letters of support received.

- The decision to address affordable housing by a payment in lieu is wholly supported as further provision of affordable housing in Castle Lane will create an imbalance and the development is not of sufficient size to practically provide affordable housing.
- Support the use of a bespoke brick.
- It is hoped that the Council will see fit to restrict the use of Pineapple Court as an outside extension to licensable activities as it does cause disturbance in the area and will impact the new residents in the development.
- Without the development of high quality housing the area is in danger of becoming run down.
- Support the development of quality market housing on Castle Lane which is a positive counter balance to the affordable housing already planned for the street.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The application site comprises a part four and part five storey brick building with basement, an ancillary caretaker's house dated circa 1870-1890 and a modern single storey toilet block. The site has three frontages with the main entrance facing onto Castle Lane with vehicular access, servicing and a parking area accessed from Wilfred Street. Pineapple Court runs along part of the south west boundary of the site. It is designated public highway with the Colonies Public House situated at its northern end. The public house currently has temporary permission to use Pineapple Court for outdoor seating.

The earliest school on the site, Buckingham Gate School, opened in the late 19<sup>th</sup> century. Only the caretaker's house and boundary wall on Wilfred Street remain from that period. The current building dates from the 1930s. Westminster Adult Education took over the building after the closure of Buckingham Gate School in the early 1960s. In 2000, Westminster College merged with Kingsway College to form Westminster Kingsway College. The Castle Lane site was known as the St James's Park Centre. Part of the building is currently occupied for temporary B1 office uses that expire in November 2014.

The application site is unlisted but is located within the Birdcage Walk Conservation Area. The site is within the Core CAZ. The immediate vicinity is dominated by residential uses although there are office, public house and religious buildings nearby.

## 4.2 Relevant Planning History

Permission granted for use of the first floor, second floor (in part) and third floor (in part) of Kingsway College (Class D1) to office use (Class B1) for a period of up to 12 months. (Permission expired 30 September 2013)

Permission granted for use of part ground, first, part second and part third floors of the former Westminster Kingsway College from educational use (Class D1) to office use (Class B1) for a temporary period of 12 months until November 2014.

### 4.2.1 Site at Colonies Public House

Temporary permission granted for use of two areas of the public highway in Pineapple Court for five picnic benches, four tables and 16 chairs in connection with the public house. Permission expires on 31 August 2014. An application has been submitted to renew this permission and a decision is pending.

## 5. THE PROPOSAL

Permission is sought for the redevelopment of the site and a change of use from educational (Class D1) to residential (Class C3) use. The scheme comprises a main building of six storeys containing 28 residential units and three stand-alone townhouses fronting Wilfred Street. A total of 31 residential units are proposed.

Across the site the following mix of residential units is proposed:

	Studio	1 Bed	2 Bed	3 Bed	Total
No. of units	1	6	15	9	31
Percentage of units (%)	3.2	19.3	48.5	20	100

A total of 19 car parking spaces are to be provided within a new basement (an extension of the existing basement beneath the site) which will be accessed via a single car lift from Wilfred Street. The scheme will also provide 64 cycle parking spaces as well as refuse and recycling facilities and communal landscaping.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

#### 6.1.1 Loss of social and community floorspace.

The key land use policy to assess this proposal against is S34 [Social and Community Infrastructure] of Westminster's City Plan: Strategic Policies. This policy states that:

'All social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local provider. In all such cases the Council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace. In those cases where the Council accepts a loss or reduction of social and community floorspace the priority replacement use will be residential.'

Westminster Kingsway College (WKC) is a college of further and higher education and provides education and training programmes in hospitality, humanities, IT, visual arts and performing arts. The St James's Park Centre was until relatively recently one of three sites



from which WKC operated within Westminster. The other two are the Soho Centre on Peter Street and the Victoria Centre located at Vincent Square. WKC has other education sites in Camden and Wandsworth.

WKC advise that the accommodation at the St James's Park Centre prior to closure was nearing obsolescence, with the majority of the building in poor condition with key deficiencies relating to mechanical plant, poor internal layout and no lift provision.

From 2005 and up to its closure in 2011, the St James's Park Centre operated only as an administration support centre for WKC and not as a teaching centre. Over time the administration function declined with only 40% occupied by WKC administration functions prior to its closure, with the remaining space let out to other users on a temporary basis. WKC advise that they could not justify the retention of an under-utilised asset and a decision was taken to dispose of the freehold interest to provide funds for re-investment in other parts of the College's Westminster estate. This formed part of the College's Property Strategy dated 2006 and Feasibility Study dated 2007. The College advise that at the time, extensive discussions took place with officers in each of the respective Boroughs to explore the options for the College's estate.

In respect of each of the centres within Westminster, the Property Strategy (2006) recommended the following:

- Disposal of Castle Lane on a commercially viable basis in order to reinvest in education provision enhancements at the Vincent Square and Peter Street sites.
- Retention and enhancement of Peter Street.
- Retention and enhancement of Vincent Square.

WKC has subsequently confirmed in writing that the receipt from the St James's Park Centre will be fully reinvested in the Westminster Estate (their letter is provided as background paper) and that the first phase of renovations to the Victoria Centre were scheduled for completion in September 2013 at a capital cost of over £8m. The works include remedial repairs to the external fabric and to the building's mechanical plant.

It is therefore considered that the applicant has successfully demonstrated that the disposal of the St James's Park Centre is part of a published strategy and that the overall level of social and community provision is improved through the improvement of the education facilities at Vincent Square. However, Policy S34 requires the Council to be satisfied that there is no demand for an alternative social and community use for that floorspace.

The College advises that firstly WKC confirmed through the Strategic Director for Children and Young People at WCC that the Council does not have an educational requirement for the site. Secondly, WKC appointed Jones Lang LaSalle to formally market the site in order to specifically test the demand for the property for D1 use. A marketing campaign took place between 15 August and 25 September 2011 with two adverts in Property Week, a mail shot to approximately 250 D1 occupiers, a six week active marketing period and passive internet marketing for seven months. WKC advise that in total five bids were received but only one had clear D1 intentions. However, further investigation of this bid by Jones Lang LaSalle revealed that it was not credible.

The Council employed Lambert Smith Hampton to carry out an independent assessment of the conclusions of the marketing campaign carried out by Jones Lang LaSalle. Lambert Smith Hampton concluded in April 2012 that there is limited interest in this property for D1 use, particularly in its current state of repair, and that the marketing campaign undertaken by Jones Lang LaSalle was sufficient in demonstrating the lack of current demand from D1 users (provided as background paper 43).

There is a gap of over two years from when the College building was formally marketed and the submission of the current planning application. This can partly be explained by lengthy pre-application discussions with the applicant. It is not considered that the amount of time that has elapsed undermines the conclusions of the marketing campaign or the conclusions of the Council's independent consultants.

The loss of the social and community floorspace is therefore considered acceptable in this instance and the proposed alternative use of the site for residential purposes is fully compliant with Policy S34 of Westminster's City Plan: Strategic Policies.

### 6.1.2 Residential use

The principle of residential use in this location is considered acceptable and in line with the aims of Westminster's City Plan: Strategic Policies and Unitary Development Plan (UDP).

The proposed residential units have been designed to meet Lifetime Homes Standards and 10% of units have been designed to be easily adaptable to wheelchair accessible standards. These comprise four flats located on the ground floor of the building and include a three bed family sized unit.

The units have been designed to meet the Mayor's dwelling space standards set out in London Plan Policy 3.5 with only some secondary bedrooms not fulfilling size requirements. Twenty out of the proposed 31 units have access to private external amenity space in the form of a balcony or terrace.

Policy H5 of the UDP seeks a range of housing sizes including 33% of housing units to be family sized. In this case there is a shortfall in family housing as nine family sized units (29%) are proposed. Three of the family sized units are townhouses which provide good quality family accommodation. The proportion of family sized housing is considered acceptable in this part of the City.

There is no policy requirement for the scheme to provide new play space for children as there will be fewer than 25 family sized units and the site is not located in a Priority Area for Additional Playspace. The objection that the existing school playgrounds should be replaced is not considered sustainable.

### 6.1.3 Affordable Housing

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of Westminster's City Plan: Strategic Policies. The City Plan requires in principle that affordable housing should comprise a proportion of the overall floorspace and is not linked to unit numbers. Prior to the adoption of the City Management Plan, the Council has published an Interim Guidance Note, originally for the purposes of the Public Inquiry into the Core Strategy.

The proposed residential floorspace is 4254m<sup>2</sup> GEA. Using the calculations set out in the Interim Guidance Note, this requires 25% of the total residential floorspace to be provided as affordable housing. This equates to 1063.5m<sup>2</sup> or 13.29 units. The full payment in lieu (PIL) for this scheme is £4,437,852.

Policy S16 of Westminster's City Plan: Strategic Policies requires the provision of affordable housing on-site. It adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity...". If these options are not feasible,



then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Note.

The applicant accepts that it would be practical to provide affordable housing on site. However, the submitted Financial Viability Assessment (FVA) concludes that it would not be viable to provide affordable housing on site. This conclusion has been verified by the Council's independent consultant.

The applicant advises that they do not have any suitable sites within their landholdings in the vicinity for off-site affordable housing to proceed. The applicant has also considered alternative off-site affordable housing provision through a donor search site and has found no suitable sites in the vicinity.

The applicant is therefore looking to satisfy Policy S16 through a payment in lieu. Based upon the market value and costs of the current scheme as a whole, the applicant's FVA demonstrates that the maximum payment in lieu of affordable housing the scheme can support is £2.0m.

The payment in lieu contribution has been calculated on the basis that the proposed 19 car parking spaces can be allocated to individual flats and therefore can be sold with the units. The applicant advises that the appraisal includes a value for each of the car parking spaces. In the event that full allocation is not accepted i.e. some of the car parking spaces cannot be allocated and as a result cannot be sold, this scheme worsens the financial viability of the scheme.

The City Council's independent consultant GVA has reviewed the findings of the applicant's financial viability report and concludes that the scheme can support a payment in lieu (PIL) of £2.5m. The applicant accepts GVA's findings and has agreed a PIL of £2.5m. This can be secured through a legal agreement.

GVA has also assessed the viability of the scheme with unallocated parking. GVA's conclusions are that unallocated parking will reduce the overall viability of the scheme. If half of the parking is unallocated then the maximum reasonable amount of affordable housing that the scheme can support in the form of a PIL is reduced to £2.0m. If the entire scheme has unallocated parking then the PIL is further reduced to £1,625,000.

## 6.2 Townscape and Design

### Demolition of the existing buildings

The application site lies within the Birdcage Walk Conservation Area. It is occupied by the school building built in 1931 and the late 19<sup>th</sup> century caretaker's house which is a surviving remnant from an earlier school on the site. The main school building has functional brick facades with large metal framed windows to the main school building and some decorative tilework to the lower floor. The caretaker's house has a more traditional character and scale, but is set back within the site and makes little contribution to the conservation area as a whole. The buildings are considered to be of low architectural value and make little contribution to the conservation area character. The site is identified in the Audit as having a neutral impact on the character of the conservation area and it is considered that this attribute is correct. The buildings sit quite comfortably within the conservation area but they do not make any positive contribution. As such, there is no policy objection to their removal subject to a satisfactory replacement building.

### Height, bulk and scale of the replacement building

The site has a different context to the south and north facades. Larger and higher developments are more characteristic of the conservation area to the south, while the area to the north generally has a lower and smaller grain of development. The existing building is also a floor higher to the south, Castle Lane facade and then steps down to, and is set back from,



Wilfred Street. The Conservation Area Audit indicates that this lower part of the building may be suitable for a roof extension, which would bring it up to the height of the rest of the building.

The height and bulk of the proposed building largely reflects the existing on the Castle Lane façade being some 0.75m higher. To Wilfred Street, the building is approximately one floor higher than existing (3.4m) due to maintaining a consistent roof height across the site and removing the step down of the existing building. A plant room is located in the centre of the new roof and is 2.75m high, though there are limited views of this from street level due to its setback from the roof edge. To the Wilfred Street frontage, three townhouses are proposed. These are three storeys high and reflect the general scale and height of other buildings in Wilfred Street and the conservation area immediately to the north.

The building line to Castle Street has been moved forward between 1m and 4m and realigned to be parallel with Beacon House to the west and in line with the block of flats to the east. The building is also realigned to Wilfred Street and steps forward between 2m and 4m beyond the line of the existing main school building, but still set back some 8-10m from the edge of the pavement. The townhouses are located just behind the back edge of the pavement reflecting the context of other buildings in the area. The stepping forward of the building to both street facades has increased the bulk of the building and there is a consequent increase in visual impact on adjacent streets.

The applicant has submitted a number of montage views which show the new buildings in the context of their surroundings. Views from Castle Lane show some greater visual impact due to the stepping forward of the building line, but the minor increase in height is not apparent in street views. From the west, the roof top plant is just visible but is still lower than the existing building from this viewpoint. From Wilfred Street, the increased height on this part of the site is apparent. From the east, the building is seen in the context of other high buildings and the increase in height and bulk is barely noticeable in the streetscene. From the east, the greater bulk and height is more apparent but still does not seem inappropriate given the context of higher buildings in the background. From Catherine Place, the additional height and bulk of the new building is clearly apparent and is seen against a background of clear sky. From this viewpoint, the building does have some negative visual impact on the conservation area, but this impact has to be assessed against the other benefits that the scheme brings overall.

#### Detailed design

The buildings are proposed to be clad in brick, which is a material that is prevalent in the surrounding conservation area. The applicant proposes to use a number of different brick bonds and variations in mortar thickness to create a "pattern of ornament" on the brick facades. However, there is no indication on the submitted drawing as to what this pattern would be. The Design and Access Statement indicates the approach but there is no proposal applied to the elevation drawings. While brick is welcomed as an appropriate cladding material, it is not considered that it is necessary for the brick facades to be so complex and officers are unsure, given the extent of the submitted material, as to the precise nature of the proposal. Therefore, it is proposed to apply a condition to any permission requiring further details of this element of the design.

Further decoration is provided to the facades with the use of anodized aluminium bands at each floor level. This material is taken through into the window frames. Dramatic, projecting bow windows are proposed for the main building, which help give the building a distinct identity and reflect the use of bow and bay windows elsewhere in the conservation area. Other windows to the main building and townhouses reflect the traditional proportions of windows elsewhere in the conservation area. Boundaries to the site will be metal railings, again reflecting the character and detail elsewhere in the conservation area.

Several objectors have referred to the bulk and height of the proposed buildings and to the detailed design which they feel are harmful to the character or appearance of the conservation area. However, given the relatively small increase in height and bulk, officers are of the view

that there is little impact on conservation area views. The only view where it is considered there is a negative impact is that from Catherine Place and it is considered that the slight harm this causes to the conservation area is outweighed by the other benefits of redeveloping this vacant and unattractive building and increasing residential provision in the City.

### 6.3 Amenity

UDP Policy ENV13 seeks to protect existing premises, particularly residential, from a material loss of daylight and sunlight as a result of new development.

Objections have been received regarding the impact of the scheme on daylight and sunlight, to an increased sense of enclosure (loss of outlook) and to overlooking.

The overall height of the building is broadly similar to the existing building. However, the replacement building introduces additional bulk to the site onto Castle Lane by bringing the building line forward and by infilling the gap adjacent to 36 Buckingham Gate. There is also additional bulk onto Wilfred Street at high level and from the proposed townhouses.

The applicant has undertaken a daylight and sunlight assessment to neighbouring residential properties in accordance with BRE guidelines. The windows included in the assessment are Flats 12, 12a, 15b, 16, 17a, 18, 19a, 20, 20a, 22, 23 and 24 within 36 Buckingham Gate, Nos. 2, 4 and 25 Wilfred Street, 48 Catherine Place and the north and south blocks of Castle Lane Buildings.

#### 6.3.1 Daylight

For daylight matters, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The 'No Sky Line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6m<sup>2</sup>) is of more concern than loss of light to non habitable rooms such as stairwells, bathrooms, small kitchens and circulation areas.

#### **Nos. 2, 4 and 25 Wilfred Street and 48 Catherine Place**

All of the windows tested meet the BRE guidelines for VSC and No Sky Line. Therefore, there will be no material loss of light to these properties.

#### **North and South Block, Castle Lane**

There is a No Sky Line reduction of 0.76 to a living room in the South Block at second floor level. This is a small reduction and given that the building is currently unoccupied will not be noticed by future occupiers.

#### **36 Buckingham Gate**

A total of 31 windows were tested. All of the windows tested meet the BRE guidelines for VSC. When considering the VSC test results further, all but one window experiences a reduction of less than 13% which are well within the BRE guidelines. Not all windows will experience a reduction as 15 windows will experience a slight improvement. However, there

are losses of daylight in excess of 20% in the daylight distribution test (No Sky Line) to four windows. These are set out in the table below:

36 Buckingham Gate			
	Existing No Sky %	% loss of existing	Ratio reduction
Lower ground floor (Flat 12)	22.59	15.91	0.70
Ground floor (Flat 16)	36.69	26.05	0.71
Third floor (Flat 22)	98.39	69.81	0.71
Third floor (Flat 22)	96.95	73.69	0.76

Although there is a loss of daylight distribution beyond that recommended in the BRE guidance, the report shows that the loss of daylight to the affected rooms will be to the corners of the room. The VSC tests show that there is a corresponding reduction of 12% to the lower ground floor window and 3% to the third floor window. The affected ground floor window to Flat 16 serves a hallway and is not considered a habitable room for the purposes of the BRE assessment. Given this and the central London context, the daylight reduction set out above is considered acceptable.

### 6.3.2 Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the occupants of the existing building are likely to notice the loss of sunlight.

#### No. 2 Wilfred Street

No. 2 Wilfred Street will see losses of sunlight in excess of those recommended by the BRE guidance at ground and lower ground floor levels. (All losses over 20% are shown in bold text).

Annual Probable Sunlight Hours Results Table						
	Existing		Proposed		Ratio Reduction	
	Total	Winter	Total	Winter	Total	Winter
Ground	29.00	14.00	<b>15.00</b>	5.00	<b>0.52</b>	0.36
Ground	15.00	9.00	<b>8.00</b>	<b>2.00</b>	<b>0.53</b>	<b>0.22</b>
L.Ground	11.00	0.00	<b>7.00</b>	0.00	<b>0.64</b>	1.00

The breaches to the BRE to these three windows can be explained by the fact that these windows are recessed from the front elevation. As the windows on the external wall experience an APSH above 25% in the proposed condition, the overhang stops these windows receiving good levels of sunlight.

#### Nos. 4 and 25 Wilfred Street and 48 Catherine Place

The APSH tests indicate Nos. 4 and 25 Wilfred Street meet the BRE guidelines.

There will be a 100% reduction in winter sunlight to a ground floor window to 48 Catherine Place. However, the reduction is very small in numerical terms reducing the winter sunlight hours from 1% to 0%.

#### North and South Block, Castle Lane

The APSH sunlight tests show that all of the windows assessed meet the BRE guidelines.

### 36 Buckingham Gate

A number of flats within 36 Buckingham Gate will see losses of sunlight in excess of those recommended by the BRE guidance at lower ground, ground, first, second and fourth floor levels. (All losses over 20% are shown in bold text).

	Property	Existing		Proposed		Ratio Reduction	
		Total	Winter	Total	Winter	Total	Winter
Ground	Flat 16	6.00	1.00	4.00	0.00	<b>0.67</b>	<b>0.00</b>
Ground	Flat 16	7.00	0.00	3.00	0.00	<b>0.43</b>	1.00
Ground	Flat 15b	2.00	0.00	1.00	0.00	<b>0.50</b>	1.00
First	Flat 18	10.00	1.00	10.00	0.00	1.00	<b>0.00</b>
First	Flat 18	2.00	0.00	1.00	0.00	<b>0.50</b>	1.00
Second	Flat 20	24.00	2.00	24.00	1.00	1.00	<b>0.50</b>
Fourth	Flat 24	42.00	3.00	38.00	2.00	0.90	<b>0.67</b>
L. Ground	Flat 12	3.00	1.00	2.00	0.00	<b>0.67</b>	<b>0.00</b>

The losses to sunlight include a 100% reduction in winter sunlight to three flats. However, the reduction is small in numerical terms reducing the winter sunlight hours from 1% to 0%. The reductions in the total APSH are similarly small in numerical terms but breach the BRE guidelines because the ratio reduction is in excess of 20%.

### Overshadowing

The applicant has also provided shadow plots to illustrate the impact of the development on the outdoor space to 36 Buckingham Gate.

The BRE guidance recommends that for outside space to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on the 21 March.

The results of the shadow plots demonstrate that there will be no reduction to the rear of external space that can receive two hours of sunlight on 21 March. Shadow plots have also been carried out on the 21 June and these demonstrate that whilst there will be some reduction in area that can receive 15 minutes of sunlight, the area that can receive 1 hour of sunlight will increase (as a result of the building being further set back and the parapet height being lower than existing).

### Conclusions on daylight and sunlight

The daylight and sunlight report submitted with the application shows that whilst there will be a material impact to some properties, the overall level of harm will be slight. In some cases there will be a slight improvement to levels of daylight. It is considered that within this urban built-up location, the levels of daylight and sunlight retained are acceptable and the impact is not considered sufficient to justify a refusal. The proposal is considered acceptable in terms of Policies S29 of Westminster's City Plan: Strategic Policies and ENV 13 of the UDP.

### 6.3.3 Sense of Enclosure (loss of outlook)

Several objections have been received from residents within 36 Buckingham Gate about an increased sense of enclosure arising from the development. No. 36 Buckingham Gate has multiple windows that overlook either the east elevation of the new building or the rear elevation of the Wilfred Street townhouses. The townhouses will also impact on Nos. 2 to 4

Wilfred Street. The applicant has provided an additional verified view to illustrate the proximity of the development to the flank elevation of 36 Buckingham Gate at an objector's request.

Compared with existing, the new building is set back by approximately 60cm on the east boundary that adjoins 36 Buckingham Gate. There is additional bulk on the east elevation at roof level, however, it will be well set back. It is considered that the 60cm set back will be beneficial to residents within 36 Buckingham Gate that overlook the east elevation.

There are windows in 36 Buckingham Gate that overlook the rear elevation of the Wilfred Street townhouses. The most affected window is within 7.57m of the rear elevation of the new townhouses and is located at first floor level. Although the townhouses will result in an increased sense of enclosure to this window, the affected window serves a hallway which is a non-habitable room. The occupier of this flat has objected to the loss of outlook and advises that the hallway is large, is used to store books and is occasionally used for dining purposes. Despite this, the primary function of the hallway is to provide circulation space and as such it cannot be protected by our amenity policies. There are also windows at ground and lower ground floor levels, however, they are not affected as they currently overlook an existing high boundary wall that separates 36 Buckingham Gate from the application site.

There are other windows in 36 Buckingham Gate at the lower levels of the building that look onto the townhouses on Wilfred Street and which serve habitable rooms (bedroom and kitchens). However, these windows are set back from the rear elevation of the townhouses by approximately 13m and whilst their view will be changed, it is not considered that there will be material harm to their outlook.

Nos. 2-4 Wilfred Street will overlook the front elevation of the new townhouses on Wilfred Street. The separation distance will be approximately 9m which is considered acceptable for this central London location. Again, it is not considered that there will be material harm to their outlook.

#### **Overlooking (loss of privacy)**

Objections have been received from residents within 36 Buckingham Gate about loss of privacy from the windows in the east elevation of the proposed building.

It is acknowledged that the scheme introduces more windows to the east elevation of the site compared with the existing College building and that the occupants of flats within 36 Buckingham Gate will be more overlooked. It is also accepted that a residential building is used differently to a school building in that residential units are generally used more intensively in the evenings and at weekends whereas an education use is more active during the day time.

The Council does not have a minimum separation distance for windows. In this instance the separation distance between windows in 36 Buckingham Gate and those proposed in the new building range from 9.11m to 10.03m at first floor level. The separation distances remain the same at second, third and fourth floor levels but increase at fifth floor as the top storey is set back. The applicant has sought to minimise overlooking by restricting the opening of windows on levels 1-4 (12 affected windows) to 45 degrees and to frost the balustrades (i.e. the lower pane) of the windows. The windows would be inward opening and side hinged.

It is considered that with these measures in place and with separation distances of 9-10m the relationship between the proposed new building and 36 Buckingham Gate is considered acceptable in this central London context. It is recommended that the measures put forward by the applicant to reduce overlooking are secured by condition.

The windows in the rear elevation of the townhouses that back onto 36 Buckingham Gate at first floor level are shown to be obscure glazed. It is recommended that this is secured by condition.

#### 6.4 Transportation

There are objections to the amount of off street parking within the scheme from local residents. The scheme provides 19 car parking spaces (including four spaces for disabled users) for the 31 residential units. This equates to a 61% parking provision.

UDP Policy TRANS23 relates to off-street parking for residential development and states that the Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking spaces. The evidence of the Council's most recent daytime parking survey in 2011 indicates that the parking occupancy within a 200 metre radius of the development site within the day time and night time is 77% and 66% respectively. Although with the addition of Single Yellow Line availability at night, the stress level reduces to 33%.

The Highways Planning Manager has raised concerns about the level of parking and considers that the car parking should be provided unallocated to best accommodate the needs of the development and decrease the impact on on-street parking levels.

It is acknowledged that unallocated parking would allow the car parking spaces to be used more efficiently and that the most appropriate way to achieve this is through a condition. However, given the level of parking occupancy identified by the Council's most recent parking surveys, it is not considered that a condition restricting the allocation of spaces is necessary in this particular case.

It is recommended that parking mitigation measures are sought through a S106 agreement including car club membership for all flats and a parking mitigation payment of £12,000 to be used for future on street parking surveys, in line with our planning obligations SPG.

The 19 car parking spaces are provided in the basement of the building with access via a single car lift from Wilfred Street. The lift is set back from the highway but there is no off street designated waiting area for vehicles if the lift is in operation. The Highways Planning Manager considers that a waiting area should be provided to avoid cars waiting on the highway. The applicant suggests that as the maximum number of trips likely to be generated in a peak hour would be four (one arrival and three departures in the hour from 08:00, and two arrivals and two departures in the hour from 18:00) such a facility is not necessary. Instead the applicant is proposing to provide double yellow lines along the front of the site on Wilfred Street (extending 8m west of the proposed car lift access) to allow for a vehicle to wait for a short period on the highway but not to park. Given the small number of parking spaces provided in the basement, this arrangement is considered acceptable. The works to the highway can be secured through a legal agreement.

The scheme provides 64 cycle spaces within the basement parking area in the form of stackers accessed via a gullied stair via Wilfred Street. Whilst a separate cycle ramp would be ideal it is recognised that this would be difficult to provide. A cyclist can use the car lift as an alternative access to the basement. The cycle parking proposed within the basement is considered accessible and secure and complies with UDP Policy TRANS 10.

It is recommended that a condition is attached to secure details of a maintenance management plan for the car lift (to avoid break downs) and a minimum of one electric car charging point per two parking spaces.

#### **6.4.1 Servicing, Refuse and Recycling**

The Cleansing Manager has no objections for the storage and collection of waste and recyclable material. Delivery and servicing vehicles will access the site via Wilfred Street. Refuse and recycling storage areas for the flats are provided in the basement of the development and the townhouses have their own refuse storage. There is a temporary waste holding area next to the lift access. Waste is collected from Wilfred Street (collection point) daily Monday to Friday and recyclable material is collected once a week, currently on Wednesday. It is recommended that refuse and recycling storage areas are secured by condition.

#### **6.5 Economic Considerations**

The scheme is in accordance with the UDP and the economic benefits generated by the proposed 31 residential units are welcomed.

#### **6.6 Access**

Level access will be provided to the residential entrance doors. Part M compliant lifts and Lifetime Homes compliant communal stairs will allow access from basement to eight floor levels, allowing access to every flat within the development site and basement areas.

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

##### **6.7.1 Construction Impact**

The application is accompanied by an Environmental Performance Statement. This sets out that the demolition and construction works are anticipated to commence in the first quarter of 2015 and be completed in the first quarter of 2017. Objections have been received to the construction impacts of the proposed scheme.

In order to mitigate the construction impact the applicant has agreed to sign up to the Council's Code of Construction Practice and to contribute towards the monitoring of the code by the Environmental Inspectorate and the monitoring of noise, dust and air pollution by Environmental Sciences. This could also be secured through a S106 legal agreement.

In addition, the City Council's standard hours of works condition would be recommended to ensure all works audible at the site boundary are only carried out within the following hours: 08.00 and 18.00 Monday to Friday; 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays.

##### **6.7.2 External Noise Intrusion**

Policy ENV 6 states that 'Residential developments that will be exposed to high levels of existing noise will require design, features and sound insulation to enable residents to be protected from such external noise.' The policy then sets specific WHO guideline levels that should be met in all residential developments.

The site is located adjacent to the Colonies Public House which backs onto Pineapple Court. Part of Pineapple Court is used for external tables and chairs which can get crowded on warm evenings. The current application for external tables and chairs is due to expire in August 2014, however, an application to extend this for a further period is currently pending.

The applicant has submitted an external noise intrusion assessment with the application to assess the implications of noise from the public house together with road traffic noise. The assessment concludes that with specific measures in place and with the windows closed all residential units, including those facing Pineapple Court, will meet the Council's internal noise



requirements. However, if the windows are partially open then the rooms will exceed the Council's standard noise criteria for living rooms and bedrooms on all sides of the building. However, as comfort cooling is proposed to all flats within the development future residents will be able to keep the windows closed when noise intrusion is high. The measures that are incorporated into the development to reduce external noise intrusion from Pineapple Court specifically include sealed double glazed window units with staggered openings set into a robust façade construction and the provision of an acoustic screen along the part of the site.

Environmental Health has objected to the development on the basis that the Council's internal noise standards will not be met with the windows open. However, this is the case for many residential developments in Westminster and as long as the occupiers can receive adequate ventilation with the windows closed then this is considered acceptable.

It is considered that with these measures in place the scheme will provide a satisfactory environment for future residents. An Informative is recommended advising that any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation e.g. windows kept closed.

### 6.7.3 Noise pollution

An objection has been received on the grounds of noise disturbance to 36 Buckingham Gate from use of balconies, mechanical plant and the car lift.

There are no balconies in the east elevation that faces onto 36 Buckingham Gate. The other balconies are relatively small and are unlikely to generate levels of noise that would be harmful to residential amenity.

Mechanical plant is proposed within the basement of the building and at roof level. A plant noise assessment report has been submitted with the application that demonstrates that the plant will comply with the Council's standard noise conditions.

The lift and access door manufacturer have yet to be formally selected and hence no noise data are available at this stage. However, current proposals include a hydraulic lift system operated by a separate motor housed in a dedicated plant room. It is recommended that a condition secures a supplementary noise report to demonstrate that these items of plant equipment will comply with the Council's standard noise conditions.

### 6.8 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

### 6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant

with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

### 6.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Policy S33 of Westminster's City Plan: Strategic Policies relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

The City Council's Planning Obligations Supplementary Planning Guidance sets out in detail the scope and nature of obligations to which certain types of development will typically be subject.

It is recommended that the following principal items should be secured through the S106 legal agreement:

- i) A financial contribution towards affordable housing of £2.5m index linked and payable on commencement of development;
- ii) A parking mitigation payment of £12,000 index linked and payable on commencement of development;
- iii) Lifetime car club membership (25 years) for each residential unit;
- iv) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £16,000 annually for costs of monitoring by Environmental Inspectorate and up to £8,040 annually for costs of monitoring by Environmental Sciences (index linked);
- v) Highway works to Wilfred Street; and
- vi) S106 Monitoring contribution.

### 6.11 Environmental Assessment including Sustainability and Biodiversity Issues

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

Policy S40 of Westminster's City Plan: Strategic Policies considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not

appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The application is accompanied by a Sustainability Statement, an Energy Statement and a Code for Sustainable Homes Credit Review.

#### **Be Lean and Be Clean**

The development delivers an overall improvement of 42.31% over 2010 Building Regulations, surpassing the target of 40% as set out in the London Plan.

The proposed new build u-values are acceptable as they go beyond minimum Building Regulations requirements.

The proposed use of a centralised heating system utilizing CHP and gas boilers is supported. The nearest district heating scheme is within the nearby Kingsgate House development (known as the Zig Zag building) on Victoria Street. It is disappointing that the current scheme does not propose linkages to this system. However, the applicant advises that the limited spare heat capacity at the Zig Zag building will be utilised through exporting heat to the neighbouring Westminster City School and there is no additional capacity to extend this facility to any other building.

#### **Be Green**

The main building is to be provided with 50m<sup>2</sup> of active photovoltaic (PV) surface area, however, there are no renewable features on the townhouses. The applicant considers that this represents the maximum amount of PV array that can be accommodated on the site. Overall the scheme provides a site wide renewable energy contribution of 9.4%. This falls short of the policy requirement of the 20% target, however, because the scheme exceeds the London Plan carbon reduction target under 'Be Lean and Be Clean' this is considered acceptable.

#### **Code for Sustainable Homes**

The pre-assessment report for Code for Sustainable Homes indicates that the residential units will achieve level 4 with a score of 72.18% which is considered acceptable. It is recommended that a Code Level 4 is secured by condition.

#### **Overheating**

The thermal modelling results show that the living spaces pass the comfort requirements with the use of light coloured curtains or blinds. The applicant advises that curtains are to be an integral part of the window detail with the outer rail providing light coloured curtains. It is recommended that details of the building systems management are secured by condition.

#### **Biodiversity**

The proposed development will involve the construction of 291m<sup>2</sup> of biodiversity roof and 122m<sup>2</sup> of communal gardens. Within these areas it is proposed to create new habitats with the provision of areas of trellis, planting and bamboo screening. This is an increase over the existing levels of green space and number of plant species currently on the site. Bat boxes will be provided on site to provide roosting opportunities and the erection of bird boxes on the newly created buildings will also increase nesting opportunities for birds. It is recommended that full details of the landscaping are reserved by condition. The concerns of Victoria BID regarding the absence of native species is noted.

More information is needed on the biodiversity roof proposals (depth of substrate, seed mix etc). It is recommended that the green roof specification is secured by condition to ensure biodiversity and water attenuation benefits are secured rather than a low value sedum blanket roof. Also the proposed bird and bat boxes should be designed into the building's façade

rather than simply added on to the building. It is recommended that these measures are secured by condition.

### 6.13 Other issues

A comment has been received regarding the upgrading of the footway along part of Wilfred Street. The applicant will be required to repair the footway immediately outside the site boundary under highway legislation. However, as the scheme does not trigger a public realm contribution it is considered unreasonable to require the applicant to go beyond this requirement.

The comments regarding the party wall matters are noted, however, these matters are covered under separate legislation and it would be unreasonable to delay the application for this reason.

The comments regarding the provision of a widened pavement on Castle Lane are noted, however, it is not considered reasonable to require the developer to provide this either in highways or urban design terms.

The applicant has submitted a Statement of Community Involvement with the application. The consultation has included meetings with local councillors and amenity groups, meetings with neighbours, a public exhibition held over two days, and a questionnaire for local people to make comments on the proposal.

The comments by Environmental Health regarding means of escape for fire and the wc location are noted. These matters are covered by an Informative.

### 6.14 Conclusion

The proposal is considered acceptable in design terms and will provide additional housing for the City. The applicant has agreed a £2.5m contribution towards affordable housing as recommended by the City Council's independent viability consultant. The scheme does have an amenity impact on some flats within 36 Buckingham Gate and other neighbouring properties. However, it is considered that within this urban built-up location, the levels of daylight and sunlight retained are acceptable and the impact is not considered sufficient to justify a refusal. The proposal is considered to comply with relevant policies in Westminster's City Plan: Strategic Policies and the UDP.

## BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Heath dated 24 March 2014.
3. Memorandum from Highways Planning Manager dated 24 March 2014.
4. Memorandum from Cleansing Manager dated 24 April 2014.
5. Letter from Thames Water dated 16 April 2014.
6. Letter from English Heritage dated 14 April 2014.
7. Letter from Westminster Society dated 1 April 2014.
8. Letter from Victoria BID dated 23 April 2014.
9. Letters from AKA Planning dated 21 May and 8 May 2014.
10. Letters from Right of Light Consulting dated 19 June, 2 June and 16 May 2014.
11. Letter from owner/occupier of Flat 5, 36 Buckingham Gate dated 7 April 2014.
12. Letter from owner/occupier of Flat 12A, 36 Buckingham Gate (undated).
13. Letter and enclosures from owner/occupier of Flat 14, 36 Buckingham Gate dated 31 March 2014.
14. Letters from owner/occupier of Flat 15B, 36 Buckingham Gate dated 4 April and 3 April 2014.
15. Letter from owner/occupier of Flat 16, 36 Buckingham Gate dated 10 April 2014.

16. Letters from owner/occupier of Flat 17, 36 Buckingham Gate (undated).
17. Letters and enclosures from owner/occupier of Flat 17A, 36 Buckingham Gate dated 9 April 2014.
18. Letters and photos from owner/occupier of Flat 18, 36 Buckingham Gate (undated)
19. Letter from owner/occupier of Flat 19, 36 Buckingham Gate dated 4 April 2014.
20. Letter from owner/occupier of Flat 20, 36 Buckingham Gate dated 3 April 2014.
21. Letter from owner/occupier of Flat 22, 36 Buckingham Gate dated 31 March 2014.
22. Letter from owner/occupier of Flat 24, 36 Buckingham Gate dated 8 April 2014.
23. Letters from owner/occupier of 36 Buckingham Gate dated 5 April 2014.
24. Letter from the Caretaker at 36 Buckingham Gate dated 16 April 2014.
25. Letter from owner/occupier of 2 Wilfred Street dated 07 Apr 2014.
26. Letter from owner/occupier of 22 Wilfred Street dated 4 April 2014.
27. Letters from owner/occupier of 27 Wilfred Street dated 29 May 2013 and 3 March 2014.
28. Letter from owner/occupier of 36 Catherine Place dated 1 April 2014.
29. Letter from owner/occupier of 40 Catherine Place dated 07 April 2014.
30. Letter from owner/occupier of 59 Catherine Place dated 6 April 2014.
31. Letter from owner/occupier of 61 Catherine Place dated 7 April 2014.
32. Letter from owner/occupier of 6 Buckingham Place dated 04 Apr 2014
33. Letter from owner/occupier of 11 Glenfields Road, Haverfordwest dated 9 April 2014
34. Letter from owner/occupier of 11 Pennyford Court, St John's Wood dated 13 April 2014
35. Letter from owner/occupier of Flat 1002, 20 Palace Street dated 8 April 2014.
36. Letter from owner/occupier of Flat 604, 20 Palace Street dated 31 March 2014.
37. Letters from owner/occupier of Flat 502, 20 Palace Street dated 2 April 2014.
38. Letter from owner/occupier of 7 Stafford Mansions, Stafford Place dated 7 April 2014.
39. Letter from Iain Lough @ bt internet.com (undated).
40. Letter from owner/occupier of Flat 19, Murray House, Vandon Street dated 24 March 2014.
41. Letter from Point Surveyors dated 5 June 2014.
42. Letter from WKC dated 14 February 2013.
43. Assessment of Jones Lang LaSalle Marketing Campaign and Report.

IF YOU HAVE ANY QJERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE  
BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR  
BY E-MAIL – mmason@westminster.gov.uk

**DRAFT DECISION LETTER**

- Address:** Westminster College, Castle Lane, London, SW1E 6DR
- Proposal:** Demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total) including rooftop plant, cycle parking, waste store and plant, new access and servicing arrangements, hard and soft landscaping and other associated works.
- Plan Nos:** Existing drawings - 1300 A, 1350 A, 1351 A, 1350 A, 1355 A, 2450 Proposed drawings - 1400 A, 1401 C, 1402 A, 1403 A, 1404 B, 1405 A, 1406 B, 140B A, 2401 A, 2402 B, 2403 A, 2404 A, 3401 A, 3402 B, Residential Amenity Analysis - 1206 A, 3410 A, 1216 A, 1210 A, 1211 A, 1212 A, 1213 A, 214 A, 1215 A, 3411 A.  
Reports - Planning Statement, Daylight, Sunlight and Overshadowing Report and addendum dated 10/09/2014. Transport Statement, Energy Statement, Code for Sustainable Homes Credit Review, Sustainability Statement, Statement of Community Involvement and addendum (September 2014), Plant Noise Assessment, External Noise Intrusion Assessment, Heritage and Townscape Impact Assessment, Design and Access Statement and addendum (September 2014), Environmental Performance Statement, Financial Viability Report.  
Memo from ChapmanBDSP dated 29 May 2014, Heritage and Townscape Impact Assessment addendum dated 9 May 2014 incorporating view A1, Transport Statement Addendum dated 28 May 2014.

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**Recommended Condition(s) and Reason(s):**

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

**Reason:**

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

- 2 To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

**Reason:**

you must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- \* between 08.00 and 18.00 Monday to Friday; and

\* not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 4 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 5 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the lift and access door plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

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

Reason:

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

- 7 You must provide the waste and recycling store shown on the approved drawings before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.  
(C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of



Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 8 You must provide the secure basement cycle parking spaces shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of details of the following:

- Car Parking Management Plan.
- Car Lift Maintenance Management Plan

You must not occupy the residential units until we have approved what you have sent us. Thereafter the development shall be managed in accordance with the approved plans. (See Informative 2)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 10 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development.

Reason:

To provide parking spaces for people living in the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 11 Notwithstanding the details submitted, you must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the biodiversity roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain it in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in CS38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 12 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: a minimum of one electric charging point for each two car parking spaces. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

**Reason:**

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013.

- 13 You must apply to us for approval of details of the bird and bat boxes including their design and location. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain the bird and bat boxes in accordance with the approved details.(see informative 3)

**Reason:**

To protect and increase the biodiversity of the environment, as set out in CS38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 14 You must carry out the development in accordance with the details set out in the Sustainability Statement and Energy Statement.

**Reason:**

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 15 A Code for Sustainable Homes assessment must be completed and certified by the Building Research Establishment (or other authorised assessor) and a copy of the certificate detailing the award score for the building shall be submitted to us within 16 week of first occupation. In the event that this fails to meet the Pre-Assessment Score of 72.18 (or equivalent from another authorised assessor) a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating, such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

**Reason:**

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

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

a minimum of 50m<sup>2</sup> of photovoltaic panels at roof level

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 17 You must apply to us for approval of details of the building's systems management. You must not occupy the residential units until we have approved what you have sent us. You must then manage the building in accordance with the details approved. (see informative 5)

Reason:

To make sure that the development affects the environment as little as possible by reducing overheating and demand for mechanical ventilation in the summer months. This is as set out in CS39 or CS27, or both, of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013)

- 18 Notwithstanding the details submitted, you must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping according to these approved drawings within one planting season of completing the development (or within any other time limit we agree to in writing). (C30AB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 19 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To provide family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007.

- 20 Prior to occupation you must restrict the window openings to 45 degrees in the east elevation of the building and provide obscure glass in the balustrade to window openings in the east elevation of the building as shown on drawing 2402 B. You must then retain the window opening restriction and retain obscure glass in the balustrade at all times.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29

of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 21 The glass that you put in the south facing first floor windows in the rear elevation of the town houses on Wilfred Street (opposite 36 Buckingham Gate) must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 22 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 23 You must apply to us for approval of detailed drawings showing the brick pattern, bond and mortar pointing and elevational drawings at 1:100 scale showing where these patterns are proposed on the building.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 24 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and

DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To maintain the character of the Birdcage Walk Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 26 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) windows at a scale of 1:10
- ii) external doors at a scale of 1:10
- iii) boundary railings at a scale of 1:10
- iv) acoustic screen on Pine Apple Court

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 27 Notwithstanding what is shown on the approved plans, you must provide detailed drawings of a location for communal satellite dishes. 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 works according to these drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 28 Notwithstanding what is shown on the approved plans, you must provide detailed drawings of the extraction vent for the basement car park currently shown on the west elevation of the building. 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 drawings approved.

Reason:

To make sure that the appearance of the building is suitable that it contributes to the character

and appearance of this part of the Birdcage Walk Conservation Area and to protect the amenity of adjoining neighbours. This is as set out in S25, S28 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7, DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 29 You must not use the first floor roof of the town houses on Wilfred Street (facing 36 Buckingham Gate) for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 30 You must apply to us for approval of detailed drawings of the following parts of the development - the design of the first floor rear wall of the two townhouses facing 36 Buckingham Gate. 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 approved. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

#### Informative(s):

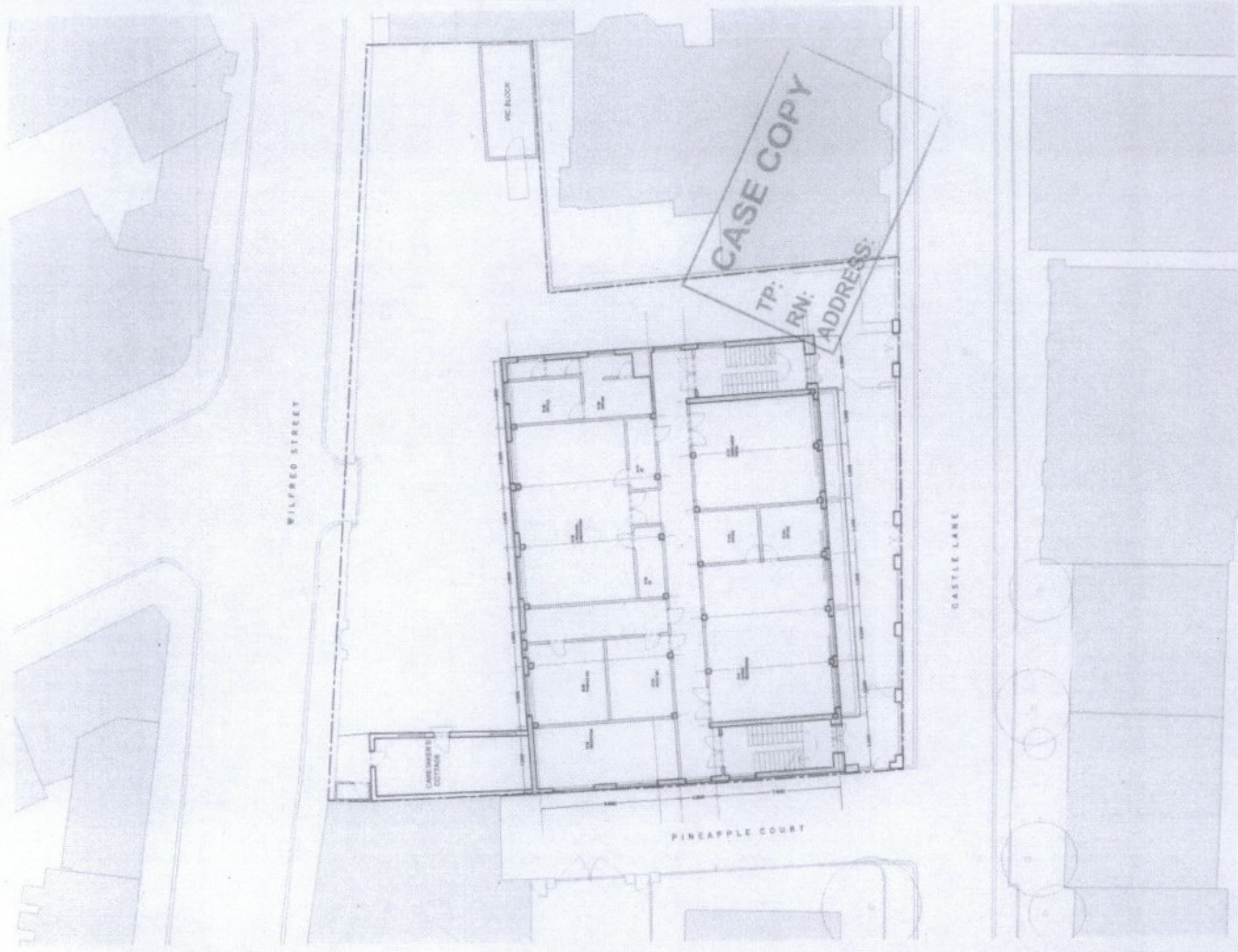
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that the car parking management plan required by condition 9 should contain the following details:
  - i) Provision of a vehicle signalling system to ensure that vehicles entering the development site

- have priority over those leaving;
  - ii) Provision of one electric car charging point per two car parking spaces within the car park;
  - iii) Marked disabled bays are for the use of white badge holders only;
  - iv) No more than 1 car parking space ("right to park") per residential unit;
  - v) The approved residential car parking spaces shall only be used by occupants of the residential development and for no other use or user and maintained for the life of the development;
  - vi) Car parking spaces, vehicle manoeuvring areas and vehicle access routes to be maintained for the life of the development and used for no other purpose than providing vehicle car parking and access to the spaces
- 3 You are advised that the bird and bat boxes should be an integral part of the design of the building facade. You are recommended to consult the RIBA's 'Designing for Biodiversity' for guidance.
- 4 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) A financial contribution towards affordable housing of £2.5m index linked and payable on commencement of development;
  - ii) A parking mitigation payment of £12,000 index linked and payable on commencement of development;
  - iii) Lifetime car club membership (25 years) for each residential unit;
  - iv) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £16,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (index linked)
  - v) Highway works to Wilfred Street as shown on drawing CL-DWG-023/B; and;
  - vi) S106 Monitoring contribution.
- 5 The details required in relation to the building's system management relate to the provision of integrated light coloured curtains as an integral part of the window detail as set out in the document from Chapman BDSP dated 29 May 2015. An extract from the relevant document to demonstrate this would be acceptable to discharge this condition.
- 6 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 7 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning

permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

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). (I38AB)





EXISTING GROUND FLOOR PLAN  
SCALE 1/200

**rare**

14.03.14 1:00 PM 1:00 @ A

6 CASTLE LANE

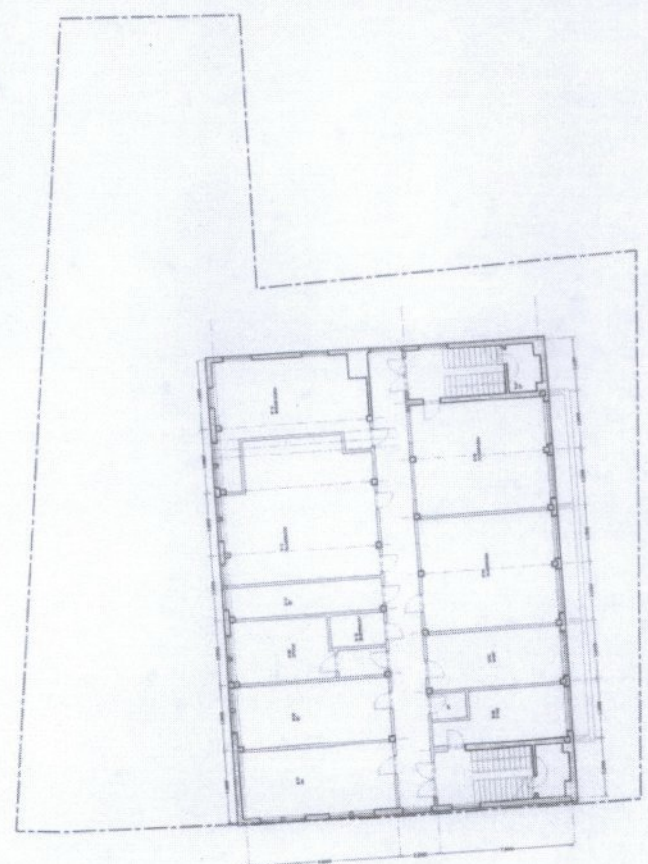
LAND SECURITIES

PK 1350 0 0 0

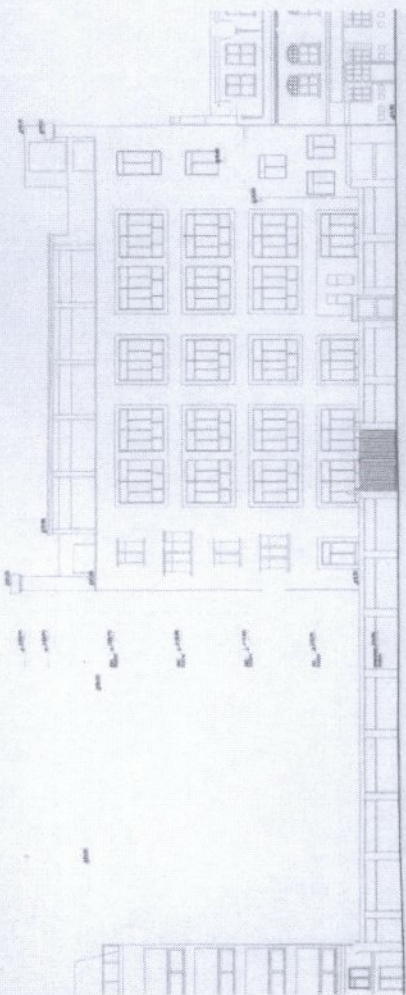
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EXISTING PLAN  
BASEMENT + GROUND FLOORS

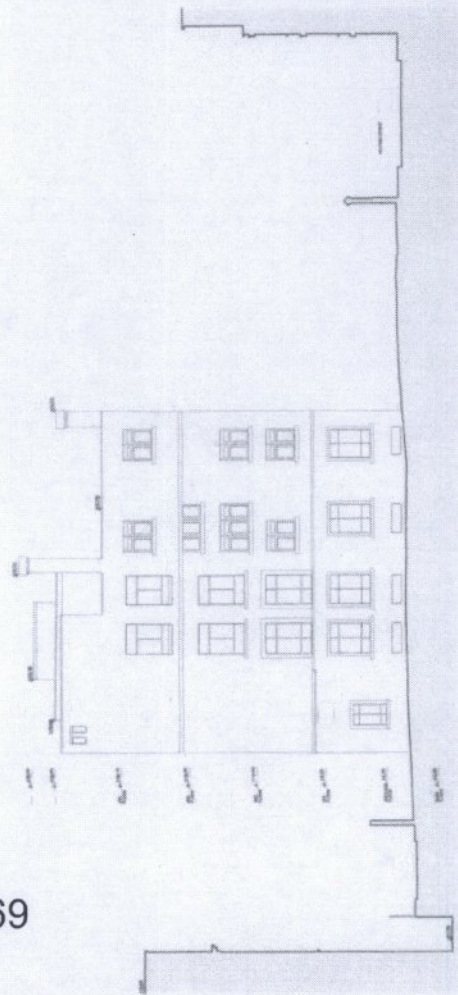
PLANNING APPLICATION



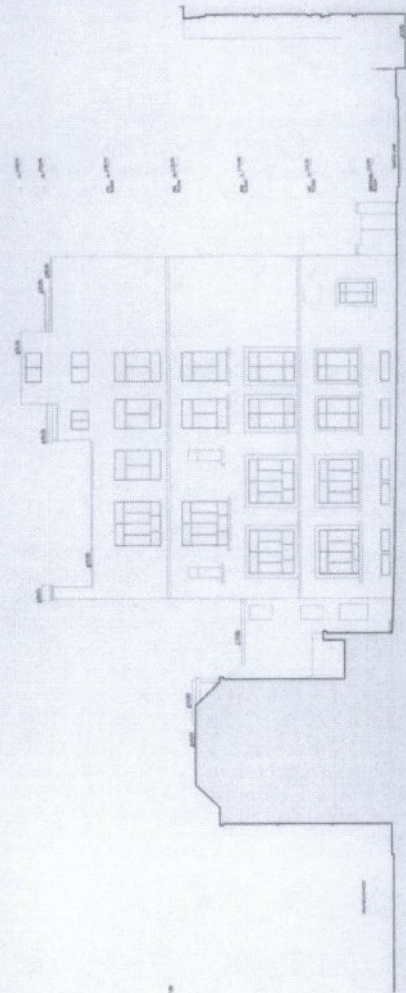
EXISTING BASEMENT PLAN  
SCALE 1/200



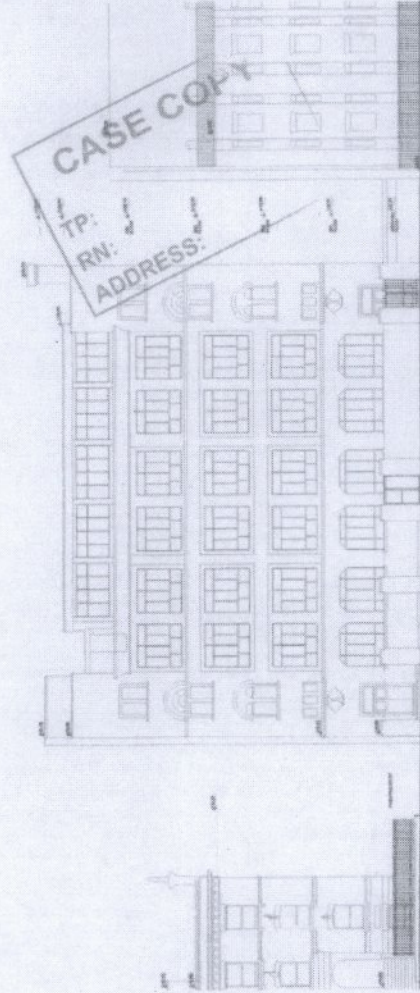
EXISTING NORTH ELEVATION - WILFRED STREET  
SCALE 1:200



EXISTING EAST ELEVATION  
SCALE 1:200

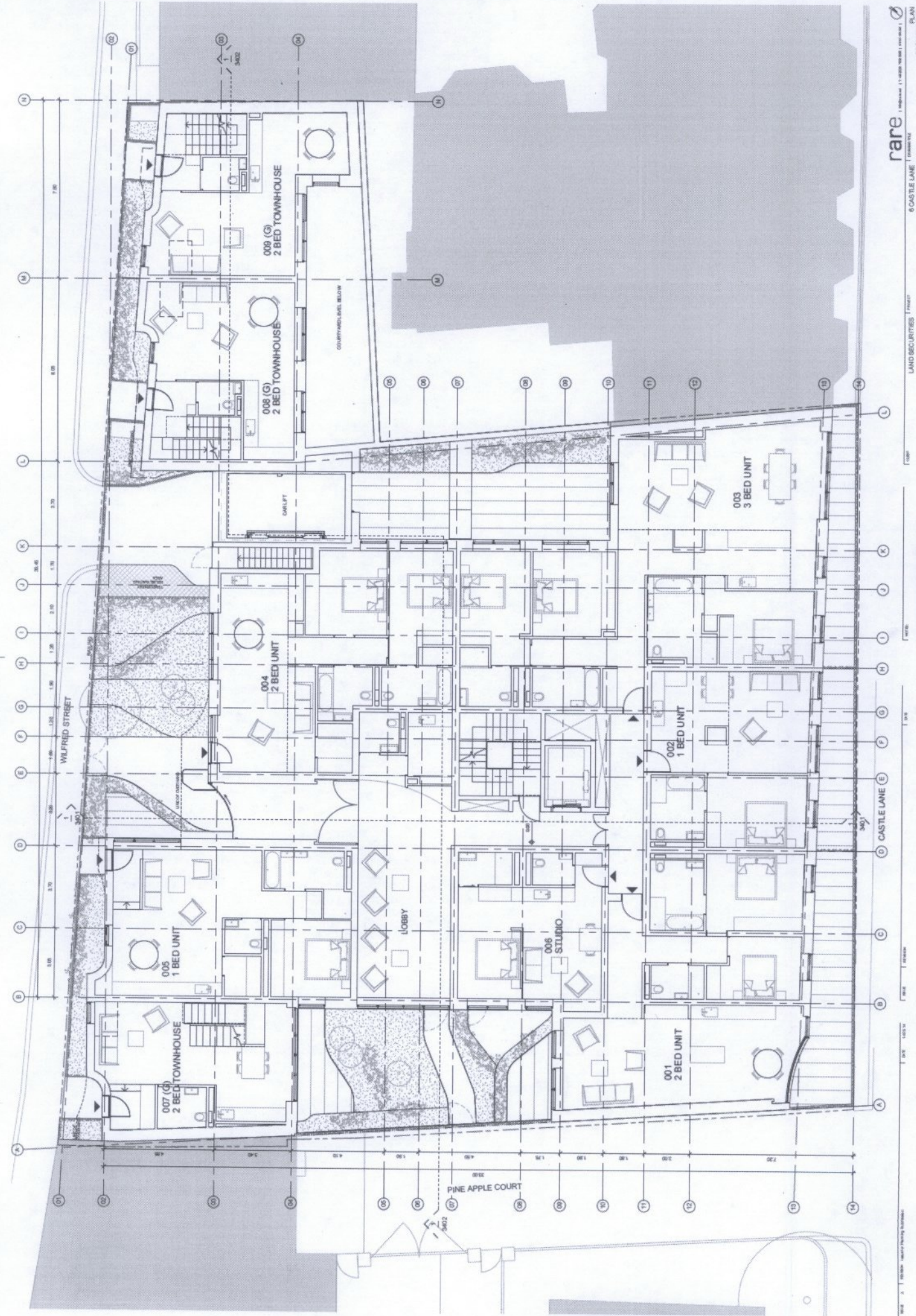


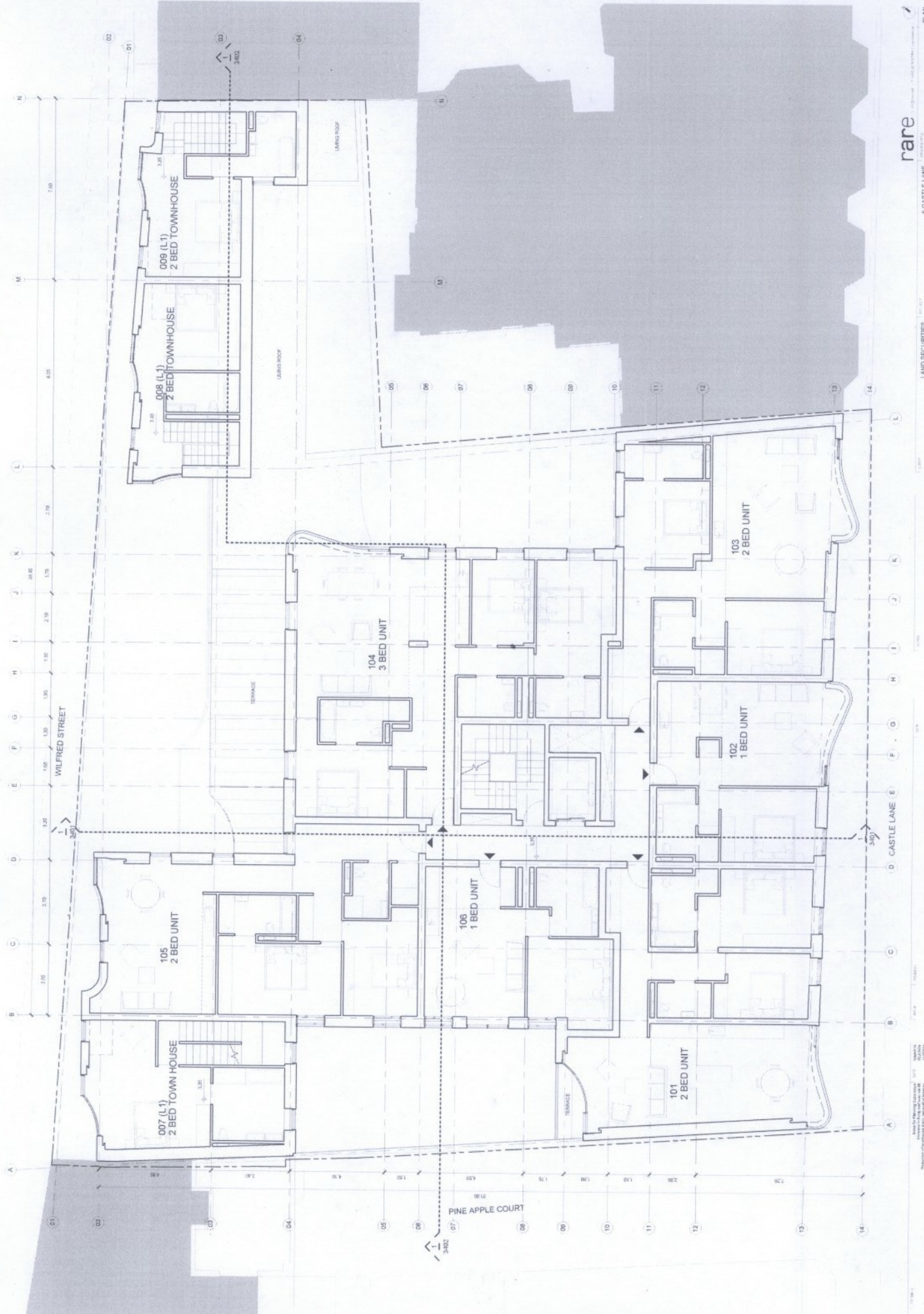
EXISTING WEST ELEVATION - FINE APPLE COURT  
SCALE 1:200

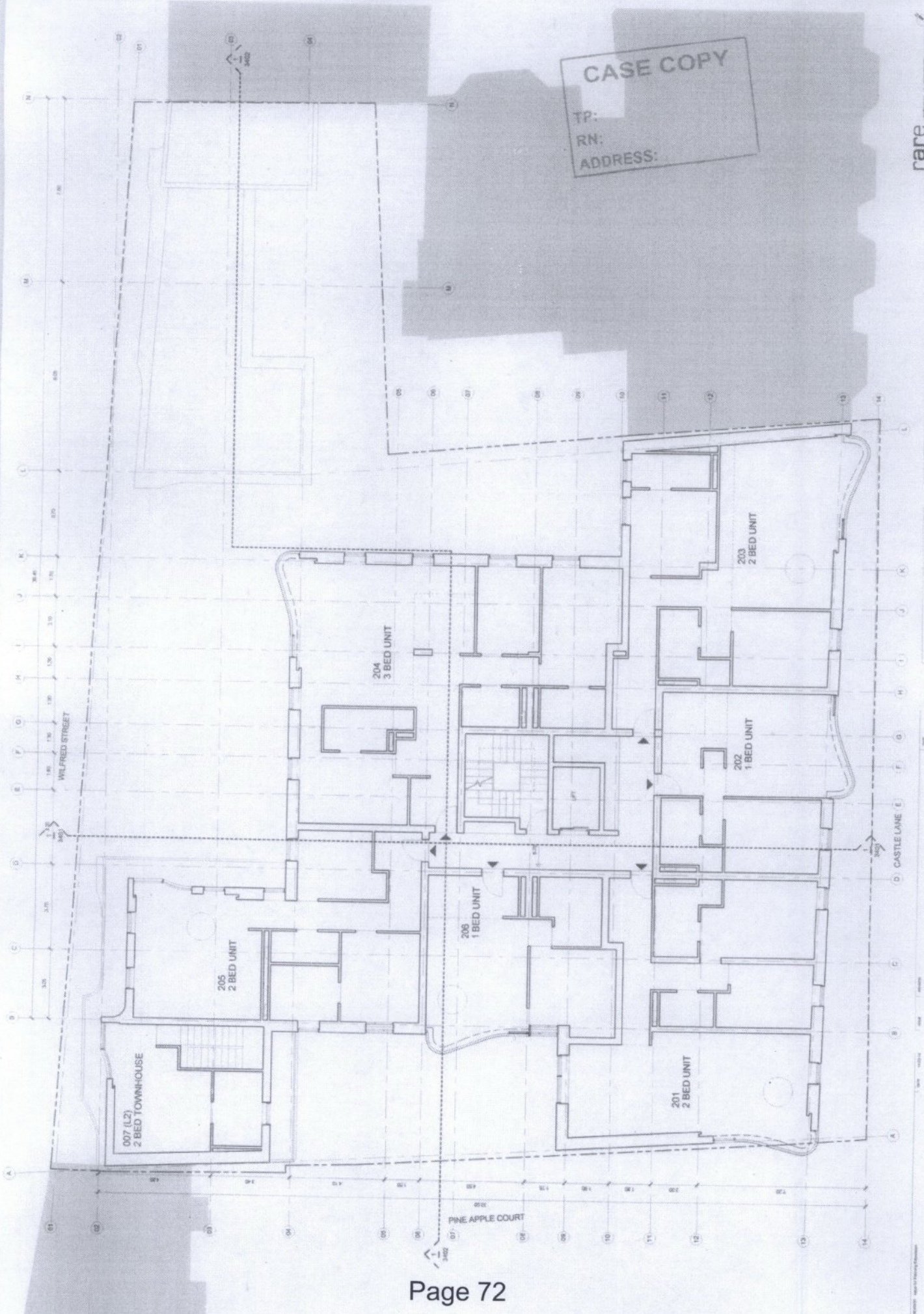


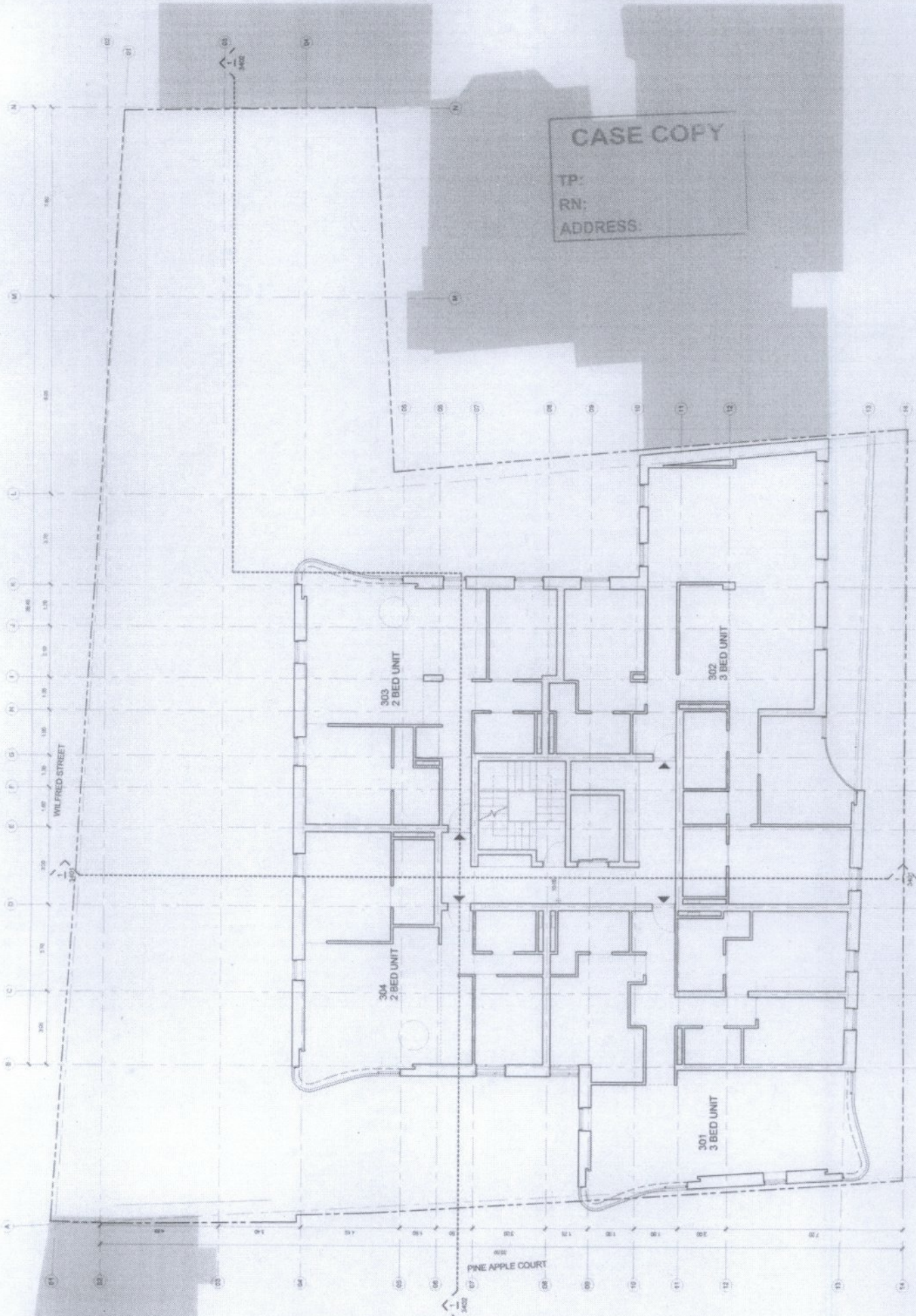
EXISTING SOUTH ELEVATION - CASTLE LANE  
SCALE 1:200

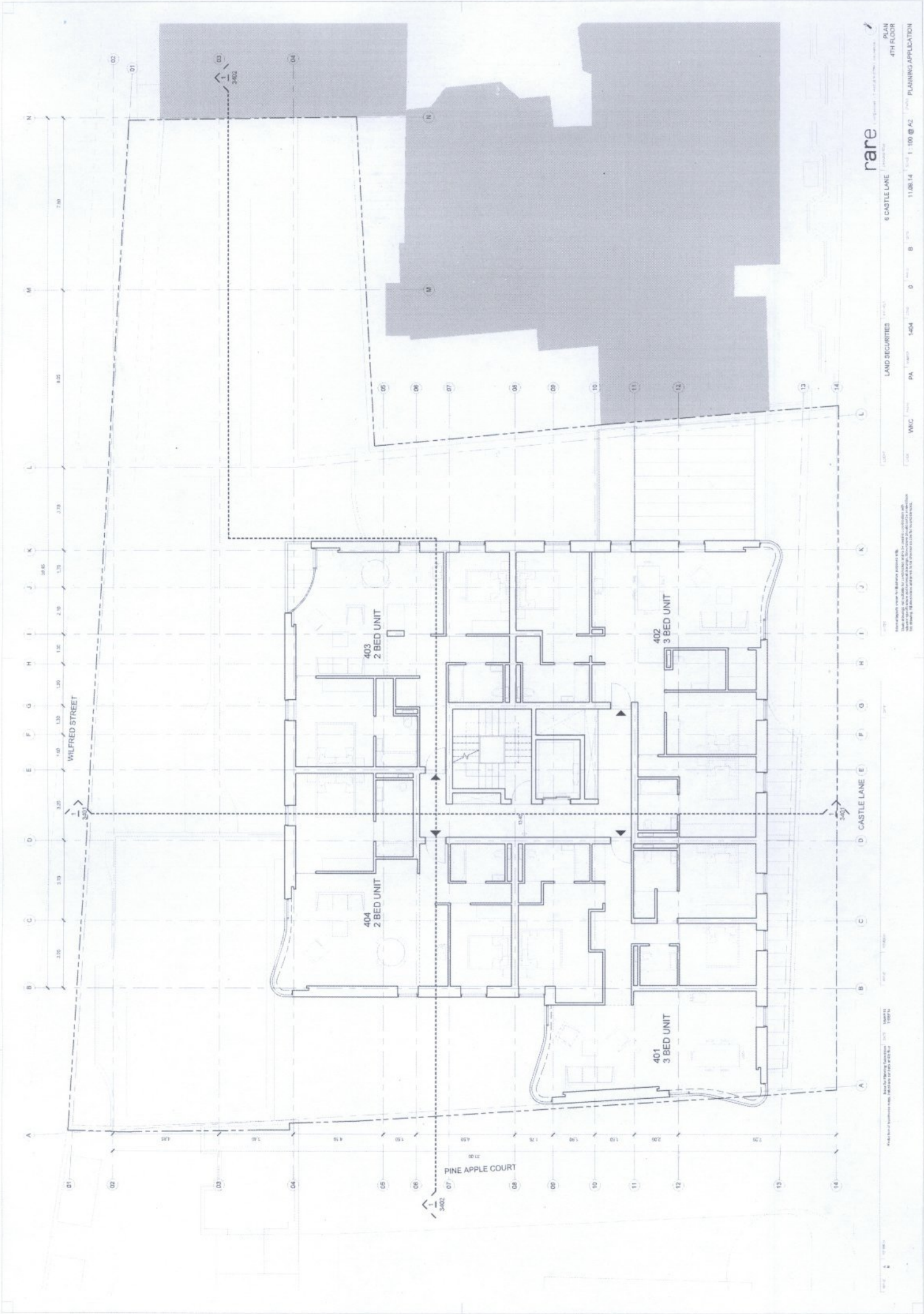
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TP:  
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rare

6 CASTLE LANE

LAND SECURITIES

WVC

PA

1404

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B

11.08.14

1:100 @ A2

PLANNING APPLICATION

4TH FLOOR

1000000

1000000

1000000

Scale of drawing: 1:100  
Scale of site plan: 1:1000  
Scale of site plan: 1:1000  
Scale of site plan: 1:1000

Scale of drawing: 1:100  
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Scale of site plan: 1:1000  
Scale of site plan: 1:1000

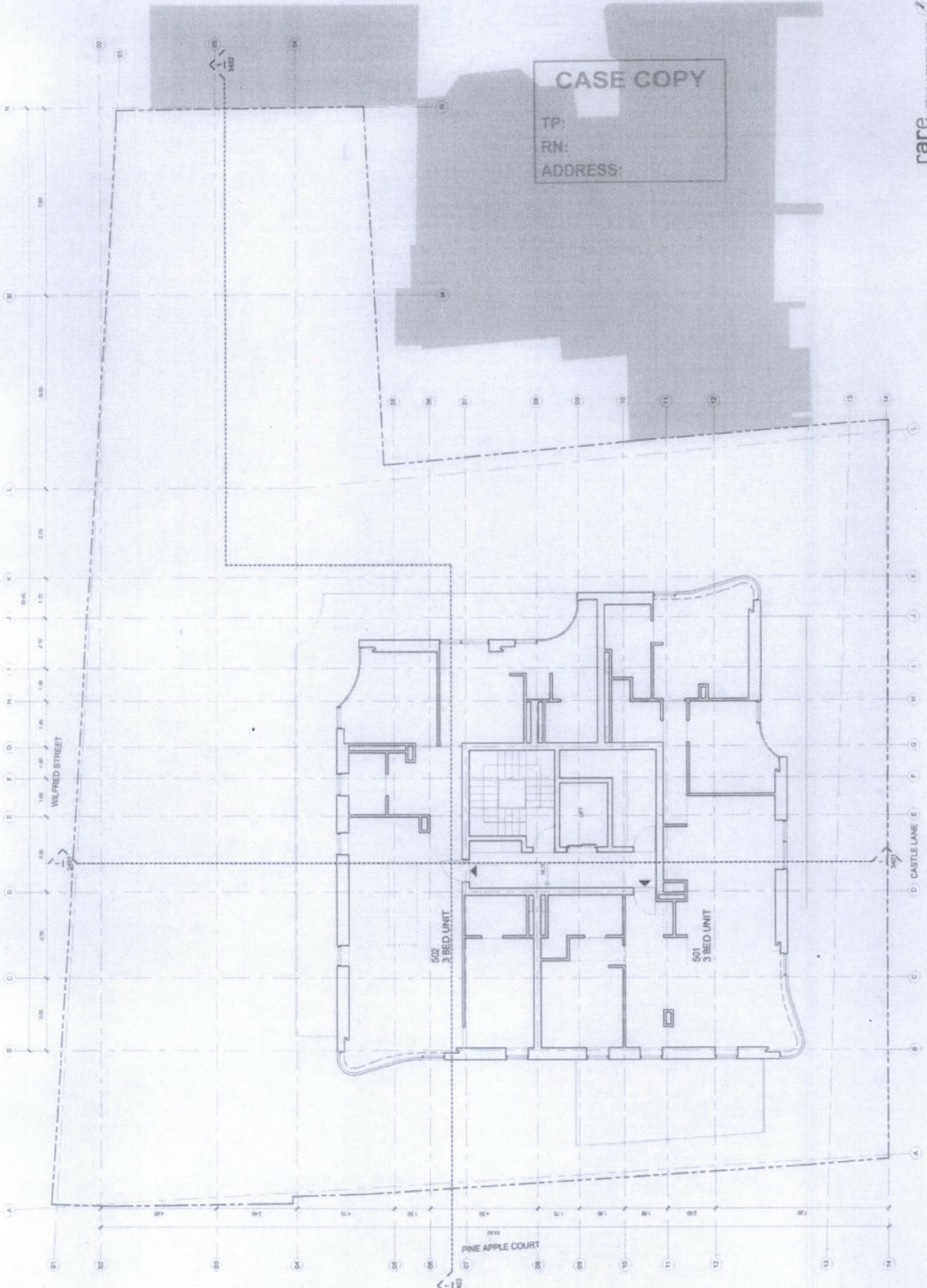
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CASE COPY

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PLAN 8TH FLOOR  
LAND SECURITIES  
14.04.14  
PA 100.8 A2  
PLANNING APPLICATION





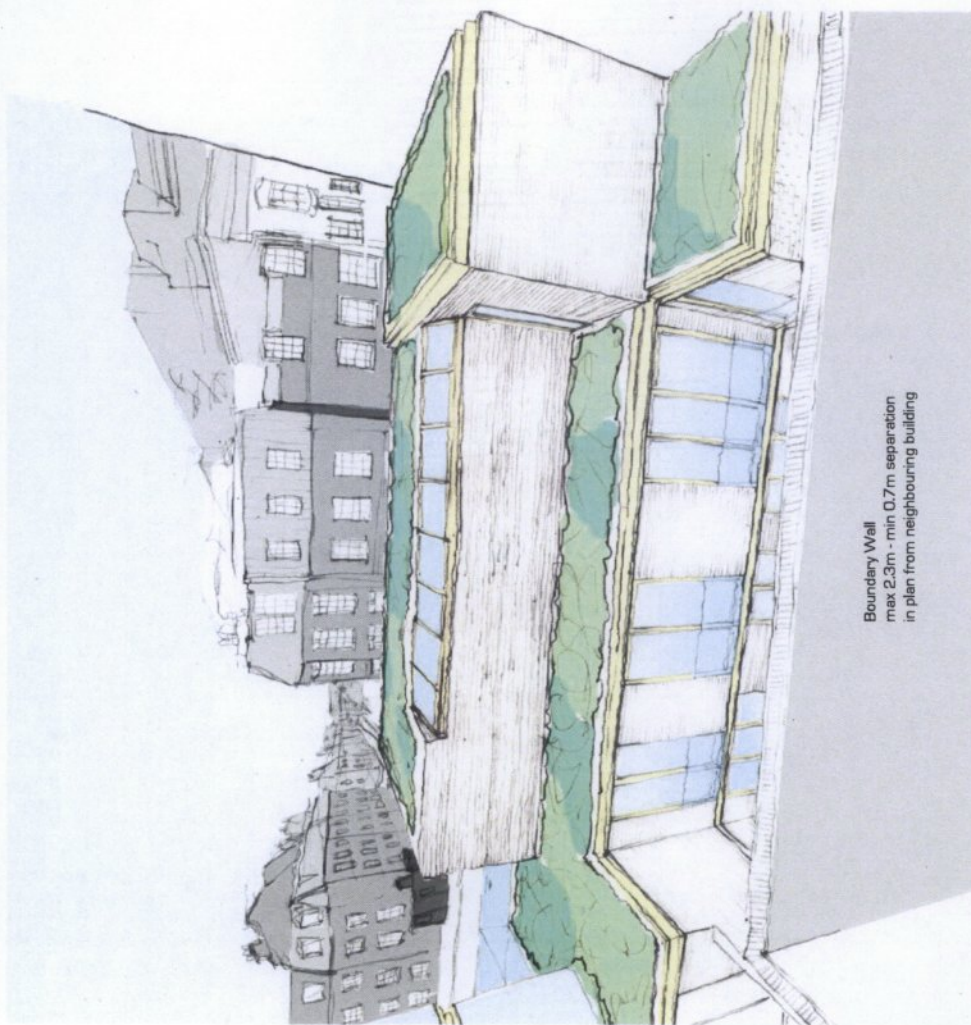


# SKETCH VIEW: AS SUBMITTED AND PROPOSED AMENDMENTS



Boundary Wall  
max 2.3m - min 0.7m separation  
in plan from neighbouring building

SKETCH FROM 36 BUCKINGHAM GATE - APPLICATION SCHEME (MARCH 2014)



Boundary Wall  
max 2.3m - min 0.7m separation  
in plan from neighbouring building

SKETCH FROM 36 BUCKINGHAM GATE - APPLICATION SCHEME (SEPTEMBER 2014)

Sketch view is representative only and should not be seen as specific modelled view.

## COMPARATIVE VIEWS: TOWNHOUSES - AMENDED VIEW

From a townscape perspective, the amendments maintain the benefits of the submitted scheme to the townscape of Wilfred Street and the Birdcage Walk Conservation Area. The impact of the proposed change in depth has a minimal effect upon the submitted townscape view, while at the same time offering benefits of a wider opening between the main building and townhouses, and providing additional green roof for outlook from other apartments. The amended scheme also continues to provide an enhancement to the Birdcage Walk Conservation Area.



EXISTING VIEW FROM CATHERINE PLACE

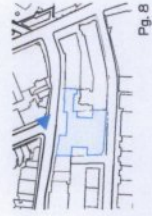


SUBMITTED VIEW FROM CATHERINE PLACE



PROPOSED VIEW FROM CATHERINE PLACE  
WITH PROPOSED AMENDMENTS

Area of reduced bulk and mass, and  
set back of balustrade



Amended view for illustrative purposes only



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2381\_1476



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