

<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> <b>16 February 2021</b>	<b>Classification</b> For General Release
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Churchill
<b>Subject of Report</b>	<b>Development Site Bounded By Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square And, Cundy Street, London, ,</b>	
<b>Proposal</b>	<p>Application 1</p> <p>Comprehensive residential-led mixed-use redevelopment, including demolition of Kylestrome House, Lochmore House, Laxford House, Stack House, Walden House and structures attached to Coleshill Flats; tree removal and pollarding; erection of a partial sub-basement, basement and buildings varying in height from five to 11 storeys, to provide affordable homes (Class C3), market homes (Class C3), senior living accommodation (comprising Class C3 and / or Class C2), alongside a range of uses at partial sub-basement, basement and ground floor level including retail (Class A1), restaurants / cafes (Class A3), drinking establishments (Class A4); offices (Class B1), community space (Class D1), cinema (Class D2); use of the lower ground floor of the Coleshill Flats as retail and / or workspace (Class A1 and / or B1); provision of new pedestrian routes; basement car parking; basement and ground floor circulation, servicing, refuse,, ancillary plant and storage; provision of hard and soft landscaping; landscaping works and creation of new play facilities at Ebury Square; rooftop PV panels; rooftop plant equipment; refurbishment and relocation of Arnridd Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of the telephone boxes on Orange Square; and other associated works.(This is a phased development for CIL purposes)</p> <p>Application 2</p> <p>Demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Arnridd Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square; and other associated works in connection with comprehensive residential-led mixed-use development.</p>	
<b>Agent</b>	Gerald Eve	
<b>On behalf of</b>	Grosvenor Estate Belgravia	

<b>Registered Number</b>	20/03307/FULL 20/03308/LBC	<b>Date amended/ completed</b>	27 May 2020
<b>Date Application Received</b>	27 May 2020		
<b>Historic Building Grade</b>	Coleshill Flats (grade II); Arnrid Johnston Obelisk (grade II); Marquess of Westminster Memorial Drinking Fountain (grade II); telephone kiosks on Orange Square (grade II).		
<b>Conservation Area</b>	The site falls partly within the Belgravia Conservation Area		

## 1. RECOMMENDATION

### Application 1

1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:
  - a) Provision of 93 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 49 x intermediate rent tenure (rents set at London Living Rent values for Churchill ward up to a maximum household income of £60,000.) The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 49 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.
  - b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerb lines, footway widening, relocated memorial fountain, relocated TfL bus stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development.
  - c) A Walkways Agreement to secure access for the public across the site.
  - d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development)
  - e) Car club membership for the occupiers of all residential units for a period of 25 years.
  - f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development).
  - g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development).
  - h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development).
  - i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be:
    - i. Zone 1: In or close to the locations shown on planning application drawing ref 288\_P20.100 Rev B
    - ii. Zone 2: Within 200m of the development site
    - iii. Zone 3: Within Churchill and/or Belgravia wards

- iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster
- j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the City Council's Carbon Off Set fund. (payable prior to commencement of relevant phase of development).
  - k) The long term retention, access to and maintenance of any play space within the development.
  - l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards.
  - m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent.
  - n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period.
  - o) Provision of public art to the value of £75,000.
  - p) The provision of a travel plan and the cost of monitoring the plan.
  - q) The costs of monitoring the S106 legal agreement.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land currently adjacent to Ebury Street to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the dedication and to make the final agreement. The applicant will be required to cover all costs of the City Council in progressing the agreement.

#### Application 2

1. Grant conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1.

## 2. SUMMARY

The application site comprises the land and buildings bounded by Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square and Cundy Street. The site also includes the basement of Coleshill Flats (Grade II listed) and the open space at Orange Square and Ebury Square Gardens. Most of the site lies outside a conservation area except the Coleshill Flats and car park and Orange Square which are located within the Belgravia Conservation Area.

Permission is sought for the demolition of the four Cundy Street flat blocks (111 private flats) and Walden House (40 affordable homes) and for the comprehensive redevelopment of the site. The scheme proposes the construction of three new buildings to provide senior living accommodation (Building A), 70 private and 49 intermediate residential (Building B) and 44 social rented residential units (Building C). The senior living accommodation will provide care for over 65's either in class C3 residential units or class C2 assisted living units. The applicant is seeking flexibility as to the final layout of Building A through a condition. The scheme includes flexible shop, restaurant, drinking establishment and office uses within classes A1/A3/A4/B1 uses together with a cinema (class D2) and community space. (class D1). A new single level basement will provide off-street servicing facilities.

The new buildings seek to reinstate the historic street pattern and comprise up to 10 storeys for Building A, 11 storeys for Building B and 8 storeys for Building C. The new buildings are brick built with stone detailing and with zinc, brick panels or metal cladding at high level. The scheme includes new internal pedestrian routes through the centre of the site including a new east-west route to link Orange Square and Ebury Square via the rear courtyard to Coleshill Flats. A new north-south route would link Pimlico Road with Ebury Street. There will be a new area of open space where the four internal routes meet. The

Public realm works are proposed to the public open spaces at Orange Square and Ebury Square Gardens and include new children's play facilities in Ebury Square Gardens. The Arnrid Johnston Obelisk (Grade II), the Marquess of Westminster Memorial Drinking Fountain (Grade II) and pair of telephone kiosks on Orange Square and due to be relocated or moved as part of the proposals..

At Coleshill Flats permission is sought for the use of nine residential units at basement level as affordable work/retail space within class B1/A1. The existing residents will be offered new accommodation in Building C.

The key issues raised by this application are:

- The principle of the demolition of the Cundy Street flats and Walden House;
- The quality of design of the proposal, the height of the new buildings and its effect on the character and appearance of the area and on the setting of nearby listed buildings and the Belgravia Conservation Area;
- The effect on living conditions of neighbouring residents, having regard in particular to daylight and sunlight, outlook and privacy;
- The amount of on-site affordable housing proposed and the terms for providing replacement affordable housing for Walden House residents and Coleshill Flats residents (basement only);
- The impact of the new shopping and entertainment uses on residential amenity, local environmental quality and the Pimlico Road Local Centre;
- The quality of living conditions for future residents of the development;
- The level of off street car parking provided;

- The loss of trees including those with tree preservation orders from the application site:
- The management of the new public realm and safety and security considerations.

The comprehensive redevelopment of this site is supported in planning policy terms. The proposed development, which is well located in terms of public transport and amenities, intensifies the use of land to support additional homes and workspaces and promotes higher density development. The development would help the City Council meet its ten year housing target set out in the London Plan. In environmental terms the applicant has demonstrated that compared to a light refurbishment of the Cundy Street flats or refurbishment and extension options, over a standard 60 year life cycle, the proposed development would result in less carbon emissions on a per square metre basis. It is accepted that the Cundy Street Flats are attractive buildings that have provided homes for a long standing community for many years and their demolition is not fully supported by the local community. However, the demolition of these flats and Walden House will allow for a sustainable mixed use development that provides benefits that could not be delivered with the retention of the existing buildings.

The proposal is acceptable in land use terms. The scheme would deliver an uplift in residential floorspace of 10,751(GIA) sqm for Buildings B and C and a further 18,345sqm of specialist housing for older persons. The flexibility sought by the applicant for the layout of the specialist housing for old persons in terms of the mix of C3 residential units and C2 assisted living units is considered acceptable. The new shop type units will enhance the Pimlico Road local shopping centre and for the reasons set out in the report the entertainment uses proposed are considered acceptable in land use and amenity terms.

The proposed development would deliver replacement affordable housing for Walden House residents in the form of 40 social rent units. Replacement affordable housing (four social rent and five intermediate rent affordable units) is also proposed for the basement units in Coleshill Flats should the occupants wish to relocate. There would also be a net uplift in affordable housing units which would be comprised entirely of 44 intermediate rent units in Building B alongside the net increase in social rented floorspace of 2549 sqm. For the indicative design scheme submitted, the gross affordable housing offer would be 47% on-site affordable housing (in terms of habitable rooms). The applicant has demonstrated through a financial viability assessment that this is the maximum possible amount of affordable housing that the scheme can deliver. The replacement accommodation for Walden House residents will be provided on the same terms as existing and built in the first phase of construction which allows residents to move straight into their new home without moving into temporary accommodation. The affordable housing provision is welcomed by the Housing department and is considered to be a significant public benefit.

This is a large development that will impact on the local townscape and setting of nearby listed buildings and the Belgravia Conservation Area. Whilst the scheme will deliver benefits in terms of new public routes through the site and a built form that addresses the streets and repairs frontages, there is a concern regarding the height of the development, in particular Building B1 and A2. It is considered that the abrupt change in townscape scale and character does diminish the character of the conservation area when viewed from Eaton Terrace. Similarly the change in scale is pronounced when viewed from the east along Pimlico Road outside Fountain Court. The architecture presented on this part of the site is also less sympathetic and deviates from the more traditional scale and character that typifies Pimlico Road and its surrounding streets. Overall by virtue of its scale and appearance the development has a detrimental impact on views into the Belgravia Conservation Area and diminishes its appreciation, consequently resulting in less than substantial harm to its setting. Similarly, with respect to some of the nearby listed buildings, notably the Coleshill Flats, the

terraced houses in Eaton Terrace and the grade I listed St Barnabus Church, the impact of the height of the development will diminish their setting and will result in less than substantial harm to their significance.

The proposed public realm within the development is high quality and it will have active uses facing onto it including new shop type units, a new cinema, community space and community garden. The new public routes through the site are strongly supported in townscape and place shaping terms. The designing out crime officer has raised concerns about the public realm and under crofts attracting anti-social behaviour. Concerns have also been raised about the location of the residential entrance to Building C. Whilst these concerns are understood, it is considered that these matters can be addressed through appropriate management and the recommended conditions set out in the main report.

The proposal will result in a material worsening of daylighting standards for neighbouring properties. For some properties there would be significant reductions in daylight beyond the recommended BRE Guidelines criteria for VSC and NSL. There would also be reductions beyond the alternative 15% VSC retained value which the City Council has given weight to. These losses are highlighted in the individual tables within this report and by the Daylight and Sunlight Review commissioned by residents in Ebury Street. With the development in place the applicant's daylight assessment indicates unacceptable levels of daylight for a number of properties. These reductions in daylight would be noticeable to occupants and more of the affected rooms will appear poorly lit.

The proposed development seeks to make the best use of land and proposes a high density form of development to support additional homes and workspaces. It is this change in scale, replacing the relatively low massing blocks of flats with buildings of greater height and massing that seek to replicate a more traditional building line, that is largely driving the significant daylight and sunlight losses. The only means of protecting substantively the existing daylight and sunlight conditions would be to look at alternative development options. These would include retaining and existing buildings and exploring infill developments. The applicant has also looked the option of reducing the height and massing of the proposed development through the removal of a middle floor from Building A1, A2 and C. Whilst this would have some material benefit on residential amenity, if this were to be done it would render the scheme as currently proposed unviable. The applicant advises the lost floorspace would mean seven fewer social rent homes and 14 fewer senior living homes and the lost financial value would mean a reduction of approximately 30-35 intermediate affordable homes. There is no doubting that the impact on residential amenity is significant, however, the consideration of alternative options would mean that the regeneration and growth benefits in the scheme and the significant public benefits would not be realised.

The development will result in the loss of 69 trees of which 15 are protected by a Tree Preservation Order (TPO). The Arboricultural Manager objects to the loss of the TPO trees on the site given their significant contribution to public amenity. The removal of the trees is regrettable; however, it is considered necessary in the context of the comprehensive redevelopment of the site which will deliver significant public benefits. The replacement tree planting within the scheme is generous and will provide meaningful amenity value for future residents and visitors to the site.

The provision of 38 car parking spaces does not meet the requirements of TRANS 23 of the UDP. The Highways Planning Manager considers that the impact on parking will be partly offset by the reduction of approximately 40 residents' parking permits from the demolition of the existing properties. With the mitigation of car club membership for all future occupiers (including the C2 units), the Highways Planning Manager is on balance satisfied with the parking arrangements for the

scheme as submitted. Given that the proposals seek to provide a balanced, pragmatic solution and given the conflicting WCC and GLA policy positions on car parking, further mitigation measures, such as providing spaces in a nearby car park, are not sought. The long stay and short stay cycle parking arrangements are acceptable.

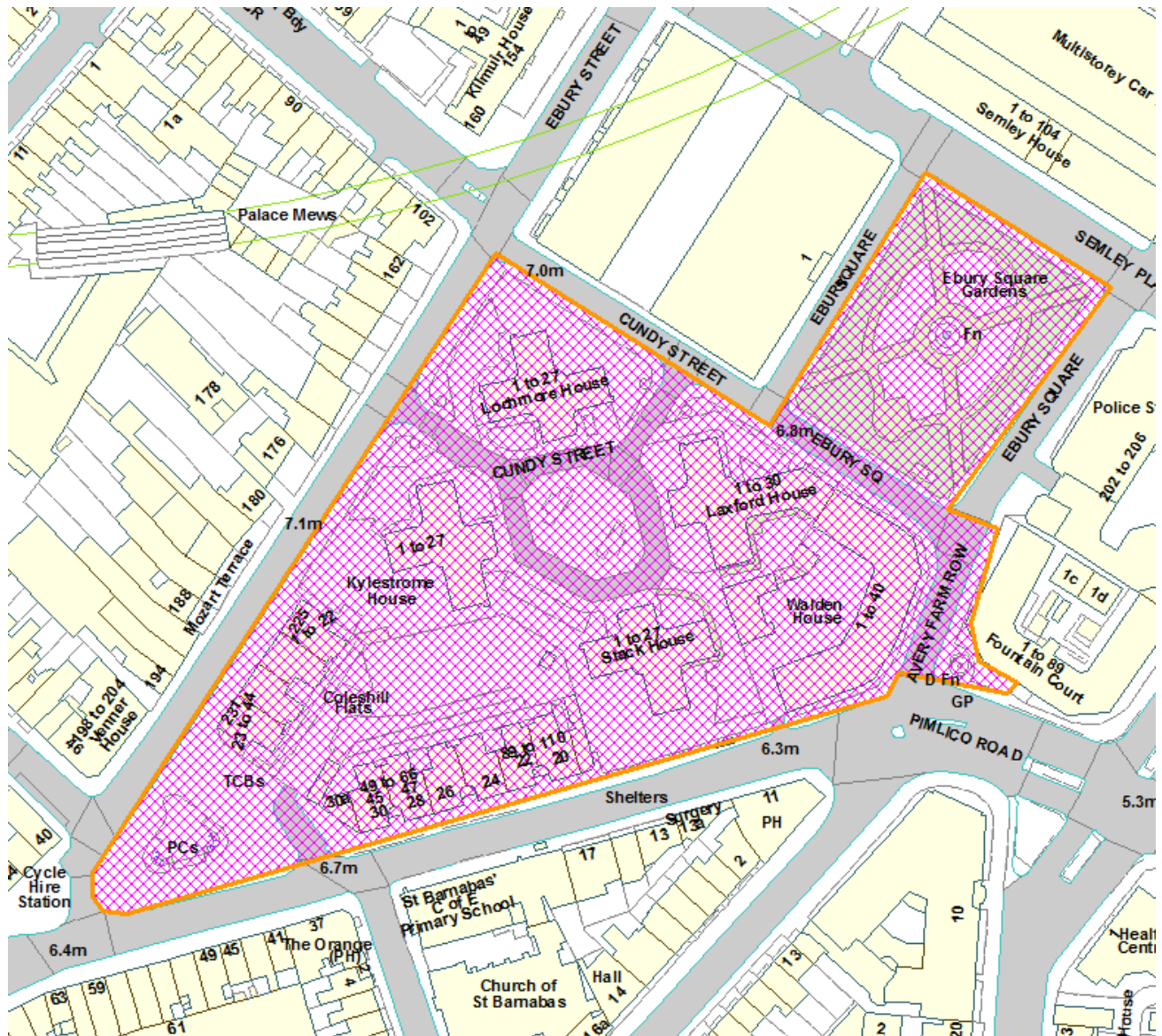
Objections have been received to the scheme from local amenity societies and from local residents. These are summarised in the main report but they relate to the demolition of the existing Cundy Street flats in design and environmental terms and the loss of the long term residential community, amenity impact of the new entertainment uses, the height and design of the proposed development (in particular Building B2), overdevelopment, loss of daylight, sunlight and privacy to surrounding neighbouring properties, loss of trees (including some with preservation orders), lack of off street car parking spaces, the provision of a new playground in Ebury Square Gardens and construction impacts.

The proposed development has also received letters of support on the grounds that it will replacement housing for Walden House residents will help alleviate the housing crisis, that it will massively improve the quality of homes and that the end result will improve the area greatly for the benefit of local residents, businesses and for those who work in Westminster.

It is concluded that the proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. Specifically these policies are S25 and S29 of the City Plan and DES 9, DES 10 and ENV 13 (E) of the Unitary Development Plan. The proposed development does, however, comply with policies S14 and S16 of the City Plan which seeks to optimise housing delivery and to optimise the delivery of new affordable homes. In taking an overall view, and for the reasons set out in this report, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. There are also other significant public benefits arising from the proposed development that are material considerations, namely the delivery of specialist older person's housing, the provision of on-site affordable housing that would meet the housing needs of Walden House residents and the regeneration and growth benefits such as new public routes through the site, the provision of new shops, a cinema and other amenities and new workspaces. The proposed development would also meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site.

For these reasons it is recommended that conditional planning permission and listed building consent be granted subject to the views of the Mayor and subject to a S106 legal agreement securing the items listed within Section 8.12 of this report..

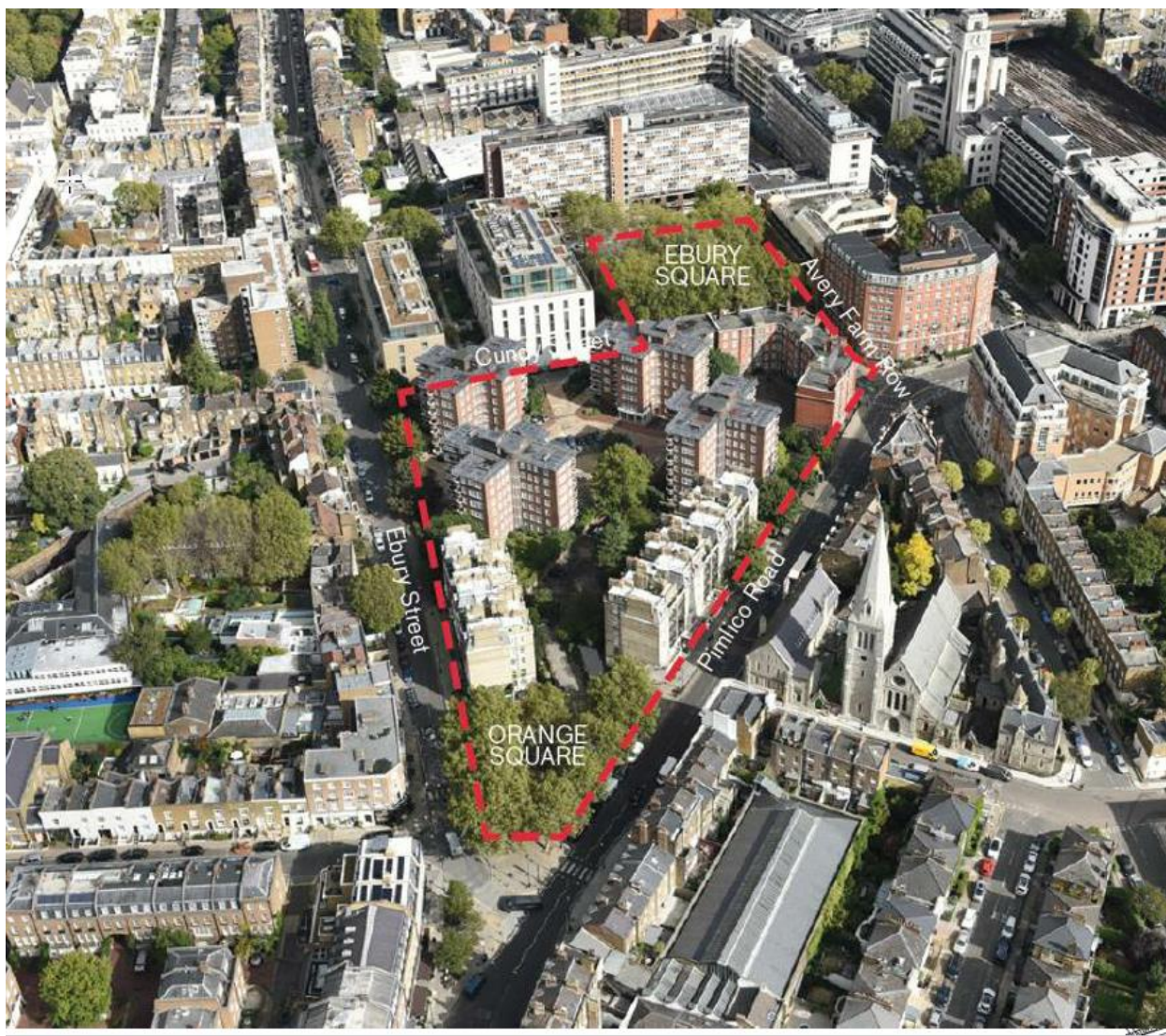
### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



**Aerial view of application site showing Cundy Street flats, Walden House, Coleshill Flats , Orange Square and Ebury Square**

## 5. CONSULTATIONS

### **Councillor Mann and Councillor Talukder**

The new social housing and the right to return offered to Walden House residents is welcomed. The break-up of the long-standing community at the Cundy Street flats is regretted. The applicant's tenants in the Cundy Street flats have not been offered a right to return to, or even first refusal on, any of the new housing being built. It is believed that there should be a commitment from the applicant to offer and request that this is factored into the development plans. T

### **Councillor Gassanly**

Supports the application as it will significantly increase the supply of all types of housing in this part of south Westminster, create new retail opportunities and local amenities and the best possible deal has now been secured with a number of major public benefits including mitigation payments to all Cundy Street households (£6500), full replacement of all social rent flats (Walden House) and right of return and one move for Walden House residents.

There are no affordable flats at Cundy Street at present and the proposal exceeds Westminster's City Plan requirements for affordable housing on site. Westminster's lease for Walden House is due to expire shortly. Rather than losing social rented homes, the City Council will be gaining additional ones and resolving all outstanding overcrowding issues at Walden House. It's difficult to overstate significance of this achievement. The developer should be recognised for going above and beyond legal duties and requirements.

The comments from those opposed to the new playground within Ebury Square are strongly rejected. Children playing in the playground is something to be welcomed, not opposed. The developer is encouraged to look at ways to mitigate potential noise impact, for example by looking at a possible change in layout, but it is important that the playground is provided. The new cinema and retail opportunities and the jobs these will create are welcomed.

The height, bulk and massing are concerning but it is understood this is the result of the developer seeking to meet social/affordable housing targets on site and to make the scheme financially viable. Any mitigation and reduction would be welcome providing this does NOT result in reduction of overall number of units.

The few outstanding issues with protected residents at Cundy Street are a concern.

Overall, the proposal reflects Westminster's vision as set out in the new City Plan, both in terms of place-shaping and housing targets. For example, opening up a new pedestrian route between Orange Square and Ebury Square through the development will significantly improve the layout. There are a number of problems associated with the area, including ASB and drug-related crime, especially around the car park at the back of Coleshill Flats. These proposals will remove the hot-spot.

It is appreciated that many residents do not wish disruption to their lives and there is genuine opposition to the plans, however it is believed these objections do not outweigh the benefits of this scheme. This application is supported and urges the committee to

grant the planning permission. The committee is strongly urged NOT to impose any conditions that might result in reduction of any type of housing and, in particular, desperately needed affordable units on site.

#### **Affordable Housing Supply Manager**

Housing welcomes these proposals and in particular the proposed phasing of the development so existing social housing tenants currently residing at Walden House will have the opportunity to be rehoused as part of a one move strategy into new social housing that is proposed as part of this development

#### **Highways Planning Team - City Highways**

The proposals for improvements to public realm within the site, in particular the new pedestrian routes through the site are welcomed. The loss of off-street parking for the Coleshill Flats is contrary to TRANS23 (A). There is a shortage of off-street parking for residents that would be required by TRANS 23, although this depends on the final mix and type of residential use provided. But this should be balanced against the loss of demand for approximately 40 residents' parking permits from demolishing the existing flats. In mitigation, the applicant is offering car club membership for the lifetime of the development for all residents.

It is quite difficult to predict what the demand for car parking will be but, on balance Highways Planning is inclined to think that the overall figures add up and that the demand for on-street parking should not increase greatly when the drop in demand as a result of demolishing the existing flats is taken into account. It is unfortunate that the market housing will have car parking spaces but the social housing will have none.

#### **Waste Project Officer**

No objection.

#### **Environmental Health**

No objection on environmental or nuisance grounds subject to conditions to secure the City Council's Code of Construction Practice, details of any proposed kitchen extract systems, the standard noise conditions and a condition to deal with vibration from the existing District and Circle Lines.

#### **Arboricultural Officer**

Objects to loss of 15 trees at Cundy Street flats which are protected by Tree Preservation Order. Their loss cannot be justified by replacement planting. Loss of trees at Coleshill Flats is regrettable but acceptable.

The replacement tree planting is aspirational and is not an adequate replacement for the trees proposed to be removed. Many of the trees appear to be at first floor level due to lack of space at ground level. Technical plans are required with details of soil volume. The pruning proposals at Ebury Square and Orange Square should not be approved as part of the planning application.

The proposed alterations to Ebury Square, which includes a new play area and the removal of diverse and varied planting and perimeter planting, are not supported.

**Building Control - Development Planning**

The basement excavation is to be formed using a piled wall as a temporary retaining wall. This method does not involve the undermining of existing structures, so is considered to pose less risk than an underpinning method. The method statement shows that the proposal is viable.

**WCC Economy Team**

The scheme needs to provide an Employment & Skills Plan and a Financial Contribution of £ 181,973.61.

**Greater London Authority**

The proposal is supported in terms of principle of estate regeneration, land use principles, housing and affordable housing (subject to scrutiny of applicant's Financial Viability Appraisal) urban design and heritage and climate change. The proposed level of car parking is excessive and should be removed entirely to provide disabled car parking only.

**Transport For London**

The provision of 29 standard car parking spaces is contrary to policy T6.1 of the Publication London Plan which requires car free development in all areas in central London of PTAL 5 – 6. No clear justification has been provided as to why any parking spaces are necessary and general car parking should be removed entirely.

The expansive public realm improvements, the provision of 393 long stay cycle parking spaces and contribution of £220k and £50k towards a new cycle hire docking station and improvements to Quietway 15 are welcomed.

It is disappointing that the target level of 75% of the required provision for short-stay cycle parking spaces has not been met. The applicant should suggest mitigation to address the short fall, and / or provide plans showing how additional short stay cycle parking could be provided if necessary, in the future..

Travel Plan, Construction Logistics Plan and Delivery and Servicing Plan should be secured by condition / S106.

**Historic England (Listed Builds/Con Areas)**

These applications should be determined in accordance with national and local policy guidance and in consultation with the City Council's specialist conservation adviser. Authorisation given to determine the LBC application. Historic England recommend that further exploration is given to restoring the missing or illegible inscriptions on the Arnridd Johnston obelisk. Conditions are recommended to ensure that the dismantling and rebuilding of both the listed fountain and obelisk are undertaken in accordance with the submitted methodologies and secure suitable future maintenance programmes.

**Historic England (Archaeology)**

The development could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.

**Thames Water Utilities Ltd**

No objection subject to conditions.

**Natural England**

No objection

**The Gardens Trust**

Any response to be reported verbally.

**Royal Borough of Kensington & Chelsea**

No objections.

**Environment Agency (Thames Region)**

No comment.

**Designing Out Crime**

There are many flaws with the overall design of the development. The fundamental issues are: the location of the main entrance to Building C within a recess and with no natural surveillance, the provision of under crofts which historically attract a light level of anti-social behaviour and which have low levels of natural surveillance, pedestrian walkway at the back of Coleshill Flats is unnecessary, provision of shared bin and cycle storage facilities and provision of a linked basement with no segregation.

**Cross London Rail 2 Links Ltd**

No objection subject to condition.

**The Belgravia Society**

The Belgravia Society objects to this application. The plans for the site are an overdevelopment. The new buildings allow no margin to the pavements, are excessively high and create overshadowing and bulk, all towering over the buildings surrounding them. This is contrary to the stated objectives of Westminster City Council.

There will be insufficient light to the buildings and they will overshadow neighbouring property causing loss of light, view, privacy and probably noise and disturbance. The Belgravia Society questions the use of redbrick rather than the cream colouring associated with Belgravia.

There will be no disabled parking spaces and insufficient parking spaces overall. Avery Farm Row should not be subject to any traffic changes until there has been a proper assessment of how it will affect surrounding area and the memorial fountain should be restored to its present position.

Orange Square area should not be included in the application and should be the subject of a separate application when consultations on its future use have been completed.

**Belgravia Neighbourhood Forum**

The Belgravia Neighbourhood Forum accepts the redevelopment of the current Cundy Street Estate, it recognises the considerable extent of public consultation which the applicant has undertaken, together with the modifications and additions which have been made. The forum applauds the plans for a cinema, community space, increased green

areas, a supermarket and a refresh of Ebury Square including a children's playground.

The forum still has reservations regarding building heights. Westminster's City Plan 2019-2040 specifically states under Policy 42 Building Heights: "Buildings of more than 30 metres, or those that are more than twice the prevailing context height (whichever is lower) will be considered to be tall buildings, and will therefore need to satisfy both the general principles in clause D. In our view, these buildings do not satisfy these principles and are all therefore unacceptable.

The building of 42.5 m overlooking Ebury Square is particularly objectionable it is not proportionate to the role, function and importance of the location as per the draft replacement City Plan and its height is 85% of the height of the very top of the spire of St Barnabas church and its design is not in keeping with the vernacular look of the Belgravia Conservation Area. The forum consider that the design of this building is in breach of principles 2, 3 and 4 and consider Johnson House to be an acceptable precedent, at least in terms of height

The proposal will reduce the hours of direct sunlight into Ebury Square, especially in the summer months, to an unacceptable degree.

#### **Belgravia Residents Association (BRA)**

The BRA is gratified to see that Grosvenor have listened and made changes where requested to the original plans such as removal of retail units on Ebury Street and a right of return for the tenants of Walden House. Whilst generally in favour of the principle of the development as a whole the association has strong misgivings.

The existing external greenery will be lost, particularly on Ebury Street. The current trees have protection orders and if removed then the association would like the same level and bulk of greenery replaced.

The height and massing of the Ebury St elevation in relation to its positioning closer to Ebury St will have a detrimental effect on daylight and sunlight to Mozart Terrace. In addition the residents of Mozart Terrace have been deprived of their legal Right to Light through the historical ownership status of the houses. The pre-war buildings fronting Ebury Street were not as high as is currently planned. The BRA would like a compromise by partially retaining some of the existing green space and setting the Ebury Street elevation further back to eradicate the loss of daylight and sunlight.

The corner section of Pimlico Rd and Avery Row lacks architectural merit and the design of these buildings do not do Belgravia justice. An opportunity has been missed.

No real plans have been put forward for the revitalisation of Orange Square. The conversion of the former toilets should be included within the scheme.

Only a limited amount of on street parking is proposed. The association would insist and plea that the following would be set into the planning consent: "No resident whether tenant or leaseholder or commercial leasee has the right to apply or obtain a residents parking permit."

### Daylight and Sunlight

In light of the daylight concerns, the BRA Residents in Mozart Terrace commissioned their own Daylight and Sunlight Report from Kaivin Wong (Lumina). The Lumina report dated 23 July 2020 advises that:

- Any loss of VSC, Daylight Distribution and Sunlight over 40% will generally be considered unacceptable;
- the amount of internal Daylight Distribution that will be lost within many of the houses in Mozart Terrace will substantially exceed 40% of current values and in many cases exceed 50%, 60% and even 70%;
- the impact on sunlight to 170 Mozart Terrace will be well above the BRE recommendations; and
- the Applicant's Daylight & Sunlight Consultant (GIA) has misapplied the "mirror-image" criteria which has led to a misleading set of results.

### Correspondence from Lumina dated 12 November 2020

The City Council is encouraged to seek independent expert advice on Daylight and Sunlight given the scale and nature of the application and as this matter is of such a high level of importance.

Lumina have fully accepted that the BRE Guidelines should be applied flexibly (as derived from decisions by the GLA and at appeal) in that residual values in mid-teens are not unreasonable in a built up environment and that a reduction of up to 40% may be acceptable but any loss in excess of 40% (i.e. twice the level recommended in the Guidelines) will not generally be acceptable.

The No Skyline Daylight Distribution results in GIA's report were not presented fairly and impartially.

Lumina are critical of GIA's use of the NSL alternative target of 50% and absence of Contour Plans.

### Correspondence from Lumina dated 27 November 2020.

Reiterates advice that GIA's report should be independently assessed and comments that having viewed Contour Plans there are poor results in terms of Daylight Distribution at 1 Ebury Square, 11 Pimlico Road, Fountain Court and at 1-22, 67-88 and 89-110 Coleshill Flats. Comments are also made on the applicant's response to the Lumina Report. The letter from Lumina explains that a very significant number of habitable rooms on Mozart Terrace and Ebury Street would experience loss of daylight and sunlight that exceed the most flexible interpretation of the BRE Guidelines with a number of rooms left with very little or virtually no daylight at all.

### Correspondence from Lumina dated 13 January 2021

Lumina comment on the independent report commissioned by the City Council from Delva Patman Redler (DPR)

- DPR affirms GIA's misapplication of the "mirror image" principle.



- DPR conclude that GIA has downplayed the significance of the “impacts” in their Environmental statement chapter. DPR conclude the impact on Mozart Terrace will be greater than portrayed by GIA.
- Lumina consider that if VSC and NSL Daylight Distribution are assessed in the same manner and ascribed equal weight as recommended in the Guidelines, the conclusion will be “Major adverse”.
- DPR has upgraded the impacts on other properties to levels above those described by the Applicant. The change is particularly pertinent to Coleshill Flats as some of the rooms in those flats will suffer a very severe loss of daylight rendering them unfit for habitable use when measured against the recognised standards.

## OTHER REPRESENTATIONS RECEIVED

### Peabody

In April 2019 Peabody conducted a full six week consultation with residents on the proposal to return the basement flats and car park to Grosvenor. 65 households took part in the consultation. Overall residents were supportive of the proposals. A small number of concerns were raised throughout the process which Grosvenor’s proposed plans have sought to address. These are:

- The future use of the lower ground floor for café or restaurant use
- The management of the area and its overall security
- The ability to retain some private outside space for Coleshill residents
- The loss of car spaces for residents, visitors and access for deliveries
- The need for convenient refuse disposal areas and storage for bicycles

Following this consultation Grosvenor held a full resident and community consultation and Peabody residents were invited to take part and the events were promoted directly to our residents.

Peabody believe our residents have had a good opportunity to feedback on and influence the plans presented by Grosvenor, in particular the proposals for the car park. Overall we believe that the proposals will improve the area and the development of the plans has reflected the feedback from the community throughout the consultation process.

### Semley House Residents Association

The association objections are for changes proposed to Ebury Square Gardens and it's immediate environment. The Association objects to the transformation of the layout of the garden, to the insertion and proposed location of a playground in the gardens, to moving the fountain from the existing position, to the height of proposed new "Building B" (the replacement to Walden House) resulting in light loss, to the removal of parking bays and provision for 28 bicycle stands in Semley Place.

## ADJOINING OWNERS/OCCUPIERS

No. Consulted: 1017

Total No. of replies: 79

No. of objections: 62 (from 54 separate addresses)

No. in support: 14



No. neither objecting nor in support: 2

**Objection letters have raised some or all of the following issues:**

**PRINCIPLE OF DEMOLITION**

- Object to demolition of Cundy Street flats which comprise a tasteful, architecturally superior and aesthetically pleasing urban arrangement.
- Oppose the destruction of the historical buildings and architecture.
- Cundy Street flats are enormously popular and contribute to charm and village atmosphere of Belgravia.
- Destruction of social housing.
- Knocking down and rebuilding is ecologically detrimental.
- Loss of traditional and distinctive character.
- It is criminal to tear down perfectly good well-proportioned flats.
- This is one of the few parts of London that isn't overdeveloped and characterless.

**IMPACT ON COMMUNITY**

- Loss of long term community in the Cundy Street flats which is unique.
- Significant negative impact on existing neighbourhood and existing community.
- Loss of village feel of the Belgravia area.
- The neighbourhood has too many largescale redevelopments (examples Chelsea Barracks, Timber Yard and Ebury Bridge Estate)
- Concern that this will be a "dark window" development with flats sold to absentee owners.

**LAND USE**

- Existing residents in Cundy Street flats to lose their homes many of whom are "affordable renters" or low income tenants. The right of return is not being offered to Cundy Street occupants nor temporary alternative accommodation.
- The affordable housing should be located elsewhere in a cheaper part of Westminster.
- The children's playground should be located within the development site itself.
- The plans are not sympathetic to the local community. Another soulless complex is not required. Accessible local shops are required. e.g. a butcher, baker, supermarket (not international shops)
- More cinemas and shops are not are needed. There are local shops that are already vacant.
- This could have been designed as a residential only development similar to Chelsea Barracks.
- Oppose provision of more market housing.
- More bars will bring a further increase in early morning and late night noise and anti-social behaviour, particularly for Coleshill Flats some of who have bedrooms at the rear.
- Existing anti-social behaviour in neighbourhood will only get worse with this development. (e.g. from customers of Orange Brewery)
- Coleshill Flats will lose their amenity space that they have to enjoy and take part in gardening. New residents will enjoy access to private roof gardens.
- Coleshill flats will only be allowed to use 184sqm of shared space in the new development and will not be allowed access to the new roof gardens.
- The proposal will not bring about any more diversity that is not already there.

- Not enough infrastructure locally for all the extra residents.

#### BUILDING HEIGHT

- The scheme is an overdevelopment.
- Height of proposed buildings is excessive, out of scale and completely at odds with the conservation area / local area. The new buildings will dwarf St Barnabus Church and block views of the beautiful spire.
- The proposed new buildings should be below 30m and must be viewed against the context set by neighbouring buildings.
- The vast size and massing of these enormous blocks will radically alter the nature of the neighbourhood and irreparably damage the existing townscape.
- Building B will cast a permanent shade on the west and southwest parts of Ebury Square Gardens.
- The replacement Walden House building should be restricted to the height of 1 Ebury Square.

#### APPEARANCE OF NEW DEVELOPMENT

- The buildings overlooking Ebury Square are not in keeping with the vernacular of adjacent buildings, the brick is too red and the arches out of keeping with the formal appearance of Belgravia.
- The design of the development is completely at odds with the local area.
- The dirty brown material is unsuitable rather than white stone.
- The building design is of meagre quality.

#### LAYOUT OF NEW DEVELOPMENT

- The building on Ebury Street is too close to the pavement.
- The development does not “Successfully rebuild the historic streetscape”.
- There is severe overdevelopment in this proposed scheme.
- The new flats are too densely packed together.
- Lack of daylight to courtyard between buildings A and C.
- Elizabeth Place is only 20ft wide and Five Fields Row 12ft wide.
- The new walkway and new public space could attract anti-social behaviour including at night time.

#### DAYLIGHT, SUNLIGHT AND LOSS OF PRIVACY

- Effect on neighbours amenities such as daylight, sunlight, privacy and noise.
- Substantial loss of daylight and sunlight to listed houses on Mozart Terrace (Ebury Street), sometimes in excess of 40%.
- Impact on Ebury Street from bringing the building line forward with tall buildings 30m high. They should be no more than 20m high.
- Loss of view from Mozart Terrace (Ebury Street) as the existing open space and greenery between the Cundy Street flats will be lost.
- Loss of privacy, overshadowing and noise and disturbance to Mozart Terrace (Ebury Street) properties from new building across the street.
- The proposed unbroken row of high buildings opposite Mozart Terrace will be so high and so close as to deprive occupants of a significant amount of light and greenery.

## TREES

- Object to felling of trees and loss of mature planting.
- Loss of trees from Coleshill Flats.
- Loss of planting and green space around Cundy Street flats.
- The greenspace can currently be enjoyed along Ebury Street.

## PARKING AND HIGHWAYS

- 38 parking spaces for 254 to 305 residences is woefully inadequate and will place pressure on an area where there is very high demand for limited on street parking. A lack of parking spaces will add to traffic congestion, noise, fumes and parking on the pavement.
- The proposals take away valuable and sought after parking spaces on the road. The loss of parking spaces in Cundy Street will be particularly detrimental to elderly and disabled residents.
- Increased air pollution from increased congestion.
- No resident parking permits should be issued to residents' of this development.
- Object to any proposal to restrict traffic along Avery Farm Row.
- The on street cycle parking is excessive and in the wrong place.

## EBURY SQUARE GARDENS

- Ebury Square Gardens is protected under the London Squares Preservation Act. The proposed changes in landscaping and design are totally inappropriate, unsympathetic and will seriously affect the appearance and visual amenity of the square. Object to modification of the garden's railings to accommodate cycle stands, to the changes to pathways through the square and the relocation of the central fountain.
- A children's playground will interfere seriously with the amenity or enjoyment of the gardens and will cause noise pollution to residents facing the gardens and for those using the square for relaxation (contrary to the London Squares Preservation Act).
- Object to pollarding of trees in the gardens.

## OTHER

- Construction disruption for seven years . The demolition, excavation and rebuilding will be unbearable for the neighbourhood.
- The City Council must rigorously enforce the Code of Construction Practice.
- Noise impact from construction.
- Impact from construction on air quality.
- Concern that aspects of the development will be watered down as the development progresses.
- Children's playground will be affected by air pollution from coach station traffic.
- In an age committed to green and environmental issues, is there really any justification for this development?
- Views of Semley House Residents' Association are endorsed.
- At no point did the pamphlets produced by 'Cundy Street Quarter' outline the comparison between existing and proposed building heights.
- From the information submitted it is impossible to gauge the difference between the heights of what is there and what is proposed.
- The timing of the City Council's public consultation should not have been to coincide with a national lockdown due to Covid-19.
- There is some discrepancy between what the developers have advertised and what

is actually on the planning application.

### **Letters of support**

- The Chair of Governors of St Barnabas CE Primary School fully supports this new development. St Barnabas is a small single form entry Primary School with capacity and the Chair expects this development and associated affordable housing to be both good neighbours and a source of children coming to the school.
- The development is supported and welcomed and will assist in keeping this strong community together.
- Replacement housing for Walden House residents will help to alleviate the housing crisis.
- The development is non-intrusive, eco-friendly and meets the needs of residents.
- The development will massively improve the quality of homes.
- Support project which is well designed (with reservation about the height of B1 and density)
- A great development that is a step in the right direction for Belgravia.
- Grosvenor have listened to everyone's opinions.
- Although there will be some dislocation and inconvenience during redevelopment, the end result will improve the area greatly for the benefit of local residents, businesses and those who work in Westminster.
- Great initiative and well designed. Nice to see open spaces and pedestrian only zones.

### **Neither objecting to nor supporting the Planning Application**

:

- Please consider including a large secure cycle storage facility which can be accessed and used by all members of the community. As a result of Covid-19 more people are cycling.
- Letter on behalf of Belgravia Police Station advising that 24/7 access to Belgravia Police Station on Ebury Square must be maintained.

### **PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

### **FIRST RE-CONSULTATION**

The City Council carried out a re-consultation on 28 October 2020 for the following amendments:

- Design of Ebury Square Gardens revised including retention of fountain in the middle of the gardens and existing path structure.
- Play space within Ebury Square Gardens to be dispersed around the gardens.
- Changes to refuse stores and on street cycle parking
- Changes to the indicative design of Cundy Street carriageway and public realm on Avery Farm Row.

Letters were sent to those who had previously commented. 10 individual responses (from 8 addresses) were received:

- Plans to keep architecture of gardens as they are is welcomed.
- pleased that Grosvenor have retained the fountain and pathways, but most strongly object to having four play spaces around the square.
- Reiterates view that Grosvenor should put playground in their new development.
- If the square can't be refurbished without ruining it with a play area then it should be left alone.
- The play space will generate even more noise for Semley House residents.
- The play space should be at the Pimlico Road end of the square, close to replacement Walden House
- Continues to object to loss of any on-street car parking
- Continued objection on height and design grounds
- Coleshill Flats (Peabody) residents are the only residents in the entire Cundy Street Quarter build that will not have access to "private outdoor amenity space". Grosvenor want to remove the Coleshill private outdoor amenity space garden and replace it with a community space.

#### Semley House Residents Association

Generally viewed the revised proposals of the Ebury Square garden redevelopment proposal as a great improvement on what was originally suggested. The association accepted the argument for one play area even though we would prefer none. However the revised proposals now show two play areas and we object to the mixed use of this play area for activities like Tai Chi and an older children's play area in the northeast corner of the square bordering Semley Place. The association regrets the necessity of invading the tranquillity of the square, presently enjoyed by many adults.

### **SECOND RECONSULTATION**

The City Council carried out a further re-consultation on 14 January 2021 to allow for any comments on the independent review of the daylight and sunlight impacts of the proposed development commissioned by the City Council. Letters were sent to those who had previously commented. One individual response was received with a further objection that this development is inappropriate and wholly detrimental to the area and that local opposition is obvious.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site comprises the land and buildings bounded by Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square and Cundy Street. The site also includes Orange Square and Ebury Square. Part of the site falls within the Belgravia Conservation Area.

The site comprises an area of 1.77 ha. and includes the following buildings and open spaces:

#### Cundy Street flats

A group of four 7-storey blocks of flats constructed in the 1950s comprising Stack

House, Laxford House, Lochmore House and Kylestrome House. There are 111 private residential units within the Cundy Street flats with 59 surface level car parking spaces.

#### Walden House

A 5-storey block of flats which dates from 1924 and contains 40 affordable homes in social rent tenure. Walden House is leased to the City Council which the applicant advises expires in 2023.

#### Coleshill basement flats and Coleshill car park

The Coleshill Flats are two Victorian Grade II listed 6-storey mansion blocks constructed in 1871. These contain 120 residential units and ground floor retail and restaurant uses fronting Pimlico Road and Ebury Street. The car park to the rear contains 24 surface level car parking spaces. Although the red line boundary includes both Coleshill buildings, the application only relates to 9 basement flats which are accessed from Coleshill car park and the side and rear facades.

#### Ebury Square Gardens

Designated open space which is protected in legislation through the London Squares Preservation Act (1931). The square is owned by the applicant which is currently leased to the City Council who manage and maintain the space.

#### Orange Square

Designated open space located to the west of the Coleshill Flats at the junction of Ebury Street and Pimlico Road which includes hard and soft landscaping and former public toilets. Orange Square is owned and maintained by the City Council.

In addition to the Grade II listed Coleshill Flats, the site also includes the Grade II listed Arnrid Johnston Obelisk, which is located within the courtyard of Walden House, the Marquess of Westminster Memorial Drinking Fountain (Grade II) on Avery Farm Road and the Grade II listed pair of telephone kiosks on Orange Square.

The Coleshill Flats and car park and Orange Square all fall within the Belgravia Conservation Area. The remainder of the site lies outside the conservation area boundary. The site also lies within the immediate setting of numerous other designated heritage assets, including 180 Ebury Street (Grade I), 162-170 Ebury Street (Grade II), Church of St Barnabas (Grade I) and St Barnabas Church School (Grade II).

The site is located within Tier 3 of the Pimlico Special Archaeological Priority Area, the Crossrail 2 Safeguarding Zone (part) and an area of public play space deficiency. Part of the site (the south western end) is located within an area of public open space deficiency. The commercial units within the Coleshill Flats fall within the Pimlico Road Local Centre, which extends along Pimlico Road High Street to the west of the site. The site is within Flood Zone 1.

There are 15 trees within the Cundy Street flats element of the site which are covered by a Tree Preservation Order (TPO). There are also 14 other trees covered by a TPO which include 13 mature plane trees and one hawthorn located in Ebury Square.

In 2018, Certificates of Immunity from Listing were issued for both Walden House and the Cundy Street Flats and expire in 2023.

The boundary with the Royal Borough of Kensington and Chelsea is located approximately 250m to the west of the site.

## 6.2 Recent Relevant History

There is no recent relevant planning history for the Cundy Street flats, Walden House or the Coleshill Flats.

At Orange Square permission was granted on 1 November 2018 for “Use of the open space between Ebury Street and Pimlico Road as weekly Saturday farmers’ market with servicing hours from 7.30am-3pm and trading hours from 9am-2.05pm.” This permission is personal to London Farmers' Markets Ltd and expires on the 31 October 2023.

At Ebury Square permission was granted on 14 October 2013 for “Works to boundaries of Ebury Square Gardens comprising installation of new wrought iron gate on western boundary and replacement and widening of two existing gates on eastern and western boundaries.” On 30 July 2014, permission was granted for the ‘installation of a new lighting scheme to Ebury Square Gardens’.

On the 31 January 2018, listed building consent was granted for “Repairs to the substructure of the fountain (Marquess of Westminster Memorial Fountain) and surrounding paving stones.”

## 7. THE PROPOSAL

Land Use	Existing Floorspace (GIA) sqm	Proposed Floorspace (GIA) sqm	Net Change (GIA) sqm
Market Housing (Class C3)	9,058	12,732	+3,674
Affordable Housing (Class C3)	3,283	10,360	+7,077
Specialist housing for older people (Class C3 and/or C2)	0	18,345	+18,345
Retail (Class A1)	50	883	+833

Retail/Restaurant/Drinking Establishments/Office (A1/A3/A4/B1)	0	1,952	+1,952
Community (Class D1)	0	154	+154
Cinema (Class D2)	0	846	+846
<b>Total</b>	<b>12,391</b>	<b>45,272</b>	<b>+32,881</b>

Permission is sought for the demolition of Stack House, Laxford House, Lochmore House and Kylestrome House (the Cundy Street Flats) and Walden House and for the comprehensive residential-led mixed use redevelopment of the site to construct three new blocks ranging in height from 5 to 11-storeys with a single basement level.

The scheme includes new internal pedestrian routes through the centre of the site. A new east-west route would link Orange Square and Ebury Square (via the rear courtyard to Coleshill Flats) and is named Elizabeth Place. A new north-south route would link Pimlico Road with Ebury Street and is named Clifford's Row (the southern access) and Five Fields Row (the northern access). There will be a new area of open space where the four internal routes meet known as Elizabeth Place.

The three new buildings and their uses comprise:

#### Building A – senior living accommodation

Building A (split into A1 and A2) would range in height between 4, 6, 7, 8, and 10-storeys and would include specialist accommodation for older people in C2 and/or C3 use, with internal communal amenity space and an open atrium courtyard at ground floor level, with five small commercial units located on Elizabeth Place and the northern mews access to Ebury Street. The commercial units would comprise three retail (A1) uses and two retail/ restaurant /drinking establishment or office (A1/A3/A4/B1) uses. There would be an off street loading bay and car drop off facility on Cundy Street.

The Class C3 residential units would be self-contained encompassing a bedroom (or, in a few cases, two bedrooms), bathroom and living room / kitchen / diner. These units would be for older people who would be capable of living independently. The Class C2 use, referred to as assisted living units, would be studio-type units and not be self-contained. Those living within the Class C2 assisted living units are likely to have substantially more extensive care needs and would be dependent on the meals, health and social care provided by the facility. The aim being that as the care needs of individuals or households changes over time there will be different types of accommodation available.

The applicant is seeking flexibility as to the final mix of Class C3 residential units and Class C2 assisted living units. The drawings submitted with the planning application



illustrate one possible configuration of the space within Building A with 37 Class C3 residential units and 100 Class C2 assisted living units (this is identified within this report as the indicative design scheme). The applicant also proposes a maximum Independent Living scheme and a maximum assisted living scheme:

- Maximum independent living scheme in which all accommodation within Building A would be Class C3 residential units;
- Maximum assisted living scheme with 119 Class C2 assisted living units and 23 Class C3 residential units.

The applicant proposes that the final composition, mix and layout of Building A would be secured by condition prior to construction. This is because this type of senior living operating model is new to the UK and the final configuration of Building A would ultimately depend on the potential occupiers. However whilst flexibility is sought, the applicant advises that the discharge of the planning condition would show a final configuration that would sit between two parameters, both of which have been assessed as part of the Environmental Statement. The two parameters are set out in the table below:

	<b>Maximum Assisted Living Scenario</b>	<b>Indicative Design Scheme</b>	<b>Maximum Independent Living</b>
<b>Units in Blocks B &amp; C (conventional Class C3)</b>	163	163	163
<b>Units in Independent Living in Block A (Class C3)</b>	23	37	91
<b>Assisted Living Units in Block A (Class C2)</b>	119	100	0
<b>Total</b>	<b>305</b>	<b>300</b>	<b>254</b>

The accommodation, including the Class C3 residential units, would be let only to primary tenants over the age of 65 with care needs, confirmed by an independent assessment. In the case of the Class C3 use, the primary tenant, with care needs, could be accompanied by a spouse or partner.

#### Building B – Market and intermediate affordable housing

Building B (split into B1, B2 and B3) would be stepped in height ranging from 5, 7, 8, 10 and 11-storeys. This block would include flexible commercial units in Class A1/A3/A4/B1 use at ground floor level; a local supermarket/food store, with self-contained residential units in Class C3 use above. The building is split with 70 market tenure residential units in B1 and 49 intermediate residential units in B2/3. There would be an off street loading bay on Pimlico Road.

#### Building C – social rent affordable housing

Building C would range in height from 4, 6, 7, and 8-storeys and would include a Class A1 retail unit on the corner of Ebury Street and community space (Class D1) and cinema

(Class D2) fronting onto Elizabeth Gardens, with 44 residential units on upper levels in social rent tenure. The cinema would include three screens at basement/sub-basement level. The mix of social rent units has been designed to meet the requirements of the 38 households from Walden House.

The proposed single basement will provide 38 residential car parking spaces with 18 spaces for the senior living accommodation in Building A and 20 spaces for the market housing Building B1. Long stay cycle parking is proposed for both residents and workers employees within the development.

#### Coleshill Flats

The site area includes the basement of Coleshill Flats which currently provide nine affordable homes (4 four social rent and 5 intermediate units). Permission is sought for the change of use of these residential flats into retail and / or workspace (Class A1 and / or B1) with rents and service charges to be subsidised by the applicant. There is no guarantee that this part of the proposal would be delivered as existing residents of these flats would be given a choice to move into a new flat in Building C or remain in their own home.

#### Ebury Square Gardens

The proposals for Ebury Square Gardens were revised during the course of the consideration of this application. This followed consultation by the applicant with local residents. It is proposed to refurbish the gardens whilst maintaining the existing path routes and fountain location. Children's play space of 560sqm would be provided which would be dispersed around the gardens. It is no longer proposed to pollard the trees within the square as part of this application.

#### Orange Square

The works proposed include new hard landscaping, alterations to the above ground toilet structures, removal of existing bollards, repositioning of Grade II listed telephone boxes, additional cycle parking and new benches. It is no longer proposed to pollard the trees within the square as part of this application.

#### Other works

The proposal includes highways works necessary for the development to take place. 12 short stay cycle racks are proposed on Avery Farm Row (they were previously proposed to be located north of Ebury Square) and a further 22 cycle stands are proposed to be located south of Ebury Square. The submitted drawings also includes changes to the Cundy Street carriageway and the relocation of three residential parking bays. (This part of the application has also been revised as originally it was proposed to relocate 10 residential parking bays.)

#### Listed building works

The linked listed building application proposes the demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Arnrid Johnston obelisk to within the northern access (Five Field's Row); refurbishment and relocation of the Memorial Drinking Fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square and other associated works.

### Phased construction

The applicant proposes a phased construction with Buildings A and C constructed in the first phases and Building B in the second phase. (see Section 8.14)

## **8. DETAILED CONSIDERATIONS**

### **Policy Context**

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

For the reasons set out within in Section 8.8 of this report, whilst the draft replacement City Plan has now been through an Examination in Public, it will generally continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

The emerging new London Plan (referred to as the Publication London Plan) is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker. For the reasons set out in Section 8.10 of this report, policies contained in the Publication London Plan (December 2020) that are not subject to a direction by the Secretary of State are considered to carry significant weight.

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

## **8.1 Land Use**

### **8.1.1 Procedural Matters**

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

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

The other uses relevant to the assessment of this application (i.e. dwelling houses (Class C3) and residential institutions (Class C2) are unaffected by these changes.

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

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

### **8.1.2 Principle of Development**

The development proposes the wholesale demolition of the Cundy Street flats and Walden House which in total comprise 151 homes. Objections have been received to the proposed demolition on historical, environmental and social grounds. The objectors argue that the buildings being demolished are enormously popular and perfectly sound and will result in the loss of an existing community.

The applicant considers that the existing buildings on the site have a number of drawbacks. These include the poor quality accommodation within all blocks. For example Walden House has no private or shared outdoor amenity space and has limited facilities for waste and cycle storage, and no lift access. Other drawbacks of the existing site include the poor relationship of the Cundy Street flats to the historic street pattern due to their set back nature, the impermeable nature of the site and the lack of active frontage at ground floor level which has led to anti-social behaviour problems.

The applicant advises that light touch and refurbishment and extension options were considered in addition to the current proposal. The light touch works would mostly involve internal refurbishment whereas the refurbishment and extension option included extending the footprint of the Cundy Street flats on each floor, roof top extensions and new blocks along Ebury Street, Cundy Street and Pimlico Road and to south of site near Coleshill flats. However, these options were rejected by the applicant as only wholesale redevelopment would address the problem issues identified above and allow for other benefits to be delivered including using land more efficiently and increasing the provision of housing and affordable housing.

The Cundy Street flats are architecturally distinctive in terms of their form and detailing and are good examples of their type from the post-war era. Whilst not considered of special architectural or historic interest, they are considered of townscape value and undesignated heritage assets. As a positive contributor to the character and appearance of the area, the loss of these buildings is harmful and is a material consideration that weighs against the proposed development. Paragraph 197 of the NPPF explains that in weighing applications that affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the asset. For the reasons set out in Section 9.0 of this report, it is concluded that the demolition of the Cundy Street flats is acceptable given the significant public benefits

delivered by the proposed development.

Walden House is of some historic and communal value but it is not of special architectural or historic interest and makes a neutral contribution to the townscape. Its loss is not considered detrimental subject to the design quality of the replacement buildings.

The environmental concerns raised about demolition of the existing buildings is understood. Embodied carbon is defined in the Publication London Plan as “The total life cycle carbon / energy / greenhouse gases used in the collection, manufacture, transportation, assembly, recycling and disposal of a given material or product.” The applicant has provided a Whole Life Carbon Assessment with the application. This demonstrates that over a standard 60 year life cycle, the proposed development would result in less carbon emissions on a per square metre basis than the options discussed above. By way of comparison, the proposed development would use 1,842 kilograms of carbon per sqm over the full life span whereas the light touch refurbishment option would use 3,903 kilograms of carbon per sqm over the same life span. On this basis, the applicant advises that the carbon ‘pay back’ of the proposed development compared to a light touch refurbishment, would be approximately 16-17 years. The applicant’s case for demolition in environmental terms is accepted.

National, regional and local planning policies seek to optimise housing delivery and boost housing supply.

The NPPF states that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This is to support the Government’s objective of significantly boosting the supply of homes.

London Plan Policy 3.3 seeks to increase the supply of housing in the capital and sets the City Council a 10 year housing target of 10,677 homes, which is reduced moderately to 9,850 homes in the Publication London Plan.

Policy GG2 of the Publication London Plan seeks to create successful sustainable mixed-use places that make the best use of land. Those involved in planning and development must proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

One of the strategic objectives of the City Plan is an aim to increase the supply of good quality housing to meet Westminster’s housing target, and to meet housing needs, including the provision of affordable housing and homes for those with special needs. Policy S14 of the City Plan seeks to optimise housing delivery and specifies that the City Council will work to achieve and exceed its borough housing target set out in the London Plan. This objective is carried through into emerging policy within the draft replacement City Plan which seeks to optimise site densities to exceed the London Plan derived target of 20,685 homes across the plan period (2019-2040).

The site is well located in terms of public transport and amenities. A key planning benefit of the redevelopment of the site is that it intensifies the use of land to support additional homes and workspaces and promotes higher density development. The proposals would deliver 163 Class C3 residential units within Buildings B and C with a floorspace of 23,092 (GIA) sqm. This represents an uplift of 10,751(GIA) sqm for Buildings B and C. The scheme would also deliver 18,345sqm of specialist housing for older persons which depending on how Building A is configured could deliver up to an additional 91 C3 residential units. In the Publication London Plan higher density residential developments are those with a density of at least 350 units per hectare. If Ebury Square and Orange Square are removed from the site area, the scheme as submitted would have a residential density of 222 units per hectare. This compares with 119 units per hectare as existing. This increased density would boost housing supply in line with national, regional and local policy objectives set out above.

The proposed development has received letters of support on the grounds that it will replacement housing for Walden House residents will help alleviate the housing crisis, that it will massively improve the quality of homes and that the end result will improve the area greatly for the benefit of local residents, businesses and for those who work in Westminster.

It is accepted that the Cundy Street flats are attractive buildings that have provided homes for a long standing community for many years and their demolition is not fully supported by the local community. However, their demolition will allow for a sustainable mixed use development that makes the best use of land, increases the supply of good quality housing to meet Westminster's housing target, provides more housing including affordable housing and specialist housing for older people together with other socio-economic and environmental benefits. These are benefits that could not be delivered with either the light touch refurbishment or refurbishment and extension options.

Concerns have been expressed by local residents that this will be a soulless or a 'dark window' development that will harm the village feel of the Belgravia area. Given the significant amount of affordable housing proposed on-site, the provision of specialist older person housing and a wide mix of commercial uses including a cinema, the proposed development is highly unlikely to fall into the category of a 'dark window' development. Given the overall amenities and public realm proposed within the proposed development, the proposal would be likely to enhance the feel of the Belgravia area rather than harm it.

### **8.1.3 Replacement of existing affordable housing**

The development proposes the demolition of 40 social rent units in Walden House and the potential loss of four Coleshill basement flats in social rent tenure and five in intermediate tenure through a change of use.

The City Plan and London Plan protect affordable housing and floorspace that is used or was last used as affordable housing. Policy H8 of the Publication London Plan also requires replacement affordable housing floorspace to be re-provided on a like for like basis. Part E of Policy H8 also states that all development proposals that include the demolition and replacement of affordable housing are required to follow the Viability Tested Route and should seek to provide an uplift in affordable housing in addition to the replacement affordable housing floorspace.

The proposal accords with these policies as the proposed 44 social rent affordable housing units in Building C would fully replace the existing 40 social rent units in Walden House and the four social rent units in Coleshill flats. Building B will allow for the replacement of the five intermediate housing units at basement level in Colehill Flats. The replacement affordable housing units will be superior to the ones they replace as they will be up to 50% larger than the existing flats in Walden House (increasing from 71 to 127sqm GIA), residents will have access to communal amenity and play space and the flats will be energy efficient. As required by Policy H8 of the Publication London Plan, the replacement affordable housing floorspace is to be provided on a like for like basis.

The table below shows that the development proposes a net uplift in overall affordable housing by units, habitable rooms and floorspace in accordance with Policy H8 of the Publication London Plan.

**Table 8.1 Existing and Proposed Affordable Housing**

	Units			Habitable Rooms			Floorspace GIA sq.m		
	Existing	Proposed	+/-	Existing	Proposed	+/-	Existing	Proposed	+/-
Social Rent	44	44	0	160	146	-14	3033	5582	+2549
Intermediate	5	49	+44	11	118	+107	250	4778	+4528
<b>Total Affordable</b>	<b>49</b>	<b>93</b>	<b>+44</b>	<b>171</b>	<b>264</b>	<b>+93</b>	<b>3283</b>	<b>10360</b>	<b>+7077</b>

In response to community consultation, the applicant has committed to phasing and facilitating the proposed construction to give Walden House residents the choice to move just once, directly into the new social rent housing in Building C. This means that Building C will be constructed and made ready for occupation prior to the demolition of Walden House, thus allowing residents to move straight into permanent new accommodation without the need for interim accommodation and two moves.

The City Council's Housing department has advised that they welcome the proposals for the rehousing of existing social rent tenants in Walden House and Coleshill Flats on the terms proposed. In particular Housing welcomes the phasing and one move strategy. It is recommended that the replacement affordable housing is secured as part of the s106 legal agreement.

The representation from a local resident that the affordable housing should be located elsewhere in a cheaper part of Westminster is not supported by adopted policy..

#### Cundy Street flats residents

Letters of objection raise concerns about the impact of the development on existing residents in the Cundy Street flats. The letters state that many of the existing residents are affordable renters or low income tenants and that a Right of Return is not being offered to these occupants nor temporary alternative accommodation being provided. Councillors Mann and Talukder consider that the applicant should offer existing residents of the Cundy Street flats a right to return to, or even first refusal on, any of the new housing being built.

Officers are sympathetic to the concerns raised and the break-up of the long standing community at the Cundy Street flats is regretted. However, it is understood by officers that all of the Cundy Street flats are subject to various private rent tenancies and have never been occupied as affordable housing, or subject to means testing or City Council nominations. Accordingly, the Cundy Street flats would not be classified as existing affordable housing as defined by London Plan Policy 3.10, Policy H6 of the Mayor's Publication London Plan or Policy S16 of the adopted City Plan. The London Plan policies set out a number of key principles which apply to affordable housing in terms of household eligibility, income and affordability tests and for units to be secured in perpetuity, with provision for the affordable housing subsidy to be recycled for alternative affordable housing if the units change tenure at any stage. These provisions would not be met in this instance.

In terms of the relocation arrangements, the applicant advises that they have offered support to all existing residents. This includes free independent legal advice and individual meetings with the applicant and a housing advisor, with further relocation options and practical support tailored to the circumstances and preferences of each tenant and the nature of their tenancies. Given that the relocation arrangements of the private tenants is a matter between the applicant and the individual tenants, rather than a planning matter, this is considered satisfactory.

#### **8.1.4 Specialist older persons housing**

Policy 3.8 of the London Plan seeks to ensure that boroughs take account of the changing age structure of London's population and, in particular, the varied needs of older Londoners, including for supported and affordable provision in their planning decisions. Policy H13 of the Publication London Plan states that boroughs should work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons taking account of:

- 1) local housing needs information including data on the local type and tenure of demand, and the indicative benchmarks set out in Table 4.3 [of the Publication London Plan]
- 2) the need for sites to be well-connected in terms of contributing to an inclusive neighbourhood, having access to relevant facilities, social infrastructure and health care, and being well served by public transport
- 3) the increasing need for accommodation suitable for people with dementia.

Table 4.3 of Policy H13 of the Publication London Plan sets out that the indicative annual borough benchmark for specialist older persons housing 2017-2029 for Westminster is 100 units per annum.

Policy S15 of the City Plan states that provision of specialist housing will be allowed where this would contribute towards meeting local housing needs. The reasoned justification for this policy states that it is important to safeguard specialist housing because need is likely to increase in the future, particularly with an ageing population.

The principle of providing specialist older persons housing within Class C2 and /or Class C3 is considered acceptable. The development would help the City Council meet its



indicative targets for specialist accommodation for older people and would encourage downsizing, helping to free up existing family sized homes. The indicative layouts for Building A show that the housing would be served by internal communal facilities at ground floor level with additional communal facilities on the upper floors for the C2 assisted living units. An accessible entrance and drop off facility are proposed on Ebury Street and a secure basement car park with disabled parking and a lift.

The principle of securing the final mix of accommodation within Building A through the discharge of a planning condition is considered acceptable. It is recognised that this model of senior living accommodation is new to the UK and that the flexibility allowed by the planning condition will help to bring forward this part of the proposed scheme and the planning benefits it offers. Officers note that the flexibility proposed does not affect the quantum of affordable housing, given that the Financial Viability Assessment for the development includes the senior living accommodation. However, the final configuration of Building A does impact on the viability review mechanism. (see Section 8.1.5)

### **8.1.5 Affordable housing**

Policy 3.11 of the London Plan states that the “Mayor will, and boroughs....should seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London.” The Publication London Plan sets a strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable. Policy H8( E) of the Publication London Plan requires developments that include the demolition and replacement of affordable housing to provide the maximum possible amount of affordable housing to be determined through viability testing.

Policy S16 of the City Plan states that the City Council will aim to exceed 30% of new homes to be affordable homes, and will work with its partners to facilitate and optimise the delivery of new affordable homes. The City Council’s Interim Guidance Note on Affordable Housing (2013) provides additional detail on the application of this policy. In this location, outside of the Core CAZ, Table 3 of the Interim Guidance Note provides that 35% affordable housing would be sought.

Given that the proposed development includes the demolition and replacement of affordable housing, it is considered that Policy H8 (E) of the Publication London Plan, which is more up to date than Westminster’s adopted City Plan and carries significant weight, is the relevant development plan policy to assess the proposed affordable housing contribution against.

There would be a net uplift in affordable housing units which would be comprised entirely of 44 intermediate rent units in Building B alongside the net increase in social rented floorspace of 2549 sqm as set out in Table 8.1. The level of affordable housing on the net uplift in C3 housing on site is 24% by habitable room and 29% by unit. (that is excluding the like for like replacement of the 49 existing affordable homes on site).

Based on the indicative design scheme submitted (which proposes a total of 200 C3 residential units), the application proposes a gross affordable housing offer of 47% by habitable room, 47% by units and 34% by units (excluding the C2 assisted living units)

The applicant has submitted a Financial Viability Assessment (FVA) to accompany the

planning application. The FVA has assessed the financial performance of the proposed development as a whole, including the senior living accommodation within Building A. The City Council appointed BNP Paribas as viability consultant to assess the applicant's FVA. The applicant's FVA has been viability tested against the Maximum Independent Living scenario (which proposes a total of 254 Class C3 units). The reason given by the applicant is that this is the best case scenario in terms of financial value. This has been accepted by BNP Paribas. Having interrogated the applicant's profit margin, the viability benchmark and the construction costs, BNP Paribas conclude that the proposed development, including the level of affordable housing set out above, results in a deficit against the viability benchmark. On this basis BNP advise that the scheme is delivering the maximum possible amount of affordable housing in accordance with Policy H8( E) of the Publication London Plan. It is recommended that the affordable housing is secured as part of the S106 legal agreement.

The proposed affordable tenure split across the site is 55% social rented housing and 45% intermediate housing by habitable room. This does not comply with the City Council's adopted policy requirement of 60% social rented housing and 40% intermediate tenure. However, given that emerging City Plan policy will require a tenure mix of 60% intermediate housing for rent or sale and 40% for social housing or London Affordable Rent, the City Council's Housing department are satisfied with the tenure mix proposed. All the intermediate affordable housing units proposed will be provided at London Living rent levels for the Churchill ward, capped at £60,000 gross household income which is acceptable.

BNP recommend that the City Council include an early and late stage review mechanism within the S106 legal agreement. The review mechanism would be carried out in accordance with the Mayor's Affordable Housing and Viability SPG (2017). BNP Paribas advise that the standard review mechanism is also appropriate to capture any additional value should the applicant decide to bring forward an alternative hybrid scheme with both C3 residential units and C2 assisted living units.

The early review is triggered where an agreed level of progress on implementing the permission has not been reached by a certain time, for example two years. The late stage review would be applied once 75% of homes are sold. The terms of the early and late stage review would form part of the S106 legal agreement. The share of additional value secured by the City Council would be 100% in favour of the City Council at the early stage review and a 60/40 split at late stage, in favour of the City Council. The review mechanism would set a 'cap' on the additional provision of affordable housing that would be sought of 50% of the total C3 units but not including the C2 units. This is subject to the applicant satisfying the City Council that the C2 units are care home accommodation under Publication London Plan policy H13. (see Section below)

#### Specialist older persons housing and affordable housing

Part B of policy H13 of the Publication London Plan states that specialist older persons housing should provide affordable housing. The proposed tenure for the C3 residential units within the senior living accommodation in Building A is 100% private. This is considered acceptable given that the senior living accommodation forms part of a wider development that is required to provide the maximum possible amount of affordable housing. This has been demonstrated by the applicant through their FVA which includes

the full value of the senior living part of the development.

The supporting text to policy H13 of the Publication London Plan states that affordable housing policy does not apply to accommodation that has the following attributes, which is considered 'care home accommodation':

- personal care and accommodation are provided together as a package with no clear separation between the two
- the person using the service cannot choose to receive personal care from another provider
- people using the service do not hold occupancy agreements such as tenancy agreements, licensing agreements, licences to occupy premises, or leasehold agreements or a freehold
- likely CQC-regulated activity<sup>72</sup> will be 'accommodation for persons who require nursing or personal care'

The applicant has confirmed that, if provided, it is their intention that the C2 assisted living units will comprise these attributes. However with regard to the third bullet point, the applicant advises that they do not know precisely what arrangements will be in place for the tenure of the Class C2 assisted living units (although the applicant advises it will not be long lease / virtual freehold), and in part because they are not clear what other tenure arrangements are available if the above are excluded. It is therefore recommended that a condition secures full details of the management of the C2 assisted living units to demonstrate that they meet the Policy H13 of the Publication London Plan's definition of care home accommodation.

The C2 accommodation will be assessed in the review mechanism and will contribute to the overall financial outturn but the 50% would not include the C2 units. This is subject to the City Council accepting that the C2 units fell within the definition of a care home within H13 of the Publication London Plan. The number of C2 assisted living units provided within Building A that did meet the above policy definition of care home accommodation, however, would have an impact on the per centage of affordable housing delivered when measured against the total number of C3 residential units.

The per centage of affordable housing for the indicative design scheme, maximum independent living scenario and the maximum assisted living scenario, both including and excluding the C2 assisted living units, is set out in Appendix 1. Table AE.1 demonstrates that when measured by habitable room, and excluding 'care home' C2 assisted living units, the affordable housing percentage for the maximum assisted living scheme is at 50% (which is the maximum 'cap' in the review mechanism). For the indicative design scheme, Table A3.3 indicates that for the maximum independent living scheme, the affordable housing per centage would be 37% by habitable room.

### 8.1.6 Housing Quality and Standards

#### Mix and size of units

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

Table 8.2 – Proposed housing mix (excluding Class C2 assisted living units)

	Market	Intermediate	Social Rent	C3 Senior Living residential units (indicative layout)	Total	%
Studio	5	0	0	2	7	4%
1-bedroom	5	33	11	28	77	39%
2-bedroom	35	12	13	7	67	34%
3-bedroom	25	4	16	0	45	23%
4-bedroom	0	0	3	0	3	2%
5-bedroom	0	0	1	0	1	1%
<b>Total</b>	<b>70</b>	<b>49</b>	<b>44</b>	<b>37</b>	<b>200</b>	<b>100%</b>

The 26% provision of family sized units across the site falls below the 33% required by policy. When the Class C3 units that form part of the senior living element are excluded, the scheme proposes 30% family sized units (based on the layout in the indicative design scheme). This is considered acceptable given the high density nature of the development and that a wide range of social rented accommodation is proposed which has been tailored to meet the housing requirements of existing residents who would be eligible for a right to return. It is also noted that emerging City Plan policy requires 25% of homes to be family sized.

All C3 residential units, including those within the senior living accommodation, meet the National Space Standards. The average residential unit size within Buildings B and C is 96.5 sqm. This increases slightly to 97.5 sqm when the C3 units within the senior living accommodation are included (based on indicative design scheme). The dwellings have been designed to be dual aspect where possible.

#### Internal daylight and sunlight to proposed dwellings and sunlight to amenity spaces

Some letters of objection raise concerns that the proposal represents an overdevelopment of the site and that the new flats are too close together.

Daylight and sunlight have been assessed on all floors within Buildings A, B and C. Overall, of the 702 rooms tested, 469 (67%) would meet the BRE recommended target values for ADF and 487 (69%) for daylight distribution (NSL). When using the lower target value of 1.5% for living / kitchen / dining rooms (LKD), 17 further rooms would comply. In addition, 90 rooms would marginally fall short of the guidelines for ADF by 0.1-0.2%. Accordingly, 559 rooms (80%) would receive adequate levels of daylight.

Overall, the development appears to provide a satisfactory level of adherence to daylight guidelines for a dense housing development, albeit the assumption of light finishes and surface reflectance's means that the ADF results are best-case values. If the applicant delivers units with darker finishes, fewer rooms would achieve the minimum recorded ADF levels. The main causes of the poorer daylight results include rooms on lower floor levels facing higher levels of obstruction, windows beneath balconies having a more limited view of sky but providing private amenity space, and deep living / kitchen / dining rooms (LKDs) which make it difficult for light to penetrate to the back of the room. It should be noted that there will be five LKDs whose daylight levels would be 0.5% ADF or less (i.e. less than half the minimum recommended for a bedroom), As well as these, there would be 28 living rooms or LKDs whose daylight levels are between 0.6% and 1%. Given the high density nature of the development and the planning benefits of the scheme as a whole, this is considered on balance to be acceptable.

For sunlight, 151 south facing living rooms have been tested across the three blocks. Of those, 102 (68%) would meet the combined annual and winter sunlight guidelines. This is considered acceptable. The City Council's independent daylight consultant suggests that it might aid the Council's understanding if the applicant would confirm the number and percentage of units whose main living room has a northerly-aspect and can be expected to receive lower levels of sunlight. The applicant advises that as it is impossible for northerly facing windows to achieve the BRE guidelines, the occupants of these rooms would not have a reasonable expectation of sunlight. As such, all windows with a northly aspect (within 90 deg. of due North) have been excluded from the assessments. As this additional detail is not required by the BRE guidelines, and additionally would not be consistent with the analysis the applicant has done on the adjacent surrounding properties, this is considered acceptable.

The results of the two-hours sun-on-ground overshadowing assessment shows that of the eight amenity areas tested within the development (not including the public squares), five will meet the recommended guidelines on 21st March. Areas 01, 02 and 03 would fall below, seeing 2 hours of sunlight to 23%, 13% and 43% of their areas respectively. These areas are designed as courtyards or ground level amenity spaces between the proposed blocks and so sunlight is restricted.

Additional sunlight exposure assessments have been carried out on the 21st of March, April, May and June to further explore the sunlight availability in the spring and summer months. The sunlight to all areas would increase from 21st March onwards and on 21st June the majority of most areas would see good levels of sunlight. On balance, the amenity areas within the development will offer good levels of sunlight.

This is a dense form of development and whilst not all rooms within the development or outside amenity spaces comply with the BRE guidelines in terms of daylight and sunlight, the levels are considered acceptable. Despite the objections received, officers do not consider the scheme represents an overdevelopment of the site.

#### Overheating

The scheme has been designed to reduce overheating and solar gain with the south elevation of Building C most affected. A mechanical ventilation heat recovery system is proposed so that façade openings are not required to provide whole dwelling ventilation.

This is beneficial in terms of overheating and noise mitigation.

### Play space and other amenities

Some of the larger units are provided with private amenity space in the form of inset balconies in Building B1 and Juliette balconies in Building B2 and B3. The flats within Building C do not have private amenity space. The applicant advises that this is for design reasons as Building C is located in close proximity to the conservation area boundary and would impact on views. Instead the equivalent of a balcony area is included within the living/ dining spaces of each individual flat. This is considered acceptable.

Communal amenity space is provided for Building B at first floor podium level within B1. Access to this communal garden would be shared between the intermediate affordable and market housing tenures which is welcomed. It is recommended that this is secured by condition. In addition the intermediate housing units will have access to communal amenity space on the roof of B3. Building C will also have access to communal roof top amenity space. A private communal garden is also proposed at ground floor level which all residents of the development will have access to, including residents of Coleshill Flats. This will be in addition to Elizabeth Place gardens which will be open to the public.

Overall the residential units will have acceptable levels of private and communal amenity space.

The GLA's play space calculator (2019), has been used to assess play space provision, which based on the housing mix anticipates 82 children within the scheme which generates a requirement for 823 sq.m. of play space. A total of 560 sqm of play space provision is proposed, the majority of which would be located within the adjacent Ebury Square Gardens, which would be publicly accessible and would include dispersed play areas designed for children aged 6-11, as well as informal play areas. It is recommended that the long term retention, access to and maintenance of play space is secured as part of S106 legal agreement. Other smaller areas of play space provision would be accommodated within the communal roof terraces and communal garden at ground floor.

The overall play space strategy is supported given the site constraints. It is recommended that the shortfall in play space is mitigated through a payment of £100,000 for provision and future maintenance of local play space improvements, as required by the Mayor's Play and Informal Recreation SPG.

Objections have been received from residents to the play space in Ebury Square Gardens including some who consider that the play space should be located within the development itself. Whilst these concerns are understood, the quality of the play space provided in Ebury Square Gardens will be higher than if it was provided on-site and it has the advantage of being publicly accessible. The applicant has amended the scheme to break up the play space into three play areas in order to reduce the visual impact on the gardens. Whilst the play space will introduce more activity into the gardens, this would not be so harmful to the environment as to warrant its removal from the scheme. The design implications of the play space in Ebury Square gardens is set out in Section 8.3 of this report.

### Impact on local amenities.

A concern has been raised from a local resident that there will not be enough existing infrastructure for the future occupiers of the development.

The Environmental Statement predicts there would be demand for a maximum additional 0.3GPs (doctors) and an additional 4 primary school age places and 2 secondary school age places (for new families moving to the development once complete). In the worst case, assuming none of the future residents are existing pupils at the schools in proximity to the site, there would be demand for 27 primary school places and 22 secondary school places. The applicant's conclusion that there would be sufficient capacity within the existing GP practices and primary and secondary schools to provide for the additional demand in services predicted is considered reasonable.

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

### **8.1.7 Town centre uses**

Policy S21 of the adopted City Plan states that new retail floorspace will be directed to the designated Shopping Centres.

Policy SS10 aims to encourage new retail accommodation at ground floor level in development schemes within a District or Local Centre. The policy states that where there is an identified need new shop-type premises may be required to extend a Centre or to provide the opportunity for local convenience shops. Part D of this policy goes on to state that "proposals for retail developments outside District or Local centres will not be permitted if they would cause demonstrable harm to the vitality or viability of existing centres."

The development would provide a total of 2,935 sqm (GIA) of retail floorspace and 846 sqm of leisure floorspace totalling 3,681 sqm. This would comprise a mix of small scale units in flexible retail, restaurant and drinking establishment and office use (Class A1/A3/A4/B1), Class A1 retail units fronting Ebury Street, a 357 sqm. food store/supermarket (Class A1), and a cinema (Class D1).

The site immediately adjoins the Pimlico Road Local Shopping Centre (the Coleshill Flats form part of the Pimlico Road Local Shopping Centre) which has a specialist character, including art galleries, furniture, antiques and interior design shops.. Logically the proposed commercial units would form an extension to this centre. Officer's agree with the applicant's assessment that the site can be regarded in policy terms as an 'edge of centre' location and a Retail Impact Assessment and a Sequential Assessment have been submitted as part of the application.

The assessments conclude that Pimlico Road Local Shopping Centre is a strong comparison centre (currently only 1% of the total floorspace provides convenience goods), it remains healthy with a vacancy rate of 15% (2108/19), there are no

reasonably available, viable and suitable sites with the capacity to accommodate the overall quantum of retail and leisure floorspace proposed within the development and that as Pimlico Road Local Shopping Centre lacks diversity, the proposals will cater for a different market than the existing offerings in the centre.(e.g. the provision of a small supermarket). In terms of comparison floorspace, the assessments conclude that the proposal will not have an adverse impact on the overall vitality and viability of the centre and that by diversifying its retail offer and offering additional amenities and shops and services in a close edge-of-centre location, the centre's attractiveness will be enhanced and improved.

Officers agree with the findings of these assessments and consider that the proposed retail and leisure floorspace will not undermine the local character and function of Pimlico Road Local Shopping Centre but should enhance it. Whilst some of the existing vacant units in the centre are an appropriate size to support the smaller of the proposed retail units, it is accepted that they would not meet the commercial and operational requirements for larger retailers proposed, including the provision of a new local food store. Although some objections have been raised to the scheme by local residents that more shops are not needed, the provision of retail and leisure uses will deliver other benefits including the provision of a genuinely mixed use development with active and animated pedestrian routes that will help create a sense of place. The provision of a residential only development would not achieve this or meet adopted policy. The proposal is considered to meet the objectives of S21 of the adopted City Plan and SS10 of the UDP.

#### Retail.

The development proposes 833 sqm of Class A1 retail floorspace which will include a 357 sqm local food store serviced from the loading bay on Pimlico Road. The applicant advises that this is something that was requested by local residents through their consultation exercise. The scale of retail is considered appropriate to the development. A condition is recommended to restrict the use of the food store convenience sales only. This is considered necessary given that the use of such a condition formed part of the Retail Impact Assessment and Sequential Assessment submitted by the applicant.

#### Entertainment uses

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

UPD Policy TACE 9 states that permission will only be granted for proposals where where the City Council is satisfied that the proposed development 1) has no adverse effect (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of a) noise; b) vibration; c) smells; d) increased late night activity; or e) increased parking and traffic; and 2). no adverse effect on the character or function of its area.



The development proposes up to 1,952 sqm flexible retail, restaurant and drinking establishment uses with Class A3 and Class A4. The applicant proposes a series of 'caps' on individual uses, namely a maximum of 750sqm of A3 restaurant use across the site with the largest A3 unit being under 500 sqm and a maximum of 150 sqm of A4 drinking establishment use. The applicant is seeking the following opening hours: 07.00-00.00 (midnight) Monday to Thursday (not including bank holidays and public holidays), 07.00 - 00.30 on Friday and Saturday and 08.00 -23.30 on Sundays.

Objections have been received from local residents to the provision of additional bars in the area in terms of noise impact, particularly for Coleshill Flats residents. Comments are made that there is already anti-social behaviour in the area.

The application site is located within a largely residential area and the Coleshill Flats back onto the new public realm. The applicant advises that the area will be actively managed with on-site 24/7 security. It is recommended that appropriate management arrangements for the public realm are secured by condition. Satisfactory arrangements for refuse storage and servicing facilities are proposed. The future A3 units comprise three units on the ground floor of Building A and five units on the ground floor of Building B. These will be provided with kitchen extract ductwork within risers from ground floor to roof level. Conditions are recommended to control the opening hours to those set out above, to secure an operational management plan for each commercial unit (to include numbers of covers, servicing arrangements, smoking policy and hours of operation for any tables and chairs), to secure details of any external tables and chairs and to require the provision of full height kitchen risers prior to any primary cooking commencing in each of the proposed class A3 uses.

In terms of the specific concerns raised about the impact on Coleshill Flats, only the proposed cinema is located directly behind these properties. The proposed A3 restaurants and/or A4 bars face onto the eastern arm of Elizabeth Place. Whilst it is accepted that the additional entertainment uses proposed would increase ambient noise levels, Coleshill Flats will to a certain extent be protected from the worst effects of any late night noise and disturbance from the proposed gates at either end of Elizabeth Place Gardens which are intended to be closed in the late evening. It is understood that there is already some anti-social behaviour in the Coleshill Flats car park and the provision of the new public routes, the gates and that the space will be actively managed should overall be beneficial to residents. Details of the operational hours for these gates would form part of the proposed management arrangements to be secured by condition.

Concerns have been expressed from the Design Out Crime officer regarding the design of the public routes through the proposed development. These are discussed in Section 8.7.8.

Taking into account the measures set out above, and taking into account the cumulative impact of other entertainment uses in the vicinity, it is not considered that the proposed entertainment uses would have any significant adverse impact on amenity (on either existing and future residents), health and safety, local environmental quality or the character and function of the area.

### Cinema

The scheme proposes a 846 sqm cinema sited centrally within the development. Whilst an objection has been received to the cinema use, the applicant advises that the cinema was requested by residents during the consultation with local stakeholders and the community. The proposed cultural use will enhance the mix of uses within the development and will help draw people to the wider site. It would have a positive and beneficial impact in the area and is welcomed in policy terms. Conditions are recommended to ensure appropriate sound mitigation measures and to ensure the cinema use is provided.

### Affordable workspace /Retail floorspace

Affordable retail/workshop space is proposed in the basement of the Coleshill Flats to support new businesses and artisans in the area in the furniture, antiques, interior and design shop industries which make up most of the retail floorspace in the existing Pimlico Local Centre. The provision of affordable workspace /retail floorspace relies upon the applicant getting vacant possession of this part of the site. But should that happen, the applicant has committed to offering the accommodation at 50% of the market rate, and 50% service charge, for a 20-year period. This is welcome in policy terms and could be secured as part of the S106 legal agreement.

### Community use

A small 154 sqm community space (Class D2) is proposed within the centre of the scheme which is welcome. It is to be offered at a peppercorn rent. The proposed use is unknown at this stage although a number of options have been considered such as space for well-being classes, a small café run by the community or flexible workspace for local residents. The community space facility to be provided in perpetuity and with peppercorn rent could be secured through a S106 legal agreement together with details of how the space is to be used. A condition is recommended to secure a management plan for this space.

### Office use

As part of the flexible uses, the applicant proposes a maximum 'cap' of 900 sqm of B1 office floorspace. This could be located within the corner unit to Ebury Square and/or, within the A1/B1 space within the basement of the Coleshill units. Although Policy S20 of the City Plan seeks to direct new office accommodation to areas including the Core CAZ and Opportunity Areas, once complete the development could be considered as an extension to the Pimlico Road Local Shopping Centre. As B1 office uses are considered appropriate town centre uses, the proposal is considered acceptable subject to a condition to restrict office floorspace up to a maximum of 900 sqm.

## **8.2 Townscape and Design**

### **8.2.1 Legislation and Policy**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### **8.2.2 Height, Scale and Design**

The proposals include the construction of six new blocks ranging in height from 25.3m (AOD) and climbing to 48.8m (AOD), namely Building A1 and A2, Building B1, B2 and B3 and Building C. The scheme, notably Building B1, would surpass the height of the tallest neighbouring buildings by approximately 15m, a considerable disparity, which would see the development exceed the general development plane.

Objections have been received from the amenity societies and local residents to the height and scale of the proposed development, in particular Building B1. Concerns have also been raised regarding the design of Building B1. The Belgravia Society considers the proposal to be an overdevelopment and questions the use of red brick for Building B1 rather than the cream more associated with Belgravia. The Belgravia Residents' Association consider Building B1 to lack architectural merit.

Building A1 would comprise four-storeys with a two-storey mansard above. It has been designed to express an architectural language comparable to a traditional mansion block. Though the building has a short return to Cundy Street, its principal facade extends along Ebury Street. Generous windows with sculpted reveals articulate the facade and recessed bays serve to apportion the building, in what would otherwise be an unrelenting facade, into four parts. The building will be predominantly constructed in

yellow brick with pre-cast stone dressings and a zinc covered double mansard with recessed dormers. Overall Building A1 is considered to be an acceptable quality, suitable for the setting of the Belgravia Conservation Area and the listed Mozart Terrace buildings opposite on Ebury Street.

Building A2 is less animated and comprises a series of recessed bays with grey pre-cast stone insets. The block navigates between Building A1 and the taller Building B1 block proposed at the corner of Pimlico Road and Avery Farm Row. With ten storeys and setbacks at sixth and eighth floor levels that ease its sheer form and bulk, the termination of the building with a double height stone framed roof is unsuccessful. This is considered partially due to its non-traditional, vertical form and the absence of articulation. Of concern is its perceived mass when viewed from within the Belgravia Conservation Area, notably from Eaton Terrace. The applicant has provided preliminary amendments which have successfully addressed officers' concerns. These include continuation of the brick work up to eighth floor level, and additional windows on the north east corner. It is recommended that these amendments are secured by the imposition of an amending condition.

Along Elizabeth Place the architectural language of the building is replicated, with double bays and recessed balconies to provide articulation and relief as well as external amenity space. Meaningful greening to the first-floor terraces above the commercial units softens the façade. The ground floor comprises commercial units which continue along Five Fields Row and create a uniform succession of arched display windows, with bronze coloured frames set between sculpted brick piers. This design approach is successfully replicated across the development, with modest variants, to establish a coherent 'house' style and sense of place.

Building B1 is the tallest of the buildings being proposed, rising to 11 floors and 48.8m in height. Articulated by a succession of red-brick arches, deep reveals and in-set balconies, the block is more commercial in scale and character, and considered a departure from the more traditional expression applied to the wider scheme. The sculpted brick detailing to the principal facades has an architectural and aesthetic quality, but its contrasting style, tonality and scale are visually discordant with the broader development and wider townscape scale and character of Belgravia. That said, the corner of Pimlico Road and Avery Farm Row is recognised as being able to accommodate more height than is currently presented by Walden House. Nevertheless, the sheer height expressed by block B1, and to a certain extent block A2, is felt to give rise to significant townscape impacts.

Building B2 continues some of the architectural traits of Building B1, notably the tone of the brick and the arched details, but is more modest in terms of scale and character. Its bayed facade baring some resemblance to the distinctive frontage of Coleshill Flats.

Building B3 connects directly with the flank of the listed Coleshill Flats. Set back from the listed building, the new block is suitably subservient, with modest architectural details designed to respond to the character and appearance of Coleshill Flats. Constructed of buff brick, the block successfully mediates between the listed building and wider development, creating a relatively successful transition in scale and architectural style. The block also incorporates Clifford's Row, a new covered route through the site which

features an arched entry on Pimlico Road. The existing traditional chamfered shopfront is retained which eases the transition between the two buildings at street level.

Fronting Ebury Street, Building C lies alongside the listed Coleshill Flats and Building A1 and provides residential flats above retail units. Extending into the site the building aligns with Five Fields Row, a new route through the site from Ebury Street. It's height and form has been developed to address the character and scale of Ebury Street as well as the listed Coleshill Flats and the interior of the site. In order to improve daylight into the site and reduce its massing, the height of the building has also been broken up. Architecturally, the block responds appropriately to the scale, composition and tonality of the Coleshill flats. As the building extends into the site, the block ascends in height. Whilst not insignificant, the additional height has been sympathetically placed to avoid harming the character of Ebury Street.

The Belgravia Neighbourhood Forum has made reference to Policy 42 on the draft replacement City Plan, which deals with tall buildings, however, this policy currently attracts very little weight.

### **8.2.3 Impact on heritage assets**

The development affects numerous designated heritage assets directly. These are Coleshill Flats, Arnrid Johnson Obelisk, Marquess of Westminster Memorial Drinking Fountain, two K6 Telephone Boxes and the setting of other heritage assets including the other nearby listed buildings and the Belgravia Conservation Area. The applicant has submitted a Townscape, Visual and Above Ground Heritage Setting Assessment to assess this impact of the proposals.

The proposed new buildings lie within the immediate setting of a number of designated heritage assets. These include the Belgravia Conservation Area, and views from within, and listed buildings within the vicinity of the site, whose settings are altered by the proposals, including the Coleshill Flats (grade II), 80 Ebury Street (grade I), 162-170 Ebury Street (grade II), terraces lining Eaton Terrace (grade II), the Church of St Barnabas (grade I) and St Barnabas Church School (grade II).

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP states that where development not wholly within a conservation area will nevertheless have a visibly adverse effect upon its recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

The setting of a heritage asset is defined in the NPPF glossary in the following terms: “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

Historic England elaborates on the definition of ‘setting’ as follows: “Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.”

The applicant has provided a Townscape, Visual and Above Ground Heritage Setting Assessment as part of the Environmental Statement to assess the direct and indirect impact on heritage assets.

### Coleshill Flats

Built between 1868-71 by Sir Sydney Waterlow’s Improved Industrial Dwelling’s Company, the Coleshill Flats are a pair of grade II listed Victorian artisan apartments fronting Pimlico Road and Ebury Street. The Pimlico Road building was built as a standalone block, whilst the block on Ebury Street has in the past sat directly alongside nineteenth century terraced houses. The proposals will partially obscure the form of these two buildings and impair the intended independence of the Pimlico Road building, and in views from the south-west will introduce significant additional massing to the immediate backdrop resulting in some harm upon their significance. However, the proposals also include enhancements namely, opening the rear elevation with sensitive fenestration changes and, if the basement accommodation is converted to affordable retail and workspaces, improvements are proposed including the accessibility of these units. Enhancements are also proposed to the immediate setting of the flats, transforming the carpark to a landscaped garden and public amenity space. The original boundary treatments to the flats are being retained and modified, and the private basement courtyards are being maintained. Overall, the harm to the significance of the buildings is considered less than substantial.

### Arnrud Johnson Obelisk

The grade II listed Arnrud Johnson Obelisk was completed in 1924 by Swedish Artist Arnrud Johnson and entitled ‘Children’s Group’. The sculpture was designed and created as a piece of civic art and was acquired by the Duke of Westminster for the Courtyard playground of Walden House, a social housing development completed in 1924, originally reserved for families with children. The obelisk is to be relocated to a small publicly accessible courtyard on Five Fields Row, opposite the entrance of Building C, where it can be appreciated by the residents and families. Historic England have recommended that a condition is attached to ensure that the dismantling and rebuilding of both the listed fountain and obelisk are undertaken in accordance with the submitted methodologies, and to secure suitable future maintenance programmes. The applicant has attempted to explore more about the missing inscription on the obelisk but has not had success to date. A condition to secure further details of this is not considered necessary.

Relocating the sculpture will change its setting, but if undertaken with due diligence, its special interest and artistic aesthetic importance should be preserved and enhanced which could be considered a public benefit.

#### Marquess of Westminster Memorial Drinking Fountain

The grade II listed Marquess of Westminster Memorial Drinking Fountain was erected on the corner of Avery Farm Row and Pimlico Road in 1871. Designed by Thomas Henry Wyatt, the fountain is in an Italian Renaissance Style using Portland Stone and granite and features distinctive mosaic plaques. Proposals seek to relocate the fountain to the opposite side of Avery Farm Row (in front of block B), as well as undertake repairs and reinstating features. The setting of the fountain has changed over time, from relatively undeveloped to an urbanised environment. Its relocation is not felt to harm its special interest, or reduce its communal, aesthetic and historic values and the proposed restoration works are a welcome enhancement. This is considered to be a heritage benefit of the proposed development.

#### Telephone boxes

Designed by Sir Giles Gilbert Scott, the two grade II K6 Telephone Boxes located in Orange Square are instantly recognisable and have significant architectural and design interest. In a fair condition, the proposals include repositioning the kiosk within 1m of their existing location to enable planting and rebuilding of the wall behind, and undertake repairs and cleaning to support the long-term conservation of the structures. The kiosks will remain in their intended setting and will not be decommissioned, as such the special interest of the kiosks will not be harmed but enhanced by the repairs being undertaken.

#### Belgravia Conservation Area

The conservation area covers an extensive area from Hyde Park Corner in the north to the southern end of Ebury Bridge Road to the south, encompassing predominantly nineteenth century developments, notably, the grand stucco terraces of Belgrave Square and Eaton Square. The area also includes the more modestly scaled housing around Ebury Street and the smaller scaled worker cottages, notably, in the locality of Graham Terrace, Bourne Street and St Barnabas Street.

Characterised by its planned streetscape of terraces and garden squares, a large extent of the area is laid on a grid, generating long direct views along unbroken terraces. Due to its proximity to the conservation area, the development features in several important townscape views.

The development is a departure from the unbroken terraces which lie directly to the north of the site, and will by virtue of its scale, density and architecture, present a different character. That said, in the context of Pimlico Road, where architectural variety is typical, this is not in itself considered detrimental and there are benefits resulting from the development addressing the streets and repairing frontages. Although it is noted that objections have been received that the building is too close to the pavement on Ebury Street and that the development as a whole does not successfully rebuild the historic streetscape. However, these views are not shared by officers .

There is a notable change in townscape scale and a visual disparity which is apparent in particular views from within the Belgravia Conservation Area. The development features at the termination of Eaton Terrace (view 18), a view defined by listed terraces of early nineteenth century townhouses. The abrupt change in townscape scale and character does diminish the quality of this view and the character of the conservation area. The level of harm is considered less than substantial.

The Belgravia Conservation Audit identifies the view from Pimlico Road towards Orange Square which features the spire of St Barnabas Church as an important local view (29). The development does feature in this view, infilling the gap between the two Coleshill blocks and encroaching the skyline above the existing roofscape. However, it is not considered to significantly impair the experience of the view or compete with the spire of St Barnabas Church.

When viewed from the east along Pimlico Road outside Fountain Court (view 4), the development is viewed alongside the conservation area, which lies to the south of Pimlico Road. The variance in scale is pronounced, with Buildings B1 and B2 looming over the smaller scaled Victorian Pub opposite and the spire of St Barnabas Church beyond. The architecture presented on this part of the site is also less sympathetic and deviates from the more traditional scale and character that typifies Pimlico Road and its surrounding streets. By virtue of its scale and appearance the development has a detrimental impact on views into the conservation area and diminishes its appreciation, resulting in less than substantial harm to its setting.

#### Other Listed Buildings

The site also lies directly opposite a terrace of Georgian and Regency townhouses along Ebury Street collectively known as Mozart Terrace. Formerly 'Five Fields Row' Mozart Terrace was renamed following Wolfgang Amadeus Mozart's stay in the street in 1764. Comprising 180 Ebury Street (grade I) and 162-170 Ebury Street (grade II) the terrace includes some of the earliest buildings within Belgravia and are of high architectural and historic interest with exceptional townscape value.

The application site already has a different character and contrasts with the listed terrace. This is largely as a result of WWII bomb damage which rendered the nineteenth century buildings on the south side of Ebury Street and Cundy Street beyond repair. Consequently, the site is an area of transition between traditional Belgravia townscape and post-war developments around Ebury Square. The proposed development would exhibit a greater scale and density than the current setting, yet the proposals seek to repair the building line of Ebury Street and would complement the architectural variety exhibited within the surrounding context. As demonstrated in views 20 and 21, the setting of Mozart Terrace will be transformed but not harmed by the proposals.

For the same reasons referenced with respect to the Belgravia Conservation Area, the listed terraced houses in Eaton Terrace present a relatively uniform appearance and consistent scale, which contributes to their significance and is appreciable in View 18. The new development would introduce a notably shift in scale, disrupting the townscape views looking south-eastward along Eaton Terrace. This impact is considered to be harmful to the setting of these listed terraces, diminishing the consistency of townscape scale. The harm caused to these terraces is considered to be less than substantial.



Located to the south of the site on St Barnabas Street, St Barnabas Church (grade I) was built by Cundy Junior and dates from 1847-50 and forms an important composition with the adjoining Parsonage and School buildings (grade II) located on Pimlico Road. The buildings have distinctive ragstone facades, with ashlar dressings and the spire of the church is a prominent townscape feature which appears in a number of townscape views. The development does not directly impact on this group of buildings but would affect views of them as well as their setting. This is clearly demonstrated in views 5 and 6, taken from Ranelagh Grove looking north. Currently the church, parsonage and school buildings are clearly defined in this streetscape view, with the roof of the school seen in silhouette against an uninterrupted backdrop. The development (Building B1) would emerge above the roof of the parsonage and school, appearing tower-like at the north end of the buildings. This assertive intrusion on the skyline diminishes the setting and appreciation of this significant group of buildings, causing less than substantial harm.

Thus, with respect to designated heritage assets, it is concluded that harm is caused to significance in some cases. The level of harm is assessed to be less than substantial. This would not accord with DES 9 and DES 10 of the UDP and S25 of the City Plan and considerable importance and weight must be attributed to that harm. In accordance with paragraph 196 of the NPPF, where this level of harm is identified, this should be weighed against the public benefits of the proposal, while at the same time being mindful of the statutory duties and also paragraph 193 of the NPPF which confirms that great weight should be given to the conservation of designated heritage assets, irrespective of the level of harm to significance. For the reasons set out in the conclusion to this report (Section 9.0), it is considered that the less than substantial harm to designated heritage assets is outweighed by the public benefits of the scheme.

#### **8.2.4 Impact on undesignated heritage assets**

While there are a number of undesignated heritage assets in the vicinity of the development site, many within the Belgravia Conservation Area, the impact on their setting is akin to the impact on the conservation area as a whole. However there are two undesignated heritage assets that are directly affected by the development, namely Cundy Street flats and Walden House.

Designed by Sir Thomas Penberthy Bennett, the Cundy Street flats (1950-2) comprise four seven-storey blocks; Kylestrome House, Lochmore House, Laxford House and Stack House, providing 109 residential units. Whilst not listed the buildings are architecturally distinctive in terms of their form and detailing and are good examples of their type from the post-war era. Whilst not considered of special architectural or historic interest, they are to be considered of townscape value and to constitute undesignated heritage assets. As a positive contributor to the character and appearance of the area, the demolition of the unlisted Cundy Street flats is harmful, and their loss is a material consideration that weighs against the proposed development. In the balanced judgment required by these proposals. Paragraph 197 of the NPPF provides that the effect of a scheme on the significance of non-designated heritage assets should be taken into account in determining planning applications. A balanced judgment is required, having regard to the scale of harm and the significance of the asset. Officers consider that the

harm caused through the demolition of the non-designated heritage asset is outweighed by the public benefits of the scheme.

Located on the corner of Pimlico Road and Avery Farm Road, Walden House was constructed in 1924 for the City of Westminster providing social housing for families with children. The building has a robust red brick façade, with stone banding and simple details with an almost institutional feel. Overall, the building has an unassertive presence. Whilst of some historic and communal value the building is not of special architectural distinction and makes a neutral contribution to the townscape and its loss is not considered detrimental subject to the design quality of the replacement scheme.

### **8.2.5 Ebury Square Garden**

Laid out in 1820, Ebury Square is safeguarded by the London Squares Preservation Act (1931), which seeks to protect certain squares, gardens and enclosures in London. This historic garden square retains its historic proportions, though little of its historic character remains. Its historic context has been lost and replaced with large scale incoherent, predominantly post-war developments which overwhelm its surroundings. Incorporating the square within the development proposals delivers an opportunity for significant enhancements and public benefits. Following consultation the Semley House Residents' Association and individual residents in Semley House, a number of the proposed changes have been modified, as such the existing path routes and fountain location will remain as existing and the children's play space will be dispersed around the gardens. The key enhancements proposed are a refurbished fountain, hedge planting around the perimeter of the square, an adult exercise area and new lanterns above all four entrance gates.

Introducing play space within the square supports the function of the square as a public amenity space, and this would comply with the London Squares Preservation Act (1931). Initially concentrated at the eastern end of the square, following officers' reservations and concerns from the Semley House Residents' Association and individual residents in Semley House, the play provision has been reviewed and amendments submitted. Consequently, the play space provision has been broken up to provide smaller interlinked areas for different age groups, which will appear less dominant, and be more sympathetic to the proportions of the square and maintain its openness. Although the provision of a playground is still not universally welcomed (additional objections to the revised playground have been received), the proposal for Ebury Square Garden are acceptable in design terms. The playground is unlikely to have a significant impact upon the tranquillity of the garden and the provision of the play space in a public square is considered beneficial to the wider community.

### **8.2.5 Public Realm**

#### New public routes and garden.

The permeability of the site would be significantly improved by the reintroduction of the historic route through the centre of the scheme, connecting Orange Square to Ebury Square and with additional covered access routes proposed from Ebury Street and Pimlico Road which would open up a new north-south route through the site. These proposed public routes, which would be activated at ground floor level by the commercial

uses proposed, would convene at a small central public square (Elizabeth Place) which includes seating and planting.

The covered mews access routes (Clifford's Row and Five Field's Row) have been designed to ensure they are as welcoming as possible after dark by ensuring continuous small-scale commercial facades and chamfering the entrances on Ebury Street and Pimlico Road and ensuring appropriate artificial lighting. The rear courtyard to the Grade II listed Coleshill would also be enhanced, with surface car parking removed and the courtyard space re-landscaped to create a small public garden and a private garden for use by all residents of the development and Coleshill Flats residents.

Although some objectors consider these new public routes too narrow, overall the scheme proposes a high quality pedestrian friendly public realm which when the active uses are taken into account will help create a sense of place within the new development. This is welcomed in place shaping terms and considered a benefit of the scheme. It is recommended that public access to the new routes is secured through a walkways agreement.

A comment has been made that Coleshill Flats will lose their amenity space as a result of the proposed development. The development proposes the removal of the car parking area behind Coleshill Flats which may include areas that are used for informal sitting out. It does not propose the removal of the vegetation that extends down to the basement level of Coleshill Flats. Despite this, overall there will be a net benefit to Coleshill residents who can use the proposed communal garden within Elizabeth Place Gardens.

The applicant has advised that the management of the public realm would include the closure of Elizabeth Place Gardens to non-residents in the late evening to prevent anti-social behaviour and disturbance to the amenity of the Coleshill Flats and Building C residents. In addition some limited servicing is expected to occur for the retail and restaurant uses in Elizabeth Place but this would be limited to the hours of the 07.00 - 10.00 Monday to Friday, 08.00-10.00 on Saturdays and 09.00 -10.00 on Sundays.

It is recommended that appropriate management and maintenance arrangements for the public realm, including timings for the opening and shutting of the proposed gates, are secured by condition. The Metropolitan Police's Designing Out Crime officer has raised concerns about security within these new publicly accessible routes through the site. This is discussed in more detail in Section 8.7.8 of this report.

#### Orange Square

The applicant proposes to carry out enhancement works including the removal of the stone bollards and access road into Coleshill Flats car park, additional cycle parking, , new benches, renewed planting, capping the former public toilets entrance with stone rather than the mesh there at present and the cleaning of the existing hard landscaping. These works are welcomed in place shaping terms and can be secured as part of the S106 legal agreement. The concerns raised by the Belgravia Society and Belgravia Residents' Association that Orange Square should not be included as part of this application are noted. Whilst it would be desirable for a wider scope of works to Orange Square, including a permanent use for the former public toilets, this is not something that officers can insist upon.

### Avery Farm Row

The scheme proposes to re-align the vehicular lane of Avery Farm Row to create a new piece of public space for the relocated Marquess of Westminster Memorial Drinking Fountain. The scheme shows a raised table and the planting of five new trees. These works are welcomed in place shaping terms and can be secured through the S106.

An informative is recommended that the works shown on the submitted plans for Orange Square and Avery Farm Row are indicative at this stage, that the final design of the works will require the agreement of the City Council's Highways and Parks team and that some works will need to be secured as part of any future S278 agreement.

### **8.2.6 Public Art**

On-site artwork installations to a proposed maximum value of £75,000 to be delivered by the applicant, comprising:

- Detailed design of gates from Elizabeth Place Gardens to Orange Square
- Detailed design of water feature within Elizabeth Place Gardens.

It is recommended that the public art contribution is secured as part of the S106 legal agreement with detailed design of the public art secured by condition.

### **8.2.7 Archaeology**

Historic England advise that the development could cause harm to archaeological remains, however the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition. It is therefore recommended that an archaeological written scheme of investigation is secured by condition.

## **8.3 Residential Amenity**

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

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

The National Planning Policy Framework (NPPF) at paragraph 123 and the Mayor of London's 'Housing Supplementary Planning Guidance' (March 2016) encourage a flexible approach in applying daylight/sunlight policies or guidance where they would otherwise inhibit making efficient use of land for housing, provided the resulting scheme would provide acceptable living standards. Account should be taken of local circumstances, the need to optimise housing capacity and the scope for the character and form of an area to change over time.

### 8.3.1 Daylight and Sunlight

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

Two methods of measurement are recommended to measure daylight impacts in the BRE Guidelines: (1) Vertical Sky Component (VSC); and (2) Daylight Distribution (DD). VSC assesses the quantum of skylight falling on a vertical window and DD (also referred to as No Sky Line or NSL) measures the distribution of direct skylight in a room space.

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

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

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

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

The application is accompanied by a 'Daylight, Sunlight and Overshadowing Assessment' in the Environmental Statement (ES), a standalone 'Impact on Neighbouring Properties Report' and 'Internal Daylight, Sunlight and Overshadowing Report' prepared

by the applicant's consultant, GIA. These provide an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties and amenity spaces based on the approach set out in the BRE Guidelines.

GIA have considered the impacts on daylight and sunlight to existing neighbouring properties using existing v proposed and mirror massing v proposed scenarios. For the NSL test not all room layouts are known, and some room layouts have been assumed.

In line with the BRE Guidelines, GIA consider that a retained VSC value within the 'mid teen' range would be an appropriate alternative target given the urban context of the application site. To support this GIA has provided contextual research using three properties in the vicinity of the site, namely 1 Ebury Square, 10-22 Chester Row and Fountain Court. GIA advise that the results gained from these sites provides an indication of the levels of VSC that are commensurate with the area. For the purposes of their assessment GIA have taken a retained VSC value of 14.5% and a retained NSL value of 50% to be appropriate alternative target values.

Objections have been received from the amenity societies and individual residents regarding loss of daylight and sunlight to surrounding properties, in particular along Ebury Street. A concern is also raised by the Belgravia Residents' Association that residents of Ebury Street have been deprived of their legal Rights to Light. Whilst this is noted, any Rights to Light issues are private between the freeholder and leaseholder and are considered non-planning matters.

A number of Ebury Street residents have commissioned an independent assessment of the applicant's daylight and sunlight report. The report, submitted by Kaivin Wong of Lumina London Limited, raises a number of concerns and criticisms of GIA's Daylight and Sunlight Assessment. In particular, the Lumina London Ltd report emphasises that both the VSC and the NSL tests must be satisfied in order to a room to be adequately daylight; rejects the GIA suggestion that a room which achieves 50% Daylight Distribution will be adequately daylight; rejects the mirror massing exercise carried out by GIA and identifies a number of rooms in Mozart Terrace that will experience reductions in Daylight Distribution of 40% and, in some cases, considerably more than 40%. The Lumina London Ltd report suggests that in central London locations, rather than the aspirational target of 27% VSC in the BRE Guidelines, VSC levels above 20% will be considered 'good' and VSC levels in the mid-teens will be 'acceptable'. In addition to his assessment of July 2020, local residents have submitted additional correspondence from Lumina London Ltd, responding to correspondence from GIA (on behalf of the applicant) and to the independent report commissioned by the City Council.

The City Council sought an independent review of the report findings in respect of possible impacts of the new development on surrounding properties and within the development itself. This review was undertaken by Delva Patman Redler (DPR). DPR reviewed GIA's assessment methodology and is generally satisfied that it is sufficient and in accordance with the BRE Guidelines. DPR consider the approach of assuming room layouts for the NSL daylight test where the layout is not known is acceptable. However, DPR did raise the following concerns in respect of the applicant's assessment:

- GIA's interpretation of the mirror massing results should not be relied upon. The purpose of 'mirror massing' is to investigate whether the proposed development

would have a greater effect than if the scheme had been designed to match the height and proportions of the buildings on the other side of the boundary. The results generated from the proposed development should be roughly in line with those for the mirror massing to demonstrate that the proposals are in keeping with the surrounding buildings. The applicant's mirror massing exercise demonstrates that the proposed development would result in large reductions compared to the mirror massing which demonstrate that the proposed development is not in keeping with its surrounding context. The applicant's interpretation of the results of the mirror massing should not be relied upon.

- In line with the flexible application of the BRE Guidelines, DPR accept that retained values in the mid-teens could be considered acceptable but mid teen should be taken to be at or above 15% VSC (rather than the 14.5% or above used by GIA..
- DPR rejects the GIA suggestion that a room which achieves 50% Daylight Distribution will be adequately daylight.
- Sunlight to the proposed dwellings has been assessed using the appropriate APSH methodology. Only living areas with a southerly aspect have been assessed. Whilst paragraph 3.1.11 of the BRE Guidelines note that if a room faces significantly north of due east or west, it is unlikely to meet the APSH criteria. However, it also states that the APSH criterion applies "to all rooms of all orientations". This should be borne in mind when interpreting the APSH results.
- There are a number of instances in which DPR do not agree with the significance of effects on daylight and sunlight describe in the applicant's ES but consider that GIA have downplayed the significance of effect. In particular, GIA have relied heavily on the VSC impacts and appear to have attributed less weight to the NSL reductions. Both methods are of equal importance.
- The communal garden with 1 Ebury Square (known as amenity area 3) would not meet the recommended BRE Guidelines. At present, the area falls short of the Guidelines as only 15.8% of the area achieves 2 hours of sunlight on 21st March. With the proposed development in place, this would reduce to just 0.5% of the area, which would constitute a major adverse effect.

For the purposes of the daylight assessment, officers have given weight to the suggested alternative 15% VSC retained value in assessing the impact of this proposed development. This is because of the importance of the development overall in achieving benefits which too are material considerations to be weighed in the balance. Properties that are affected by reduced daylight that see retained VSC values in the mid- teens are therefore considered to have a reasonable amount of daylight in the context of this particular development in this particular central urban location. This approach is supported by Policy D6 (D) of the Publication London Plan which sets out that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. However, having regard to DPR's advice, the alternative target value of 50% NSL or more has not been agreed as appropriate in the analysis of daylight effects. Additionally, no weight has been placed on the applicant's mirror massing exercise.

### **Daylight Assessment**

The Environment Statement submitted by the applicant applies the BRE standard numerical guidelines for daylight and sunlight to existing surrounding buildings and

sunlight to amenity spaces. To assist the understanding of the impacts, the assessment categorises the magnitude of change in daylight/sunlight using the bandings set out below:

- Minor Adverse: Reductions in VSC or NSL of >20% to 29.9%;
- Moderate Adverse: Reductions in VSC or NSL of 30% to 39.9%; and
- Major Adverse: Reductions in VSC or NSL of equal / greater than 40%

The City Council's independent daylight consultant considers that GIA have downplayed the significance of daylight effects to a number of properties. DPR consider that most of the daylight effects have been ascribed based on VSC impacts and retained VSC values, with the NSL reductions not carrying as much weight. The Environment Statement advises that room layouts were found for:

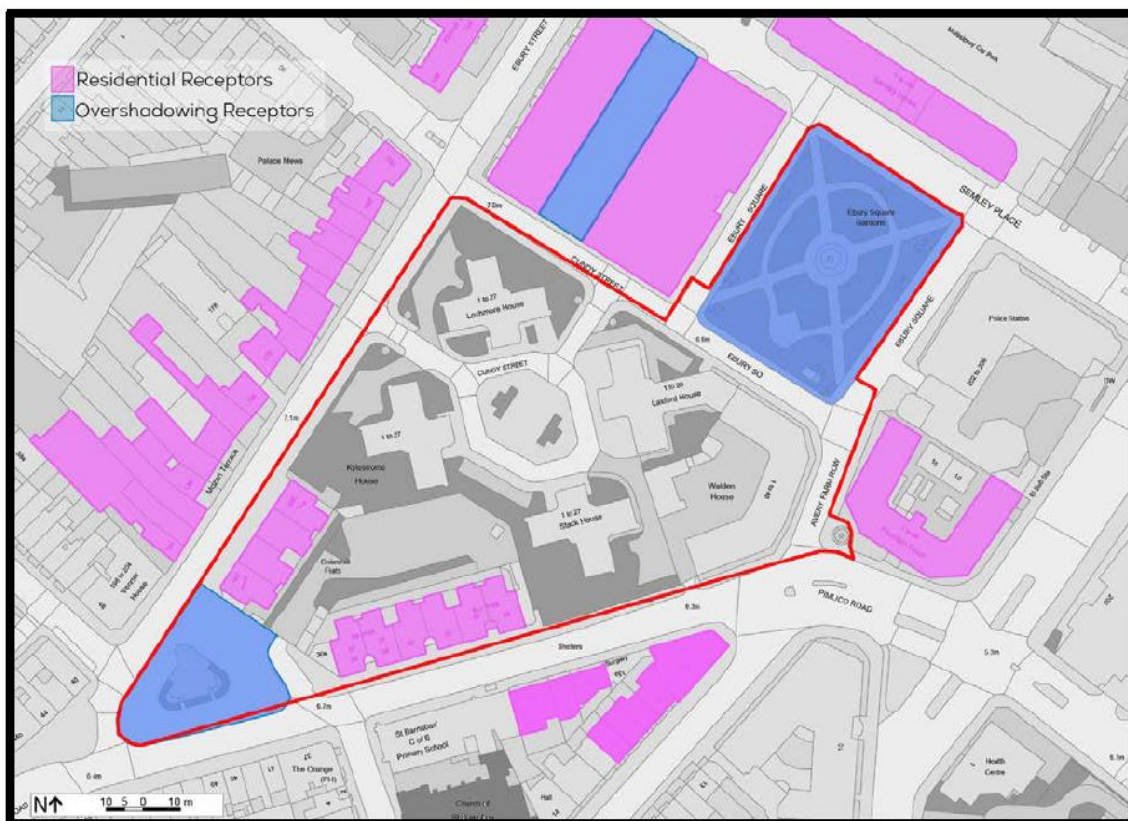
- 1 Ebury Road
- 11 & 17 Pimlico Road
- 162, 166, 172, 176 and 180 Mozart Terrace
- Coleshill Flats
- Kilmuir House
- Semley House
- Walden House

DPR has re-categorised the significance of daylight effects for a number of properties (e.g. from minor adverse significance to moderate adverse significance). These are reflected in the assessment of daylight impacts set out below.

The existing properties tested for daylight are shown in Figure 8.1. The lower ground residential units at Coleshill Flats are not assessed for daylight and sunlight impacts as these units are within the application site boundary and technically form part of the development which seeks their change of use to retail and/or office use.



Figure 8.1: Existing properties tested for daylight



The daylight results can be summarised as follows: 37 neighbouring properties have been tested, of which 9 would meet the BRE guidelines for VCS and NSL and therefore are not discussed in more detail here. For the avoidance of doubt these are Kilmuir House, Semley House, 188 Mozart Terrace, 190 Ebury Street, 192 Ebury Street, 194 Ebury Street, 6 Ranelagh Grove and 8 Ranelagh Grove, 23-44 Coleshill Flats.

#### **Minor-adverse or minor-moderate adverse impact**

Of the 27 properties that would not fully meet the BRE Guidelines the following 14 are considered to experience a minor-adverse or minor-moderate adverse impact (based on the significance attributed by the City Council's independent daylight consultant). The numerical data for these properties is set out in the tables in Appendix 2.

- 1 Ebury Square – Block A
- 1 Ebury Square – Block B
- 162 Mozart Terrace
- 176 Mozart Terrace
- 186 Mozart Terrace
- 102 Eaton Terrace
- 17 Pimlico Road
- 17a Pimlico Road
- 2 Ranelagh Grove

- 4 Ranelagh Grove
- 01-22 Coleshill Flats
- 45-66 Coleshill Flats
- 13 Pimlico Road
- 1 Ebury Bridge

### 1 Ebury Square – Block A

Ebury Square Block A is a recently constructed block of flats that faces Ebury Street with a side elevation on Cundy Street. The affected windows are at the side and rear elevations. For VSC, with the development in place, 15 of the 85 windows assessed would not meet BRE Guidelines.

The ground floor living room will see a retained VSC value in the low-teens which is indicative of an unacceptable level of daylight. However this room is served by three other unaffected windows that face Ebury Street. This is also the case for the other affected living, kitchen dining rooms (LKD) on the upper floors. It is therefore considered that these rooms will continue to receive reasonable light.

The ground floor kitchen window (facing Cundy Street) and dining window (facing Block B) will see retained VSC values in single figures and a loss of NSL of 32.7%. Whilst the dining windows already have low VSC values due to their proximity to Block A, overall the daylight impact would result in a material loss of amenity.

The first floor level will see two bedrooms with retained VSC values in single figures, however, one of the windows (W5/F01) serves a dressing room and so is considered non habitable. The second bedroom (W7/F01) will also see a reduction in NSL of 36.4%. Whilst the BRE Guidelines advise that light to bedrooms is less critical, this loss of light would result in a material loss of amenity. All other affected bedrooms retain VSC values at mid-teen (or very close to min-teen) values and are considered acceptable. There will be a NSL reduction of 29.2% to a second floor bedroom ((W7/F02). However this is a second bedroom and given that the bedroom retains a VSC value close to mid-teens, this is considered acceptable. There will also be a small reduction in NSL to third floor bedroom (W7/F03), however, this is only marginally above the level allowed by the BRE.

Overall the reductions to flats in this block would be noticeable and the impact to the building as a whole is considered minor-adverse.

### 1 Ebury Square – Block B

Ebury Square Block B is also a residential block that was constructed at the same time as Block A. The main elevation faces Ebury Square and the side elevation faces Cundy Street.

Windows W17 and W18 on Cundy Street at first, second and third floor levels will see retained VSC values in single figures which is indicative of an unacceptable level of daylight. At first floor level these windows serve a living / kitchen / dining room and whilst there is also a loss of NSL of 24.8%, this room has multiple windows including an additional window on the rear elevation that is unaffected by the development. The W17 rooms at second and third floor serve bedrooms, but they are also served by large

windows on the rear elevation that are unaffected. W18 rooms at these levels are dressing rooms and considered non-habitable. At fourth floor level and above W17 bedrooms retain VSC values in the mid-teens and higher which is considered acceptable.

At first floor level W20 serves a bedroom with retained VSC values in single figures which is indicative of an unacceptable level of daylight. W21 and W22 serve a large open plan living dining room with retained VSC values also in single figures. However this large room, and similarly designed rooms at second, third, fourth and fifth floor levels, has other windows (W23, W24 and W25) which retain good levels of VSC. These rooms are also NSL compliant. W21 at second floor level and above serves a bedroom and whilst this will see retained VSC values in single figures and low teens and significant NSL reductions, this is a fourth bedroom and so on the basis of proportionality the residential amenity impact is considered acceptable.

At sixth floor level the windows retain acceptable VSC values close to the 27% recommended in the BRE Guidelines. The affected windows at seventh floor level serve bedrooms in the penthouse. Their low existing and proposed retained VSC values could be explained by the fact that they are set behind a canopy. In any case given the multiple windows serving rooms within the penthouse the impact is considered acceptable.

Overall the reductions to flats in this block would be noticeable and the impact to the building as a whole is considered minor-moderate adverse.

### **162 Mozart Terrace, Ebury Street**

This is a four storey plus basement single family dwelling located to the west of the site.

For VSC, with the development in place, three of the 10 windows assessed would not meet BRE Guidelines. However the retained VSC values are at mid teen values and considered acceptable for this central London context.

For NSL, with the development in place, two of the four rooms assessed would not meet BRE Guidelines which is indicative of an unacceptable level of daylight. However, the basement level serves a bedroom where light is less critical.

Overall, the reductions to this property would be noticeable and the impact is considered minor – moderate adverse. However the property is a single family dwelling house which has other rooms at the front which are less affected and other rooms at the rear which are unaffected by the development.

### **176 Mozart Terrace, Ebury Street**

This property is split into four flats with what appears to be a flat on each floor. It is located to the west of the site. At basement level GIA assumed one room spanning the entire property, however, updated floor plans show the basement split into two rooms. This is reflected in the table for this property in Appendix 2.

For VSC, with the development in place, six of the 13 windows assessed would not meet

BRE Guidelines. The basement rooms and a first floor living room (W2/F00) will see retained VSC values below mid-teen level which is indicative of an unacceptable level of daylight. The retained VSC values to other rooms are at mid-teen level or above and are considered acceptable.

For NSL, none of the ten rooms assessed would meet BRE Guidelines with losses up to 46.4% which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered minor – moderate adverse. The flats will have rooms at the rear which are unaffected by the development.

### **186 Mozart Terrace, Ebury Street**

This is a three storey plus basement single family dwelling located to the west of the site.

For VSC, with the development in place, all windows assessed would meet BRE Guidelines. However, for NSL, with the development in place, none of the four rooms assessed would meet BRE Guidelines which is indicative of an unacceptable level of daylight. The NSL losses at first and second floor level are 21.4% and 25.0% which are only marginally above the losses allowed by the BRE.

Overall, the reductions to this property would be noticeable and the impact is considered minor – moderate adverse. However the property is a single family dwelling house which has other rooms at the rear which are unaffected by the development.

### **102 Eaton Terrace**

This is a four storey plus basement single family dwelling located to the west of the site.

For VSC, with the development in place, 2 of the 30 windows assessed would not meet BRE Guidelines. The affected windows at ground and first floor level will see retained VSC below mid-teen levels albeit these rooms already have low existing VSC values and the numerical reductions are small at 3.3% and 4.3%. The affected room at first floor level is also served by two windows, one of which is VSC compliant.

For NSL, with the development in place, four of the 17 rooms assessed would not meet BRE Guidelines criteria with reductions up to 37.3% at basement level which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered minor adverse. However the property is a single family dwelling house which has other rooms at the rear and rooms facing onto Eaton Terrace which are unaffected by the development.

### **17/17A Pimlico Road**

City Council records indicate this property, located to the south of the site, contains five flats. Two rooms at basement level will see reductions in VSC that do not meet the BRE Guidelines with retained VSC values below mid-teen levels which is indicative of an

unacceptable level of daylight. The rooms will also see reductions in NSL of 40.8% and 30.4%. The ground floor rooms, one of which is identified as a kitchen, will see acceptable mid-teens retained VSC values but a reduction in NSL of 27.7% and 24.2% which is indicative of an unacceptable level of daylight. Overall, the reductions to these properties would be noticeable and the impact is considered minor adverse, although the worst affected rooms are bedrooms where light is less critical.

## **2 Ranelagh Grove**

Ranelagh Grove is located south of the site and the rear elevation of this residential property faces the development. There will be VSC losses to two rooms at rear first floor level of 20.9% and 21.7% but the retained VSC values would be in the mid-teens which is considered acceptable. There would be a NSL reduction at third floor level to one room of 40.4% which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered minor adverse. However the property is a single family dwelling with other rooms unaffected by the development.

## **4 Ranelagh Grove**

There will be VSC losses in breach of the BRE Guidelines to two rooms at rear ground and first floor levels of 26.4% and 21.0%. However this is considered acceptable given that the numerical reductions to the VSC are small at 3.4% and 3.3% and that other windows in the rear elevation of this property comply fully with the BRE Guidelines.

Overall, the reductions to this property would be noticeable and the impact is considered minor adverse. However the property is a single family dwelling with other rooms unaffected by the development.

## **01-22 and 45-66 Coleshill Flats**

This purpose built block of flats is located directly adjacent to the site boundary. The first to fifth floors of the rear façade is considered sensitive.

For VSC for Nos. 01-22, with the development in place 15 of the 46 windows assessed would not meet BRE Guidelines. Of the 15 affected windows two would experience a loss in VSC between 20-29.9%, four would experience a loss between 30-39.9% and nine windows would experience losses in excess of 40%. With the exception of one window all affected windows would see retained values below 15% VSC. For NSL to this property, four rooms would see a loss greater than 40% reduction. This is indicative of an unacceptable level of daylight.

For VSC for Nos. 45-66, with the development in place 13 of the 46 windows assessed would not meet BRE Guidelines. Of the 13 affected windows nine would experience a loss in VSC between 20-29.9%, three would experience a loss between 30-39.9% and one a loss in excess of 40%. With the exception of one window all affected windows would see retained values below 15% VSC. For NSL to this property, one would experience a loss between 20-29.9%, one would experience a loss between 30-39.9% and two a loss in excess of 40%. This is indicative of an unacceptable level of daylight.

The tables in Appendix 2 show reductions to windows with retained VSC value of less than 15%. The room uses for these properties (and the other Coleshill Flats properties) are provided by the applicant but may not be fully accurate. Additional information from Peabody appears to show that rooms in the rear elevation of the outrigger serve bathrooms and the windows in its side return serve either a small kitchen or corridor. The window in the main rear elevation of the building would appear to serve either a bedroom or living room. The applicant has taken a cautious approach and the room designations could be seen to represent the worst case scenario.

Overall the reductions to flats in this block would be noticeable and the impact to the building as a whole is considered minor-moderate adverse. The reductions are partly to do with the design of the Coleshill Flats with outriggers which restrict daylight to other windows. A number of windows have low existing VSC values as a result. A number of the rooms affected are non-habitable corridors, galley kitchens and bathrooms which are afforded less protection in the BRE. The other rooms are either bedrooms, where daylight is less critical, or living rooms.

### **13 Pimlico Road**

Located to the south of the site, City Council records indicate this property is used as a doctor's surgery at basement, ground and first floor levels with the second floor used for residential accommodation for a partner of the surgery.

In terms of VSC the affected windows will retain VSC values above mid teen level and therefore acceptable levels of daylight. There will be reductions in NSL below that recommended by the BRE Guidelines which is indicative of an unacceptable level of daylight.

Overall the reductions to this property would be noticeable. Although considered moderate -adverse by DPR, given the doctor's surgery use on the lower floors, the impact could be considered minor adverse.

### **1 Ebury Bridge**

In terms of VSC, all windows to this residential block of flats would meet the BRE Guidelines. There would be reductions to NSL to two out of the 12 windows tested which is indicative of an unacceptable level of daylight. However both rooms are served by three small windows, situated beneath an overhang which restricts sky visibility. Overall the reductions to flats in this block would be noticeable and the impact to the building as a whole is considered minor adverse.

### **Moderate Adverse Impact**

Of the 28 properties that would not fully meet the BRE Guidelines the following 3 are considered to experience a moderate-adverse impact (based on the significance attributed by the City Council's independent daylight consultant). The numerical data for these properties is set out in Appendix 3.

- 11 Pimlico Road
- 164 Mozart Terrace

- 184 Mozart Terrace

### **11 Pimlico Road**

11 Pimlico Road is located to the south of the site. City Council records indicate there are two flats at second floor level. The ground and first floors are in commercial use.

Eight windows will retain VSC values in the mid-teens and above which is considered acceptable for this central London context. The other five windows, which have retained values in excess of 14% either serve bedrooms where daylight is less critical or rooms with multiple windows. In terms of NSL, three two bedrooms would see reductions of 64.8% and 76.1% and a living room a reduction of 58.2% which are indicative of an unacceptable level of daylight.

The rooms at third floor level could be ancillary pub accommodation. However they retain VSC values above 20% which is considered acceptable for this central London context.

Overall, the reductions to this property would be noticeable and the impact is considered moderate adverse.

### **164 Mozart Terrace, Ebury Street**

This is a four storey plus basement single family dwelling located to the west of the site.

For VSC, with the development in place, six of the 12 windows assessed would not meet BRE Guidelines. However all windows except one basement window would retain VSC values in the mid-teens and therefore retain acceptable daylight. The basement would retain a VSC value of 9.6% which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, none of the eight rooms assessed would meet BRE Guidelines criteria with losses up to 53.85 at basement level which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate adverse. However the property is a single family dwelling house which has other rooms at the rear which are unaffected by the development.

### **184 Mozart Terrace**

This is a three storey plus basement single family dwelling located to the west of the site.

For VSC, with the development in place, all windows assessed would meet BRE Guidelines criteria. For NSL, with the development in place, five out of the six rooms assessed would not meet BRE Guidelines which is indicative of an unacceptable level of daylight. Whilst there would be reductions up to 67.2% at basement level, three of the rooms at first and second floor levels would see reductions of 22.6, 22.4 and 25.5 which are only marginally above the BRE Guidelines.

Overall, the reductions to this property would be noticeable and the impact is considered

moderate adverse. However the property is a single family dwelling house which has other rooms at the rear which are unaffected by the development.

### **Moderate-major adverse impact**

Of the 28 properties that would not fully meet the BRE Guidelines the following 11 are considered to experience a moderate-major adverse impact (based on the significance attributed by the City Council's independent daylight consultant). The numerical data for these properties is set out for each property below. In the tables the reference to 'BRE compliant' indicates the window meets the BRE Guidelines criteria for either 27% retained value VSC or a reduction in VSC of no more than 20%. The figures in bold in the tables highlight the suggested alternative 15% VSC retained value which officers have given weight to in the daylight assessment.

- Fountain Court
- 166 Mozart Terrace, Ebury Street
- 168 Mozart Terrace, Ebury Street
- 170 Mozart Terrace, Ebury Street
- 172 Mozart Terrace, Ebury Street
- 174 Mozart Terrace, Ebury Street
- 180 Mozart Terrace, Ebury Street
- 182 Mozart Terrace, Ebury Street
- 15 Pimlico Road
- 89-110 Coleshill Flats
- 67-88 Coleshill Flats

### **Fountain Court**

Fountain Court is a residential block of flats located to the east of the site. The flats are mostly single aspect.

For VSC, with the development in place, ninety one of the 99 windows assessed would not meet BRE Guidelines. Of the 91 affected windows, 20 would experience a loss in VSC between 20-29.9%, 46 would experience a loss between 30-39.9% and 25 windows would experience losses in excess of 40%. However, other than 12 windows, set out in the table below, these windows would all retain VSC values in the mid-teens or above and as such acceptable levels of daylight. The 12 windows which would see retained VSC values below 15% are located on the north façade of the building.

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R5	W6/F00	21.3	14.3	32.9%	75.9	61.2	19.3%
R6	W7/F00	19.5	12.5	35.9%	60.1	43	28.3%
R7	W8/F00	18.6	11.4	38.7%	98.9	96.9	2.0%
R6	W7/F01	22.4	13.2	41.1%	61.9	42.3	31.7%
R7	W8/F01	21.6	12.1	44.0%	99	96.9	2.1%
R2	W2/F02*	18	11.4	36.7%	99.1	76.2	23.0%
R4	W5/F02*	14.4	8.5	41.0%	92.2	76.1	17.4%
R6	W7/F02	26	14	46.2%	76.5	43.2	43.5%



R7	W8/F02	25.3	12.9	49.0%	99.5	96.9	2.5%
R7	W8/F03	29.6	13.8	53.4%	99.5	97	2.5%
R7	W8/F04	33.6	14.8	56.0%	99.6	97.1	2.5%
R7	W8/F07	32.3	13.2	59.1%	99.5	97.9	1.7%

Windows W2/F02 and W5/F02 are most affected with retained VSC values of 11.4 and 8.5. Those values are indicative of unacceptable levels of daylight. However, these windows are located beneath balconies, which inherently obstructs daylight resulting in lower existing values and subsequently more significant losses.

For NSL, 33 of the 81 rooms assessed would not meet BRE Guidelines. 11 would experience alteration reduction in NSL between 20-29.9% and 13 would experience alteration reduction between 30-39.9%. The remaining nine rooms would experience an alteration in excess of 40% which is indicative of an unacceptable level of daylight.

Overall the reductions to flats in Fountain Court would be noticeable and the impact to the building as a whole is considered moderate - major adverse.

### 166 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Living room	W1/ B01	14.6	11.1	24.0	67.2	24.9	62.9%
	W2/ B01	17.8	13.1	26.4			
	W3/ B01	16.4	11.9	27.4			
R2 Dining room	W2/ F00	24.8	<b>18</b>	27.4	87.7	41.2	53.0%
	W3/ F00	24.7	<b>18.1</b>	26.7			
R2 Drawing room	W1/ F01	27.3	<b>20.7</b>	24.2	98.4	59.7	39.3%
	W2/F01	27.2	<b>20.8</b>	23.5			
	W3/F01	27.1	<b>21</b>	22.5			

City Council records indicate this property, located to the west of the site, has a flat at basement and a single residential unit on the upper floors..

For VSC, with the development in place, eight of the 12 windows assessed would not meet BRE Guidelines. However, the windows at ground and first floor would retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The basement flat will see retained VSC values below mid-teen level which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, three of the five rooms assessed would not meet BRE Guidelines with reductions up to 62.9% at basement level which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property has other rooms at the front which are less affected and other rooms at the rear which are unaffected by the development.

**168 Mozart Terrace**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	16	11.8	26.2	92.3	32.3	65.0%
	W2/ B01	17.8	13.1	26.4			
R2 Unknown	W2/ F00	24.7	<b>17.1</b>	30.8	95.4	34.3	64.0%
	W3/ F00	24.8	<b>17.4</b>	29.8			
R1 Unknown	W1/ F01	26.7	<b>19.5</b>	27.0	93.3	50.3	46.1%
R2 Unknown	W2/ F01	27.1	<b>20</b>	26.2	98.7	50.8	48.5%
	W3/F01	27.2	<b>20.3</b>	25.4			
R1 Unknown	W1/F02	29.6	<b>23</b>	22.3	94.7	54.1	42.9%
R2 Unknown	W2/F02	29.6	<b>23.2</b>	21.6	98.4	54.4	44.7%
	W3/F02	29.6	<b>23.3</b>	21.3			
R1 Unknown	W1/F03	BRE compliant			93.2	57.8	38.6%
R2 Unknown	W2/F03	BRE compliant			97.5	57.8	40.7%
	W3/F03	BRE compliant					

This is a four storey single family dwelling with basement located to the west of the site.

For VSC, with the development in place, ten of the 13 windows assessed would not meet BRE Guidelines. However the windows at ground, first and second floors will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The basement will see retained VSC values below mid-teen level. which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, none of the eight rooms assessed would meet BRE Guidelines criteria with reductions up to 65% at basement level which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property is a single family dwelling house, which has other rooms at the rear which are unaffected by the development.

**170 Mozart Terrace**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Kitchen	W1/ B01	18	12.2	32.2	98.9	31.8	67.8%
R2 Living Room	W2/ F00	21.8	14.7	32.6	99.1	37.4	62.3%
R1 Bedroom	W1/ F01	20.4	14.4	29.4	98.5	48.4	50.8%
	W2/ F01	24.6	<b>17.9</b>	27.2			
R1 Bedroom	W1/ F02	23.5	<b>18.1</b>	23.0	98.7	49.4	49.9%
	W2/ F02	28.1	<b>22</b>	21.7			

This is a three storey single family dwelling with basement located to the west of the site.

For VSC, with the development in place, all six windows assessed see losses greater than recommended by BRE Guidelines. The bedroom at first (W2/F01) and second floor bedroom will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The basement, ground floor living room and first floor bedroom

(W1/F01) will see retained values below 15% which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, all four rooms assessed would see losses greater than recommended by BRE Guidelines, which is indicative of an unacceptable level of daylight, with a reduction of 67.8% to the basement and 62.3% to the ground floor living room.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property is a single family dwelling house, which has other rooms at the rear which are unaffected by the development.

### 172 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Dining room	W1/ B01	18.2	12.3	32.4	74.7	20	73.2%
	W2/ B01	16.0	8.5	46.9			
R2 Living room	W3/ B01	20.2	12.9	36.1	83.5	21	74.8%
R1 Unknown	W1/ F00	23.7	15	36.7	NSL compliant		
	W2/ F00	24.0	15.1	37.1			
	W5/ F00	BRE compliant					
	W5/ F00	BRE compliant					
R2 Bedroom	W3/F00	24.4	15.3	37.3	93.1	29.2	68.6 %
	W4/F00	24.5	15.4	37.1			
R1 Unknown	W1/F01	25.5	17.2	32.5	97	32.6	66.4%
	W2/F01	25.8	17.3	32.9			
R2 Unknown	W3/F01	26	17.4	33.1	85.4	30	64.9%
R3 Unknown	W4/F01	26.1	17.4	33.3	92.7	28.7	69.1%
	W5/F01	26.2	17.5	33.2			
R1 Unknown	W1/F02	27.5	19.8	28.0	90.4	36.5	59.6%
	W2/F02	27.8	19.9	28.4			
R2 Unknown	W3/F02	28.1	20	28.8	93.5	34.6	63.0%
	W4/F02	28.2	20.1	28.7			

This property is split into three flats with a maisonette at basement and part ground, a ground floor flat and a maisonette at first and second floors. It is located west of the site.

For VSC, with the development in place, sixteen of the 18 windows assessed would not meet BRE Guidelines. However, the windows at ground, first and second floors will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The basement windows will see retained VSC values below mid-teen levels with one window seeing a retained VSC value of 8.5% which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, eight of the nine rooms assessed would not meet BRE Guidelines which is indicative of an unacceptable level of daylight.

Overall, the reductions to this converted property would be noticeable and the impact is considered moderate - major adverse. The flats would have rooms at the rear that are unaffected by the development.

**174 Mozart Terrace**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	17.6	12.1	31.3	58.8	17.2	70.7%
R2 Unknown	W2/ B01	BRE compliant			55	14.6	73.5%
R1 Unknown	W1/ F00	23.4	<b>15.2</b>	35.0	96.6	38.4	60.2%
	W2/ F00	23.4	<b>15.1</b>	35.5			
R1 Unknown	W1/ F01	25.6	<b>17.9</b>	30.1	73.7	44.7	39.4%
R3 Unknown	W2/ F01	25.7	<b>17.9</b>	30.4	95.5	43.3	54.6%
	W3/ F01	25.8	<b>17.8</b>	31.0			
R1 Unknown	W1/F02	28	<b>21</b>	25.0	74.3	46.8	37.0%
R3 Unknown	W2/F02	28.1	<b>21</b>	25.3	95	47.6	49.9%
	W2/F02	28.2	<b>21</b>	25.5			

This is a three storey single family dwelling with basement located to the west of the site.

For VSC, with the development in place, nine out of the 10 windows assessed would not meet BRE Guidelines. The windows at ground, first and second floors will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. However, the basement windows will see retained VSC values below mid-teen levels which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, all seven rooms assessed see losses greater than recommended by BRE Guidelines with losses up to 73.5% at basement level which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property is a single family dwelling house, which has other rooms at the rear which are unaffected by the development.

**180 Mozart Terrace**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	15.1	9.1	39.7	23.8	2.9	64.4%
R2 Unknown	W2/ B01	20.8	13.8	33.7	95.7	31.2	67.4%
	W3/ B01	19.2	13.2	31.2			
R1 Unknown	W1/ F00	24.7	<b>17.2</b>	30.4	96.3	65	50.3%
	W2/ F00	24.8	<b>17</b>	31.5			
R2 Unknown	W2/ F01	27.2	<b>20.3</b>	25.4	96.3	65	32.5%
	W3/ F01	27.3	<b>20.1</b>	26.4			
R2 Unknown	W2/F02	30	<b>23.7</b>	21.0	97.2	74.2	23.7%
	W3/F02	30	<b>23.5</b>	21.7			

This is a three storey single family dwelling with basement located to the west of the site.

For VSC, with the development in place, none of the 9 windows assessed would meet BRE Guidelines. However, the windows at ground, first and second floors will retain VSC

values at or above mid teen level and therefore acceptable levels of daylight. The basement windows will see retained VSC values below mid-teen levels with one window seeing a retained VSC value of 9.1% which is indicative of an unacceptable level of daylight.

For NSL, with the development in place, all five rooms assessed see losses greater than recommended by BRE Guidelines which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property is a single family dwelling house, which has other rooms at the rear which are unaffected by the development.

### 182 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bedroom	W1/ B01	18.5	14	24.3	95.5	32.6	65.9%
	W2/ B01	18.3	14.2	22.4			
R1 Dining Room	W1/ F00	23.9	<b>18.3</b>	23.4	95.9	54.2	43.5%
	W2/ F00	24.1	<b>17.9</b>	25.7			
R1 Bedroom corridor	W2/ F01	26.8	<b>21.3</b>	20.5	BRE compliant		

This is a three storey single family dwelling with basement located to the west of the site.

For VSC, with the development in place, five of the 8 windows assessed would not meet BRE Guidelines. However, the affected windows at ground, first and second floors will retain VSC values at or above mid teen level and therefore acceptable levels of daylight. The basement windows will see retained VSC values below mid-teen levels which is indicative of an unacceptable level of daylight.

For NSL, two of the four rooms assessed see losses greater than recommended by BRE Guidelines which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse. However the property is a single family dwelling house, which has other less affected rooms at the front and rooms unaffected by the development at the rear.

### 15 Pimlico Road

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	17.3	12.3	28.9	91.8	32.1	65%
	W2/ B01	19.5	13.2	32.3			
R2 Unknown	W2/F00	22.3	<b>15.8</b>	29.1	96.9	51.3	47.1%
R2 Unknown	W2/ F01	25.4	<b>19.3</b>	24.0	99.1	69.5	29.9%

Located to the south of the site, City Council records indicate this property is in residential use as a single dwelling.

For VSC, with the development in place, four of the five windows assessed would not meet BRE Guidelines. The ground and first floor windows will retain VSC values at mid teen levels and therefore acceptable levels of daylight. However, the basement windows will see retained VSC values below mid-teen levels which is indicative of an unacceptable level of daylight.

For NSL, three out of the four rooms assessed would not meet BRE Guidelines criteria which is indicative of an unacceptable level of daylight.

Overall, the reductions to this property would be noticeable and the impact is considered moderate - major adverse.

### 89 to 110 Coleshill Flats

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bed	W1/F01	11.2	5.1	54.5	83.1	34.2	58.8%
R2 LR	W2/F01	15.5	4	27.3	BRE compliant		
R3 Kit	W3/F01	18.8	7	20.5	99.4	61.5	38.1%
	W4/F01	27.7	11.8	15.9			
R6 Bed	W7/F01	12.1	3.1	74.4	81.7	16.1	80.3%
R7 Bed	W8/F01	12	3.2	73.3	85	20.4	76.0%
R10 Kit	W11/F01	25.6	10.1	60.5	99.5	60.9	38.8%
	W12/F01	16.9	6.2	63.3			
R11 LR	W13/F01	10.7	4.2	60.7	50.4	35.2	30.2%
R12 Bed	W14/F01	13	4.8	63.1	92.6	23	75.2%
R1 Bed	W1/F02	12.4	6.3	49.2	89.7	39.9	55.5%
R2 LR	W2/F02	26.3	4.9	22.2	BRE compliant		
R3 Kit	W3/F02	BRE compliant			99.4	68.5	31.0%
	W4/F02	29.8	13.6	54.4			
R6 Bed	W7/F02	12.9	3.9	69.8	85.4	20.5	76.0%
R7 Bed	W8/F02	12.8	4	68.8	87.1	24.8	71.6%
R10 Kit	W11/F02	27.6	11.8	57.2	99.5	72.9	26.6%
	W12/F02	19.1	7.9	58.6			
R11 LR	W13/F02	12.6	5.3	57.9	60	39.3	34.5%
R12 Bed	W14/F02	14.5	6	58.6	95.1	28.7	69.8%
R1 Bed	W1/F03	14.1	8.3	41.1	92.8	48.1	48.2%
R6 Bed	W7/F03	13.1	4.4	66.4	87	26.7	69.4%
R7 Bed	W8/F03	13.2	4.6	65.2	29.9	5.7	65.8%
R10 Kit	W11/F03	29.9	13.9	53.5	BRE compliant		
	W12/F03	21.9	10.7	51.1			
R11 LR	W13/F03	15.1	7.5	50.3	69	46.4	32.7%
R12 Bed	W14/F03	16.5	7.9	52.1	95.7	37.3	61.0%
R1 Bed	W1/F04	17.2	11.8	31.4	95.8	61.3	36.0%
R6 Bed	W7/F04	8.6	0.6	93.0	86.8	10.2	88.2%
R7 Bed	W8/F04	8.8	0.9	93.0	87.1	19.1	78.0
R11 LR	W13/F04	18.9	12.5	33.9	BRE compliant		

R12 Bed	W14/F04	19.4	11.1	42.8	96.8	50.7	47.7
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### 67-88 Coleshill Flats

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bed	W1/F01	12.1	9	25.6	91.4	72.3	21.0
R6 Bed	W7/F01	11.8	5	57.6	83.8	32	61.8
R7 Bed	W8/F01	13	8.1	37.7	86.1	59.3	31.1
R10 Kit	W11/F01	28.2	14	50.4	99.1	76	23.3
	W12/F01	8.6	3.5	59.3			
R11 LR	W13/F01	5.2	2.1	59.6	40.4	10.6	73.6
R12 Bed	W14/F01	10.6	3.7	65.1	89.3	20.8	76.7
R1 Bed	W1/F02	13.2	10.3	22.0	BRE compliant		
R6 Bed	W7/F02	12.6	5.9	53.2	86.3	38.9	54.9
R7 Bed	W8/F02	13.6	9	34.3	86.9	64.9	25.4
R10* Kit	W12/F02	9.7	4.8	50.5	BRE compliant		
R11 LR	W13/F02	6.1	3.1	49.2	42.2	15.3	63.7
R12 Bed	W14/F02	11.8	4.9	58.5	91.8	27.2	70.4
R6 Bed	W7/F03	12.9	6.5	49.6	87.2	49.2	43.6
R7 Bed	W8/F03	13.9	9.6	30.9	BRE compliant		
R12 Kit	W12/F03	11.9	7.2	39.5	99.1	89.4	9.8
R11 LR	W13/F03	7.8	5	35.9	47.9	25.2	47.5
R12 Bed	W14/F03	13.5	6.9	48.9	93.1	37.9	59.3
R6 Bed	W7/F04	8.4	2.5	70.2	87.1	51.8	40.5
R7 Bed	W8/F04	9.2	5.4	41.3	BRE compliant		
R10 Kit	W12/F04	16.7	12.5	25.1	BRE compliant		
R11 LR	W13/F04	11.6	8.9	23.3	69.1	47.6	31.0
R12 Bed	W14/F04	16.8	10.5	37.5	96	54.6	43.2

These blocks of flats are located directly adjacent the site to the south western side with only the rear of the property considered sensitive from the first storey and above.

For VSC for Nos. 89-110, with the development in place, 39 of the 46 windows assessed would not meet BRE Guidelines. Of these 39 affected windows, five would experience an alteration in VSC between 20-29.9%, four windows would experience an alteration between 30-39.9% and the remaining 30 windows would experience an alteration in excess of 40%. For NSL to this property, one window would experience a loss between 20-29.9%, seven would experience a loss between 30-39.9% and 15 a loss in excess of 40%.

For VSC for Nos. 67-88, with the development in place, 31 of the 46 windows assessed would not meet BRE Guidelines. Of these 31 affected windows, six would experience an alteration in VSC between 20-29.9%, ten window would experience an alteration between 30-39.9% and the remaining 15 windows would experience an alteration in excess of 40%. For NSL to this property, three windows would experience a loss between 20-29.9%, two would experience a loss between 30-39.9% and 11 a loss in excess of 40%.

The tables above show reductions to windows with retained VSC value of less than 15% and significant reductions to the NSL. This indicates unacceptable levels of daylight. As

set out earlier, the room uses for the Colehill Flats are provided by the applicant but may not be fully accurate. Additional information from Peabody appears to show that rooms in the rear elevation of the outrigger serve bathrooms and the windows its side return serve either a small kitchen or corridor. The window in the main rear elevation of the building would appear to serve either a bedroom or living room. The applicant has taken a cautious approach and the room designations could be seen to represent the worst case scenario.

Overall, the reductions to flats within these properties would be noticeable and the impact is considered moderate - major adverse. This is partly to do with the design of the Colehill Flats with outriggers which restricts daylight to other windows. A number of windows have low existing VSC values as a result. However a number of the rooms affected are non-habitable corridors, small galley kitchens and bathrooms which are afforded less protection in the BRE. The other rooms are either bedrooms, where daylight is less critical, or living rooms.

### **Sunlight Assessment**

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

The City Council's independent daylight consultant, DPR, consider that GIA have downplayed the significance of sunlight effects to a number of properties. DPR's assessment of the significance of effects is reflected in the assessment of daylight impacts set out below.

The sunlight impacts can be summarised as follows: 29 neighbouring properties have been tested, of which 18 would meet the BRE guidelines in the 'Existing v Proposed' scenario and therefore are not discussed in more detail here. For the avoidance of doubt these are Kilmuir House, Semley House, Fountain Court, Nos. 162, 164, 182, 184, 186 and 188 Mozart Terrace, Nos. 190, 192 and 194 Ebury Street, 13 and 17 Pimlico Road and the Colehill Flats except Nos. 01-22.

### **Minor adverse impact**

Of the 12 properties that would not fully meet the BRE Guidelines, the following 11 are considered to experience a minor-adverse impact.

- 1 Ebury Square – Block A
- 1 Ebury Square – Block B
- 164 Mozart Terrace
- 166 Mozart Terrace
- 168 Mozart Terrace



- 172 Mozart Terrace
- 174 Mozart Terrace
- 176 Mozart Terrace
- 180 Mozart Terrace
- 102 Eaton Terrace
- 01-22 Coleshill Flats

### 1 Ebury Square (Block A)

Room and use	Window/ Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Living room	W1-W4/00	52	7	38	3	26.90%	57.1%
R2 Kit-dining	W5-W7/00	59	14	22	0	62.7%	100.0
R3 Bedroom	W8/F00	21	6	15 (F)	0	28.6%	100.0%
R1 LKD	W1-W4/ F00	62	13	47	4	24.2%	69.2%
R2 Bedroom	W5-6/F01	64	14	30	0	53.1%	100.0%
R3 Bedroom	W7/F01	29	8	16	0	44.8%	100.0%
R4 Bedroom	W8/F01	24	7	19	2	20.8%	71.4%
R2 Bedroom	W5-W6/ F02	69	17	41	0	40.61%	100.0%
R3 Bedroom	W7/F02	35	13	22	1	37.1%	92.3%
R2 Bedroom	W5-W6/ F02	73	21	50	2	31.5%	90.5%
R3 Bedroom	W7/F03	39	14	28	3	28.2%	78.6%

A total of 53 rooms were assessed of which 11 would not meet the BRE Guidelines.

In terms of APSH, six of the affected rooms would retain good levels of sunlight. The other five would see reductions that would be noticeable to the occupants. The other affected room is a ground floor kitchen dining room.

In terms of winter PSH, all rooms would see significant losses up to 100%. This is because there is an existing gap in the massing of the Cundy Street flats which the proposed development will infill. Nine out of the affected rooms serve bedrooms, where sunlight is less critical. Overall the sunlight impact to these rooms will result in loss of residential amenity.

Overall, the reductions in sunlight to this purpose built block of flats would be noticeable and the impact is considered minor adverse.

### 1 Ebury Square (Block B)

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R7 Living room	W12/F00	28	6	23	2	17.9%	66.7%
R11 Bedroom	W16/F01	62	17	13	0	79.0%	100.0%
R14 Bedroom	W21/F01	55	11	10	0	81.8%	100.0%
R11 Bedroom	W16-W18/ F02	65	18	22	0	66.2%	100.0%
R14 Bedroom	W21/F02	64	15	14	1	78.1%	93.3%
R11 Bedroom	W16-W18/ F03	70	21	36	1	48.6%	95.2%
R14 Bedroom	W21/F03	68	18	20	1	70.6%	94.4%

R11 Bedroom	W16-W18/ F04	74	24	44	2	40.5%	91.7%
R14 Bedroom	W21/F04	74	23	29	1	60.8%	95.7%
R14 Bedroom	W21/F05	79	27	41	2	48.1%	92.6%

A total of 76 rooms were assessed of which 10 would not meet the BRE Guidelines.

In terms of APSH, four of the affected rooms would retain good levels of sunlight. The other five would see reductions in sunlight that would be noticeable to the occupants, The other affected room is a ground floor living room which faces onto Ebury Square Gardens.

In terms of winter PSH, all rooms would see significant losses up to 100%. Again, this is because there is an existing gap in the massing of the Cundy Street flats which the proposed development will infill. Nine out of the affected rooms serve bedrooms, where sunlight is less critical.

Overall, the reductions in sunlight to this purpose built block of flats would be noticeable and the impact is considered minor adverse.

#### 164 Mozart Terrace

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	38	5	24	3	36.8%	40.0%

A total of eight rooms were assessed of which 1 would not meet the BRE Guidelines. However the basement room would retain good levels of APSH for its central London context. Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered minor adverse. However the property would have other rooms where sunlight is less affected by the development.

#### 166 Mozart Terrace

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Living room	W1-W3/ B01	38	7	25	4	34.2%	42.9%

A total of nine rooms were assessed of which 1 would not meet the BRE Guidelines. However, the basement would retain acceptable levels of APSH and the retained value of winter PSH is only marginally below the recommended 5%. Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered minor adverse. However the property would have other rooms where sunlight is less affected by the development.

**168 Mozart Terrace**

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	32	4	21	3	34.4%	25.0%
R2 Unknown	W2/F00	42	10	26	4	38.1%	60.0%
R1 Unknown	W1/F01	45	9	29	2	35.6%	77.8%

A total of 8 rooms were assessed of which three would not meet the BRE Guidelines. The basement will see a reduction in APSH to values that are below those recommended by the BRE Guidelines. Whilst the reduction in winter sun at this level is 25% the actual reduction is small in numerical terms. The ground and first floor rooms will still retain a good level of sunlight in terms of APSH however the first floor room will see a reductions in winter PSH of 77.8%.

Overall, the reduction in sunlight to this property (which has a separate basement dwelling) would be noticeable and the impact is considered minor adverse.

**172 Mozart Terrace**

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1	W1-W2/ B01	37	6	20	2	45.9%	66.7%
R2 Living room	W3/B01	39	7	24	5	38.5%	28.6%
R1 Unknown	W1-W2/F00	54	11	31	4	42.6%	63.6%

This is property is converted into flats. A total of nine rooms were assessed of which 3 would not meet the BRE Guidelines. The retained values for APSH and winter PSH for basement W3 and the ground floor room are at or close to those recommended in the BRE. Overall, the reduction in sunlight to flats within this converted property would be noticeable and the impact is considered minor adverse.

**174 Mozart Terrace**

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	26	1	17	0	34.6%	100.0%

A total of seven rooms were assessed of which 1 would not meet the BRE Guidelines.. The winter PSH reduction to the basement is 100% but in reality this is because it has a low existing winter value of 1% reducing to 0%. Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered minor adverse. However the property would have other rooms where sunlight is less affected by the development.

**176 Mozart Terrace**

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Dining room	W1/B01	32	8	19	3	40.6	62.5%
R3 Living room	W3/B01	39	5	25	4	28.6	55.6%
R1 Bedroom	W1/F00	39	9	27	4	30.8%	55.6%
R1 Bedroom	W1/F01	35	6	23	2	34.3%	66.7%
R1 Bedroom	W1/F02	46	8	36	4	21.7%	50.0%

A total of nine rooms were assessed of which 5 would not meet the BRE Guidelines. However the rooms at ground and second will still retain BRE compliant APSH. All five rooms will see reductions in winter PSH beyond the BRE Guidelines.

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

**180 Mozart Terrace**

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/B01	14	1	3	0	78.6%	100.0%

A total of five rooms were assessed of which 1 would not meet the BRE Guidelines. Whilst the winter PSH reduction is 100% in reality this is because it has a low existing winter value of 1% reducing to 0%. Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered minor adverse. However the property would have other rooms where sunlight is less affected by the development.

**102 Eaton Terrace**

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Unknown	W1/F00	24	3	17	0	29.2%	100%
R1 Unknown	W1/F01	39	10	31	4	20.5%	60.0%

A total of 11 rooms were assessed of which two would not meet the BRE Guidelines. The first floor room will still retain BRE compliant APSH. Both rooms will see reductions in winter PSH beyond the BRE Guidelines with 100% reduction at ground floor level.

Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered minor adverse. However the property would have other rooms where sunlight is less affected by the development.

**01-22 Coleshill Flats**

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R12 Bedroom	W14/F01	19	1	10	1	47.4%	0.0%
R12 Bedroom	W14/F02	20	2	14	2	30.0%	0.0%
R12 Bedroom	W14/F03	21	3	15	3	28.6%	0.0%
R12 Bedroom	W14/F04	26	3	16	3	38.5%	0.0%

This is a purpose built block of flats. A total of 30 rooms were assessed of which four would not meet the BRE Guidelines. Overall, the reduction in sunlight to flats within this converted property would be noticeable and the impact is considered minor adverse. It is noted the affected rooms are bedrooms which are afforded less protection in the BRE Guidelines.

**Moderate-Major Impact**

Of the 10 properties that would not fully meet the BRE Guidelines one property is considered to experience a moderate-major impact:

**170 Mozart Terrace**

Room and use	Window / Floor	Existing		Proposed		Loss (%)	
		Annual	Winter	Annual	Winter	Annual	Winter
R1 Kitchen	W1/B01	21	1	10	0	52.4%	100.0%
R2 Living room	W2/F00	27	4	10	0	63.0%	100.0%
R1 Bedroom	W1-W2/F01	34	5	19	0	44.1%	100.0%
R1 Bedroom	W1-W2/F02	45	8	35	4	22.2%	50.0%

This is a single family dwelling. A total of four rooms were assessed of which none would meet the BRE Guidelines. The basement, ground and first floor rooms will see large reductions in APSH and winter PSH. The second floor bedroom is less affected retaining BRE compliant APSH but winter PSH reduction of 50%. Overall, the reduction in sunlight to this single family dwelling would be noticeable and the impact is considered moderate-major.

**Overshadowing to gardens and amenity spaces**

Policy ENV 13 (F) states that developments should not cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

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

The Environment Statement includes results of the two-hours sun-on-ground and

transient overshadowing assessments for Orange Square (area 1), Ebury Square Gardens (area 2) and No.1 Ebury Square communal amenity space (area 3) on March 21 and June 21. The Belgravia Residents' Association, Semley House Residents' Association and individual local residents have raised concerns specifically about the loss of sun / overshadowing to Ebury Square Gardens.

Orange Square (area 1) would experience no change in the percentage of area seeing at least two hours of sunlight with the development in place when compared to the existing buildings. Overall the significance effect is insignificant.

For Ebury Square Gardens (area 2), the transient overshadowing analysis shows that whilst there would be a reduction in the amount of sun received to the gardens, this would comply with the BRE guidelines. On 21st March the sun hours on ground assessment shows that 72.1% of the area will receive more than two hours of direct sunlight which is a reduction of 19% from the existing condition. Therefore this is less than a 20% reduction from the former value and over half of the amenity space will see two hours of direct sunlight on this date. Overall the significance effect could be considered as insignificant.

Area 3 is the private communal amenity area linked to 1 Ebury Square. In the existing condition this area would see 2 hours of sunlight to only 15.8% of its area on March 21<sup>st</sup>. With the proposed development in place this would be reduced to 0.5% which is a 40% reduction. This reduction would be a major adverse impact during the winter months but will be adequately sunlit in summer months.

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

Policy ENV 13 (F) states that developments should not result in a significant increase in sense of enclosure [or] overlooking.

There would be an increased sense of enclosure to residential properties that surround the proposed development. This is because the proposed development proposes to increase the height and bulk and bring forward the building line compared to existing development on the site. This will affect all residential properties that overlook the site. The rear of Coleshill Flats will also be affected by the increased height and massing in the centre the site, primarily as a result of Building C. Objections have been received from some residential properties to on the grounds of sense of enclosure and overlooking.

With the development in place, the change in outlook from residential properties that surround the site will be dramatic and significant. However the new built form proposed would be typical of the built form of neighbouring streets in this part of central London, namely buildings sited close to or on the back edge of the pavement facing directly on to each other. It is accepted that the proposed development is taller than the surrounding development which will impact outlook at high level. To mitigate this impact at high level, the design of the buildings includes set-backs and a mansard roof to some floors. Nos. 89-110 Coleshill will also see a dramatic change in outlook at the rear however, given that the majority of rooms that overlook the site from the rear closet wing windows are non-habitable, this is considered acceptable. Whilst objections to the proposed change in outlook from neighbouring occupiers are understood, it is not considered that the new

buildings will be sufficiently harmful to warrant a refusal on grounds of sense of enclosure.

In terms of privacy, Ebury Street typically measures 12m wide, Pimlico Road 13.6m wide and Avery Farm Row 11.1m (these measurements include the footway). This is considered typical for street widths in Westminster and is considered sufficient to ensure that there would be no unacceptable loss of privacy for neighbouring occupiers arising from the proposed development. Cundy Street is not as wide and typically measures 9.5m. Whilst this is slightly below a typical street width in Westminster, given the central London context this is considered acceptable in terms of overlooking. No objections have been received from the occupiers of the 1 Ebury Square blocks to loss of privacy. At the rear of Coleshill Flats a separation distance of 12.6m is maintained which is considered acceptable.

### **Conclusions on Residential Amenity**

The proposal will result in a material worsening of daylighting standards for neighbouring properties. For some properties there would be significant reductions in daylight beyond the recommended BRE Guidelines criteria for VSC and NSL. There would also be reductions beyond the alternative 15% VSC retained value which the City Council has given weight to. These losses are highlighted in the individual tables within this report and by the Daylight and Sunlight Review commissioned by residents in Ebury Street. With the development in place the applicant's daylight assessment indicates unacceptable levels of daylight for a number of properties. These reductions in daylight would be noticeable to occupants and more of the affected rooms will appear poorly lit.

There would also be sunlight losses to 12 properties that overlook the site that breach the BRE Guidelines. The impact to 11 of these properties is considered minor-adverse. However, the impact to the remaining property at 170 Mozart Terrace is considered to be moderate -major adverse. This property would lose all winter sunlight to basement, ground and first floor rooms at the front and see significant reductions in APSH, including to a living room.

There would also be a dramatic and significant change in the outlook for residential properties that surround the site, including at high level. Whilst objections to the proposed change in outlook from neighbouring occupiers are understood, it is not considered that the new buildings will be sufficiently harmful to warrant a refusal on grounds of sense of enclosure.

The proposed development seeks to make the best use of land and proposes a high density form of development to support additional homes and workspaces. It is this change in scale, replacing the relatively low massing blocks of flats with buildings of greater height and massing that seek to replicate a more traditional building line, that is largely driving the significant daylight and sunlight losses. The surrounding residential properties on Ebury Street, Cundy Street and Pimlico Road currently benefit from the Cundy Street flats being set back and from the gaps in between the blocks. However, if this site is to be redeveloped at a higher density level to meet policy objectives of boosting significantly the supply of housing and optimising housing delivery, then reductions in daylight and sunlight to neighbouring properties would normally be expected.

The only means of protecting substantively the existing daylight and sunlight conditions would be to look at alternative development options. The options for either a light touch refurbishment or extending the existing Cundy Street flats and constructing new infill development along Ebury Street and Pimlico Road were rejected by the applicant because these options did not overcome the significant drawbacks of the site or provide the opportunity for a high density development that could offer wider public benefits. The applicant has also looked at the option of reducing the height and massing of the proposed development. The removal of a middle floor from Building A1, A2 and C would have some material benefit on residential amenity, namely an additional 17 windows on Ebury Street / Mozart Terrace would achieve the alternative 15% VSC retained value and an additional nine rooms would meet the baseline BRE criteria or GIA's alternative value of retained 50% for NSL. However, if this were to be done it would render the scheme as currently proposed unviable. The applicant advises the lost floorspace would mean seven fewer social rent homes and 14 fewer senior living homes and the lost financial value would mean a reduction of approximately 30-35 intermediate affordable homes.

There is no doubting that the impact from the proposed development on residential amenity is significant. This would conflict with policy S29 of the City Plan and policy ENV 13 (E) of the Unitary Development Plan.. However, the policy objective of the adopted City Plan to optimise housing delivery is a material consideration. This objective is carried though into emerging policy within the draft replacement City Plan which seeks to optimise site densities to exceed the London Plan derived target of 20,685 homes across the plan period (2019-2040). The consideration of alternative lower density options would mean that the regeneration and growth benefits in the scheme in relation to the delivery of market housing and specialist older person's housing, the provision of on-site affordable housing (including meeting the housing needs of Walden House residents), new public routes through the site, the provision of new shops, a cinema and other amenities and new workspaces would not be realised.

## **8.4 Transportation/Parking**

### **8.4.1 Car parking**

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

For special needs housing (e.g. sheltered housing) a parking standard of 1 space per 10 residential units will normally be applied but this may be varied to suit particular cases.

Part A of the policy advises that the permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.

The Publication London Plan sets out a car free standard (excluding disabled parking) for residential and retail uses within PTAL 6b locations such as this. The latest consultation draft of the City Council's new City Plan will be more aligned to London Plan policy and that new development should be predominantly car free with appropriate mitigation where necessary although this cannot be given any weight at this stage. A total of 38 car parking spaces are proposed. The specialist housing accommodation



for older people in Building A would have 18 spaces of which two spaces would be used for disabled staff associated with the C2 assisted living element, one space for disabled visitors, four spaces for senior living residents within the C3 residential units and eleven general spaces. The market housing in Building B would have 20 car parking spaces, of which 2 would be disabled spaces. The commercial units and affordable housing units would not have access to off street parking spaces.

By way of comparison, the existing 160 flats have 83 car parking spaces (59 spaces for Cundy Street flats and 24 spaces for Coleshill Car Park). Overall there will be a net reduction of 44 residential car parking spaces.

Policy TRANS23: Off-Street Parking: Residential Development details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. This includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays. The evidence of the City Council's most recent daytime parking survey in 2018 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the development site is 77.6% (consisting of 275 Residents' and 20 Shared Use Bays, 212 and 17 of which were occupied respectively). Although the area is currently below the 80% threshold, only 7 more vehicles parked on-street would push the occupancy figure above it.

Objections have been received regarding insufficient parking within the development from the Belgravia Society and Belgravia Residents' Association (BRA) and from local residents. The BRA has insisted that, if approved, future occupiers of this development would not have the right to be issued with a parking permit. Concerns have been raised that the lack of car parking will increase congestion and cause an air pollution.

There would be a shortage of off-street parking for residents according to the requirements of TRANS 23. However, the exact number will depend on the final mix of Class C3 and Class C3 uses provided within Building A as these have different parking standards. Despite this, the Highways Planning Manager considers that the impact of the scheme on parking levels will be partly offset by the reduction of approximately 40 residents' parking permits from the demolition of the existing properties on the site. With the mitigation of car club membership for all future occupiers (including the Class C2 units), the Highways Planning Manager is on balance satisfied with the parking arrangements for the scheme as submitted. The request by the BRA regarding not issuing parking permits to future residents is noted, however, the City Council does not have a policy which seeks this as mitigation for any parking shortfall.

However, the Highways Planning Manager has raised a concern about additional parking demand arising from the scenario whereby Building A comprises all Class C3 residential units. He has suggested mitigation measures could be sought that might include the use of spaces in a nearby car park. Given that the proposals seek to provide a balanced, pragmatic solution given the conflicting WCC and GLA policy positions on car parking, further mitigation measures are not sought.

The Highways Planning Manager is of the view that the loss of the existing 24 car parking spaces for Coleshill Flats is contrary to Trans 23 (A). This is noted; however,

the applicant has provided information to show that only four of these spaces are actively used by residents and out of these, one is a disabled parking bay which the applicant proposes would be relocated to an on-street location. Given the low take up of these parking spaces from Colehill residents and given the substantial planning benefits of the scheme, which include a new pedestrian route and public garden in place of the car parking, this is considered to justify its loss as an exceptional circumstance.

The Mayor does not consider there to be any justification for 29 general car parking spaces in this location, given the site's PTAL. Accordingly, he is of the view the general parking should be reduced to zero in line with the Publication London Plan and Westminster's emerging policy.

Given scale of the development proposed it is recommended that a travel plan is secured through the S106 legal agreement together with the costs of monitoring the plan.

All car parking for Building A would access the off-street car parking via the vehicle lifts in the Building A internal servicing area and it is intended that all vehicles are driven by valet drivers at all times. It is recommended that details of how this would work are secured through a car parking management plan. All car parking would have active electric-vehicle charging point which is welcome.

The concerns about increased congestion and air pollution are noted. However it more likely that additional car parking spaces within the development would increase air pollution as it would encourage increased levels of car ownership at a site that is well served by public transport and other amenities.

#### **8.4.2 Cycle parking**

The proposed 393 long-stay cycle parking provision complies with the requirements of the Publication London Plan policy T5. In accordance with this policy locker facilities would be provided for staff of the non-residential and assisted living uses. A further 32 long stay cycle spaces are proposed on the ground floor of Building C to replace the two existing cycle storage units within the Coleshill car park.

A total of 92 short-stay cycle parking spaces are shown indicatively on Westminster highway. Whilst it would be desirable to have some of these spaces within the development site, it is accepted that this is not possible due to competing demands for space. The number of short stay spaces falls short of the 136 required by policy T5, however, given the lack of available space on the public highway to accommodate additional on street cycle parking, this is considered acceptable. A financial contribution to mitigate against the shortfall within the vicinity of the site has not been sought for the same reason that there is a lack of highway space to locate additional cycle parking.

Objections have been received that the on-street cycle parking proposed is excessive. The on-street cycle parking standards are set out in the Publication London Plan and in this instance they are not being fully complied with. On this basis the number of on-street cycle space is not considered excessive.

#### **8.4.3 Servicing**

Deliveries and servicing would increase by 60 vehicles to 72 vehicles as a result of the net residential and ground floor uses proposed. Servicing will largely occur off-street within the dedicated servicing bays within Buildings A and B. Building C would be serviced from a proposed on-street loading pad on Ebury Street. The Coleshill basement would also be serviced from the proposed on-street loading pad on Ebury Street as well as the proposed loading bay at the southern boundary of Orange Square. In some instances, Elizabeth Place would be used to accommodate delivery trips associated with the ground floor units of Building A and Building B between 07:00 - 10:00 Monday to Friday with a later start time of 8am on Sat and 9am on Sunday.

Waste collection will take place on-street. This is because waste vehicles would be unable to egress from the internal loading areas in forward gear. Separate temporary waste holding areas are proposed on Ebury Street, Cundy Street and Pimlico Road for each building. Facilities management would be responsible for transferring waste from the internal storage areas to the temporary holding areas.

The Highways Planning Manager and Waste (Projects) Officer are both satisfied with the arrangements proposed subject to securing them by condition.

The Projects Officer (Waste) has indicated that a micro recycling centre (MRC) would be required for the development on account of its scale funded by the applicant and located in close proximity to the site. The applicant considers that it is not possible to provide the MRC either on site or surrounding the development due to the limited space. This has been accepted by officers and the applicant has agreed to make a contribution of £15,000 to provide future recycling facilities. It is recommended that this could be secured through a S106 legal agreement.

### Highways works

A number of highway works are proposed which are either required to facilitate the development or are proposed as public realm improvements. Following concerns raised by the Belgravia Society and local residents the scope of works was revised and as a result more on street residents parking is retained and the proposed changes to Avery Farm Row access removed from the scheme.

Due to vehicle access requirements to Building B, the applicant will be required to relocate Bus Stop R on Pimlico Road closer to Avery Farm Row. The applicant has advised that this has received verbal support in principle from TfL.

Highway works are proposed at Avery Farm Row in the form of a raised table, tree planting and cycle parking. The original proposal to restrict vehicular access to Avery Farm Row to disabled white badge holders only has been removed from the scheme.

On Ebury Square it is proposed to increase the footway width along the southern section of Ebury Square and introduce two raised tables at key pedestrian crossing points. The proposed raised table to the south west of Ebury Square has been removed from the scheme following concerns raised on behalf of Belgravia Police Station.

On Cundy Street, it is proposed to relocate three spaces to appropriate single yellow line

locations (as originally submitted it was proposed to relocate 10). This is to allow for access to the vehicle drop off point and loading bay.

Other highway works would be required to facilitate the development such as re-paving of all footways and installing the loading pads. These Highway works can be secured through the S106 legal agreement. An informative is recommended that the works shown on the submitted plans are indicative at this stage, that the final design of the works will require the agreement of the Highways team in City Management and Communities and they will need to be secured as part of any future S278 agreement.

#### Cycle hire and cycleway improvements

TfL consider that demand for cycle hire is likely to increase as a result of the proposed development and the nearest cycle hire docking stations are located on Bourne Street and Ebury Bridge which are well utilised. Given this the applicant has agreed to make a financial contribution of £220,000 towards a new TfL Cycle Hire docking station(s). Furthermore as the site is close proximity to Quietway 15, which can be accessed from Lower Sloane Street, the applicant has agreed to a financial contribution of £50,000 towards planned improvements to this route. These contributions could be secured through a S106 legal agreement.

### **8.5 Socio - Economic Considerations**

The Economic Statement submitted with the application sets out the predicted uplift in economic benefits arising from the development. In addition an Employment and Skills Plan is to be secured by S106 legal agreement and a financial contribution of £181,973.61 to support the Westminster Employment Service. The applicant has agreed the principle of including operational phase employment targets for the commercial elements within the Employment and Skills Plan, rather than these targets relating only to the construction phase, as sought by the Inclusive Local Economy and Employment guidance document. This is welcomed.

In terms of job creation, it is expected that 125 full-time equivalent (FTE) construction jobs on and off-site would be generated over the construction period with 10 FTE jobs predicted to be taken by those living in Westminster. In addition construction workers are likely to spend money in the local economy. The operational impacts once complete include generating between 163 and 258 FTE jobs (depending on the final mix of units within the senior living element) with 6–10 FTE jobs estimated to be taken by those living in the Westminster area.

New residents are estimated to generate an annual expenditure of between £1.3 million and £2.2 million per annum within the economy (depending on the final mix of units within the senior living element). It is estimated the scheme will contribute £430,000 per annum towards Business Rates and an uplift of £53,700 per year in City Council Tax receipts.

### **8.6 Access**

The application is supported by an Inclusive Design Statement. This advises that the proposed development has been designed with inclusive access in mind and has taken into account relevant policy, regulations and good practice.

Step free access to commercial, community and leisure uses and to the public realm is proposed. This will include the affordable retail/workspace units at basement level which will have a wheelchair accessible lift for the eastern block (accessed from Clifford's Row) and a wheelchair accessible lift contained within Building C for the western block (accessed from the public realm). This is welcome.

All of the independent living units in Class C3 use in Block C would be designed to meet the M4(3) standard. Private and affordable residential units in Class C3 within Block B and C would be designed to ensure 10% achieve the M4(3) standard, with the remainder all achieving the M4(2) standard. This is acceptable

The scheme proposes 9 disabled parking spaces comprising 2no. parking spaces for disabled staff associated with the senior living element, 1no. parking space for disabled visitors and 4no. parking spaces reserved for disabled residents in Building A and 2no. dedicated disabled parking spaces for Building B. A further 5no. general parking spaces can be converted to disabled use should demand arise.

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

### **8.7.1 Noise**

Whilst general mechanical plant locations are shown on the drawings detailed information on the plant is not yet available Environmental Science has no objection in principle subject to the plant meeting the design noise level criteria of 10 dB below the background noise reading. Standard noise conditions relating to plant and internal activity are therefore recommended together with a condition requiring the submission of a supplementary acoustic report. With these conditions in place the proposal would comply with Policy ENV 7 of the UDP which seeks to control noise from plant, machinery and internal activity.

### **8.7.3 Trees**

The scheme proposes the removal of 69 trees mostly from the Cundy Street flats site. Existing lower value vegetation will also be removed from the site. 15 trees at Cundy flats are protected by a Tree Preservation Order (TPO) and the Coleshill Flats trees are protected by virtue of being within the Belgravia Conservation Area. Following amendments to the scheme, the Hawthorn in Ebury Square Gardens is to be retained and the pruning of trees in Ebury Square Gardens and Orange Square (which local residents objected to) is no longer proposed. The Arboricultural Manager objects to the loss of the TPO trees on the site given their significant contribution to public amenity. Objections have been received from the BRA and local residents regarding the loss of the trees and vegetation.

The removal of the trees is regrettable and a matter which weighs against the proposal; however, this is considered necessary in the context of the comprehensive

redevelopment of the site which seeks to optimise housing delivery, and which will deliver significant public benefits. To offset this loss the development proposes replacement planting within the public realm and private amenity space areas. In total 139 new planted trees are proposed with a range of tree sizes including nineteen trees at 6-9m range and four at 10+m range. Most trees at ground and podium level will be planted in pots or raised planters with the depth of the raised planters ranging from approx. 400 - 670mm. The proposed communal gardens behind Coleshill Flats will have ground level planting. The applicant has also agreed to a financial contribution of £70,000 to allow for additional street planting with the priority given for additional street planting in the of the site. The applicant considers that it would be feasible to plant seven trees on Ebury Street and four on Pimlico Road. It is recommended that this contribution is secured through a S106 legal agreement. It is accepted that the replacement tree planting will not fully mitigate the loss of existing mature trees on the site, however, the new trees and landscaping features proposed are extensive and will provide meaningful amenity value for future residents and visitors to the site.

The Arboricultural Manager has raised concerns to the proposed planters stating the required soil depth to plant trees is 1.2m. Whilst the provision of a 1.2m soil depth in planters would be desirable it is not generally achievable on schemes with large basement areas and planting provided at high level. Some reduced tree growth may be expected from reduced depth podium planting, but the proposed soil mounding and interconnecting tree pits should allow for the establishment of new trees. Given the competing demands of the site, the design of the planters is considered acceptable.

Two pine trees are proposed to be retained within Coleshill Flats. It is recommended that full details of tree protection measures are secured by condition.

#### **8.7.4 Biodiversity**

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

The scheme proposes urban greening and opportunities for biodiversity such as living/green roofs, terraces and urban greening with the proposed internal streets and courtyard spaces created within the scheme. The main greening feature at ground level is a publicly accessible garden at the rear of Coleshill Flats which replaces the existing car park. A private residents' garden will also form part of this area. At higher level irrigated podium gardens and roof terraces are proposed to all three buildings and non-irrigated living roofs are proposed at main roof level. Artificial habitats for bird and bats are proposed within the living roof to Building A2 and within the trees in Ebury Square.

Overall the applicant advises that 5,970 sqm of green space and 2,500 sqm of green roofs are proposed. The applicant has undertaken an Urban Greening Factor (UGF) assessment of the proposed scheme, which shows that the scheme would achieve a score of 0.2, excluding Ebury Square. This falls short of the 0.4 target set out in Policy G5. However given the site constraints and the urban greening measures set out above, this is considered acceptable. It also represents an increase of the UGF of the existing

site which achieves a 0.14 score.

### **8.7.5 Sustainability**

#### Minimising greenhouse gas emissions

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

The applicant's energy strategy proposes a 67% reduction in carbon dioxide emissions on the residential element, of which, 14 % would be achieved through energy efficiency measures. This exceeds the minimum on-site carbon dioxide reduction targets set out above. A 45% reduction in carbon dioxide emissions is proposed on the non-residential element of the scheme, of which 8% would be achieved via energy efficiency measures. Whilst this does not meet the 15% required by the above policy, given the overarching carbon performance is in compliance with policy requirements this is considered acceptable.

Air Source Heat Pumps are proposed, which would feed into a centralised a low temperature heat loop to provide heating and cooling, together with Photovoltaic (PV) solar panels, which would be incorporated with green/brown roofs. A range of passive design measures is incorporated to ensure energy efficiency/ demand reduction and address the risk of overheating. This overall approach is considered acceptable.

A carbon offset payment is required to address the regulated emissions shortfall to meet zero carbon standard. This has been calculated to fall within the £989,000 to £1.43m range depending on the final mix proposed within the senior living element within Building A. This contribution could be secured through the S106 legal agreement. It is accepted that a phased payment for the carbon offset payment would be appropriate given the situation with Building A.

Plant space is provided within the scheme to allow for the future connection to a district network should one become available. A condition is recommended to secure this. Currently it is not feasible to connect to the Pimlico district heating network due to major train lines running into Victoria Station.

The Be Seen guidance for the Publication London Plan highlights the requirement for reporting on actual energy performance. The applicant advises that the sub-metering strategy proposed will enable the identification of different energy usages. This will provide clarity on areas within the development that have a high/low energy consumption in comparison to the design prediction and is considered acceptable.

#### Whole Life Carbon Cycle

The applicant has carried out a whole life-cycle carbon assessment in accordance with Policy SI 2 of the Publication London Plan. To fully capture a development's carbon impact, a whole life-cycle (WLC) approach is needed to capture its unregulated emissions (i.e. those associated with cooking and small appliances), its embodied emissions (i.e. those associated with raw material extraction, manufacture and transport of building materials and construction) and emissions associated with maintenance, repair and replacement as well as dismantling, demolition and eventual material disposal.

The applicant advises that for carbon used to practical completion, the carbon used to complete the proposed development (833 kilograms of carbon per sqm) would be lower than the GLA's WLC benchmark of 850 kilograms of carbon per sqm. In terms of carbon used within the operational lifespan of the new buildings (60 years), the applicant at this stage predicts a carbon usage of 411 kilograms of carbon per sqm. Whilst this does not meet the GLA's WLC benchmark (400 kilograms of carbon per sqm), the applicant advises that further reductions are to be expected within the detailed design stage when the material specifications are developed further.

#### Flood risk and sustainable urban drainage

The site is located within Flood Zone 1 and is classified as having 'low' and 'very low' risk of surface water flooding, according to the Environment Agency. Sustainable urban drainage measures (SuDS) have been incorporated in the proposed development, including green/blue roofs, soft landscaping and planting and with further rainwater attenuation provided below the public realm in storage crates. The application is considered to satisfy Policy S30 [Flood Risk] of the City Plan. It is recommended these SuDS measures are secured by condition to ensure their provision and retention within the scheme.

#### **8.7.6 Air Quality**

The City Council has declared an Air Quality Management Area (AQMA) for the entire Borough for exceedances of the annual mean nitrogen dioxide (NO<sub>2</sub>) and 24-hour mean particulate matter (as PM<sub>10</sub>). The applicant has provided an assessment of the likely air quality effects of the development during site preparation, demolition and construction works and further assessments for completion and operational phases.

Environmental Science advise that if all the mitigation measures set out in the application documents are followed the impact is considered to be insignificant. However continuous air quality monitoring will be required at locations to be agreed with Environmental Science during the construction phase. This will form part of the Code of Construction Practice which the applicant will be required to sign up to through a condition. Environmental Science confirm that the scheme meets the relevant Air Quality Neutral benchmark targets for building and transport emissions.

#### **8.7.7 Microclimate**

The applicant has provided a local wind microclimate assessment to accompany the application. This confirms that when the completed, almost all areas around the



development would have wind conditions suitable for their intended use. For example all areas at ground level would have wind conditions suitable for sitting to strolling use. On the basis of the information submitted, the microclimate implications of the proposed development are considered acceptable.

### **8.7.8 Designing Out Crime**

Policy S29 of the City Plan seeks to ensure that development addresses the need to secure a healthy and safe environment, including minimising opportunities for crime. The Metropolitan Police's Designing Out Crime officer has raised concerns about the proposal including the design of the public routes through the site, the under crofts and location of the residential entrance to Building C.

The concerns of the Designing Out Crime officer are well understood. However, it is considered that many of these issues can be dealt with through natural surveillance and during out of hours through management controls as the development would have on-site 24/7 security. The increased permeability of the site with new routes, gardens and public space is a public benefit of the proposed development and the under crofts allow the new public routes to be provided whilst maintaining the financial viability of the scheme as a whole. The applicant emphasises that anti-social behaviour and crime has been a factor in community consultation and that the original plans were amended to respond to local feedback, most notably introducing gates to the new Elizabeth Place Gardens following discussions with residents of the Coleshill Flats.

The Elizabeth Place Gardens gates are the only gates currently proposed as part of the development. However given the concerns raised by the Metropolitan Police, the applicant proposes a condition that requires the applicant to monitor the situation for each under croft for 12 months post completion and to then submit a report to the City Council detailing whether there have been any incidents and if so details for how the applicant will manage the areas in the future with a view to avoiding such incidents. As a last resort this could include the installation of additional gates and drawings have been provided that show where it would be feasible to install these. However the installation of gates would be a drastic measure as this would undermine the permeability of the site which is one of the public benefits of the scheme.

In terms of the concerns raised about the residential entrance to Building C, this part of the site would be overlooked from the communal space in Building A. The applicant has suggested chamfering the corner of the retail unit to ensure a clear line of a sight from Ebury Street. It is considered that this amendment should be secured by condition.

The applicant has revised the basement area to ensure that , other than a controlled access for fire purposes, there is no link between buildings A and C. The loading bay and vehicle lifts, also raised as a concern, will be managed by the facility management staff with video surveillance.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in

June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the City Council is currently consulting until 18 January 2021 on the main modifications recommended by the Inspectors. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's report.

## 8.9 Neighbourhood Plans

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

## 8.10 London Plan

The Examination in Public for the draft new London Plan took place between 15 January 2019 and 22 May 2019. Following this examination and the publication of the Publication London Plan in December 2019, the Secretary of State directed on 13 March 2020 that the Mayor cannot publish the London Plan until a number of modifications have incorporated into the Plan. The Mayor considers that all matters have been addressed and the Mayor notified the Secretary of State on 21 December 2020 of his intention to publish the new London Plan (known as the Publication London Plan).

The emerging new London Plan is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker. The closer the document is to adoption, the greater the weight that should be given to it. Policies contained in the Publication London Plan (December 2020) that are not subject to a direction by the Secretary of State carry significant weight.

In his Stage I response, the Mayor advises that the proposals do not fully comply with the London Plan and the Publication London Plan on transport but are otherwise considered acceptable, as set out below:

### Estate regeneration

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

### Land use principle

Further housing intensification of the site is supported, as are the affordable retail/workspace studios. The quantum of town centre uses proposed is acceptable and does not raise any strategic planning concerns.

### Housing and affordable housing

Of the self-contained Class C3 housing proposed, 47% would be affordable housing by habitable room, comprising a 55:45 tenure split weighted towards social rent. Where the Class C2 accommodation for older people is included in the calculation, the overall level of affordable housing would be 39% by habitable room (31% by unit). The intermediate housing proposed is intermediate rent at London Living Rent which is supported. Specialist housing for older people in both Class C2/C3 is proposed which is supported.

The application is following the Viability Tested Route and the applicant's Financial Viability Appraisal is being scrutinised to ensure the scheme delivers the maximum viable level of affordable housing. An early and late stage Viability Review Mechanism is required via S106 legal agreement.

#### Urban design and heritage

The design, layout, landscaping, height and massing and residential quality of the scheme is supported, and the scheme would not harm designated heritage assets. There would be some harm to non-designated heritage assets which when balanced against the public benefits provided by the scheme is acceptable.

#### Climate change:

The energy, drainage and urban greening strategies are supported.

#### Transport

The proposed level of general car parking is excessive and should be removed entirely to only provide disabled car parking. Cycle parking should be increased to comply with the Publication London Plan. Financial contributions towards improvement works to Quietway 15 and the implementation of a new cycle hire docking station are requested.

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

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of the following pre-commencement conditions relating to the City Council's Code of Construction Practice, archaeology, Cross rail, CIL phasing plans, land contamination, and tree protection. The applicant has agreed to the imposition of the conditions.

### **8.12 Planning Obligations**

a) Provision of 93 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 49 x intermediate rent tenure (rents set at

London Living Rent values for Churchill ward up to a maximum household income of £60,000.) The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 49 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.

b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery

Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerb lines, footway widening, relocated memorial fountain, relocated TfL bus stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development.

c) A Walkways Agreement to secure access for the public across the site.

d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development)

e) Car club membership for the occupiers of all residential units for a period of 25 years.

f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development).

g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development).

h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development).

i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be:

i. Zone 1: In or close to the locations shown on planning application drawing ref 288\_P20.100 Rev B

ii. Zone 2: Within 200m of the development site

iii. Zone 3: Within Churchill and/or Belgravia wards

iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster

j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the City Council's Carbon Off Set fund. (payable prior to commencement of relevant phase of development).

k) The long term retention, access to and maintenance of any play space within the development.

l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards.

m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent.

n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period.

o) Provision of public art to the value of £75,000.

p) The provision of a travel plan and the cost of monitoring the plan.

q) The costs of monitoring the S106 legal agreement.

## CIL

The estimated CIL payment is £23,535,257.

- £2,630,480 Mayoral CIL2
- £20,922,777 WCC CIL

However if the applicant applies for, and is granted social housing relief, the estimated CIL payment would be reduced to £17,847,208.

The development is proposed to be phased to allow for the one move strategy for Walden House residents. for reasons set out elsewhere in this report. Under reg.2(1) of the CIL regulations, a phased planning permission means “a planning permission which expressly provides for development to be carried out in phases”. On this basis CIL phasing plans are submitted as part of this application and a planning condition is recommended to require a phasing plan to be submitted by the applicant prior to commencement of development.

### **8.13 Environmental Impact Assessment**

The applicant has carried out an Environmental Impact Assessment (EIA) of the development. EIA is a formal procedure underpinned by The Town and Country Planning (EIA) Regulations, 2017 (as amended). The EIA process systematically identifies and assesses the likely significant environmental effects of a development and the results are reported in an Environmental Statement (ES). For the purposes of the ES the applicant has assessed both parameters proposed for the final mix of specialist older persons housing types in Building A.

In putting forward this recommendation, officers have taken into account the ES submitted. Officers are satisfied that the environmental information as a whole meets the requirements of The Town and Country Planning (EIA) Regulations, 2017 (as amended) and that sufficient information has been provided to enable assessment of the environmental impact of the application.

The following Environmental Impact issues have been covered in the main sections of this report as follows: socio-economics (Section 8.5), direct effects on above ground heritage assets (Section 8.2), archaeology (Section 8.2), transport and access (Section 8.4), air quality (Section 8.7.6), noise and vibration including from construction (Section 8.7 and 8.14), wind microclimate (Section 8.7.1) and daylight, sunlight and overshadowing (Section 8.3).

### **8.14 Other Issues**

#### Community involvement

The applicant has submitted a Statement of Community Involvement (SCI) with the application. This sets out the phased consultation process carried out by the applicant which started 14 months prior to the submission of the application. The SCI sets out that consultation was delivered through personal contact and briefings of key stakeholders, public drop-ins at each stage of the consultation, workshops for existing residents,

printed communications, project website and an online survey. The SCI sets out that key stakeholders are existing residents on site, nearby residents, the local amenity societies, local businesses (including the Pimlico Road Farmers' Market) and local politicians.

The SCI advises that the scheme has evolved considerably through the consultation, with a number of changes being made that address the initial concerns shared at the start of the process. In particular, the impact of the proposed development on the existing community and the re-housing options available to residents in Walden House. Other key changes include the introduction of a food store, community space and cinema; removal of retail uses on Ebury Street; changes to Elizabeth Place Garden to create a residents' garden, amendments to the servicing plan and the reduction in height of the tallest building on Ebury Square.

The SCI further advises that some elements of the proposals still generate a range of different responses. For example, there is general support from the majority in the community for the layout of the new buildings; the pedestrian routes through the scheme; integration with the wider neighbourhood; the landscape proposals and the mix of uses and range of housing on the site. However, there are still areas where there are some concerns about the impact of the development on adjoining buildings and the streetscape, and that it is felt that the height is out of character with the local area, specifically building B1.

The SCI advises that it is the applicant's intention to continue the on-going communication with the local community and stakeholders through the planning process to prepare for a range of issues including the demolition and construction, should permission be granted.

### Construction impact

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

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

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

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

A draft Construction Logistics Plan (CLP) has been submitted with the application. This sets out that the final stage of construction access routes would be along Lower Sloane Street and Pimlico Road. The construction egress routes would be along Pimlico Road and Buckingham Palace Road during Phase 1 and along Cundy Street, Avery Farm Row and Buckingham Palace Road for Phase 2. It is recommended that a final CLP is secured by condition.

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

#### Construction Phasing

For reasons set out elsewhere in this report, the applicant proposes to phase the construction as set out below with predicted commencement and completion dates given as follows:

- i. Phase 1 – Demolition of the Cundy Street flats (commence September 2021);
- ii. Phase 2 – Construction of Buildings A and C (complete July 2025);
- iii. Phase 3 – Demolition of Walden House (commence July 2025); and
- iv. Phase 4 – Construction of Building B (complete July 2028).

#### Fire and Safety

A fire statement has been prepared by a third party suitably qualified assessor which details the range of fire safety measures in terms of fire detection and control, means of evacuation and escape and access. The Mayor's Stage I report advises that this is acceptable and in line with Policy D12 of the Mayor's Publication London Plan.

### **9.0 Conclusion.**

The comprehensive residential-led redevelopment of this site will create a new mixed use neighbourhood for this part of Belgravia. The site is well located, and the proposal is a high density form of development designed to meet the objectives of national, regional and local planning policies that seek to intensify the use of land and optimise the delivery of new homes. The new development will generate a number of public benefits as a result.

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

Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal and to

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

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

The proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. Specifically these policies are S25 and S29 of the City Plan and DES 9, DES 10 and ENV 13 (E) of the Unitary Development Plan. The proposed development does, however, comply with policies S14 and S16 of the City Plan which seeks to optimise housing delivery and to optimise the delivery of new affordable homes. In taking an overall view, and for the reasons set out in this report, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. There are also other significant public benefits arising from the proposed development that are material considerations, namely the delivery of specialist older person's housing, the provision of on-site affordable housing that would meet the housing needs of Walden House residents and the regeneration and growth benefits such as new public routes through the site, the provision of new shops, a cinema and other amenities and new workspaces. The proposed development would also meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site.

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

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



## Appendix 1

## Affordable Housing by habitable room, unit and floorspace

	Habitable rooms	Units	GIA
Building A (C2)	139	119	13,353
Building A (C3)	47	23	4,992
Market (C3)	220	70	12,732
Intermediate	118	49	4,778
Social Rent	146	44	5,582
Total	670	305	41,437
AH Percentage	39%	30%	25%
AH Percentage (excluding C2)	50%	50%	37%

Table AE.1 – Maximum Assisted Living scheme

	Habitable rooms	Units	GIA
Building A (C2)	0	0	0
Building A (C3)	232	91	18,345
Market (C3)	220	70	12,732

Intermediate	118	49	4,778
Social Rent	146	44	5,582
Total	716	254	41437
AH Percentage	37%	37%	25%

Table AE.2 – Maximum Independent Living scheme

	Habitable rooms	Units	GIA
Building A (C2)	112	100	11,336
Building A (C3)	79	37	7,009
Market (C3)	220	70	12,732
Intermediate	118	49	4,778
Social Rent	146	44	5,582
Total	675	300	41437
AH Percentage	39%	31%	25%
AH Percentage (excluding C2)	47%	47%	34%

Table A3.3 – Design Scheme

## Appendix 2

### Residential properties experiencing minor-adverse or minor-moderate adverse impact (based on the significance attributed by the City Council's independent daylight consultant).

In the tables the reference to 'BRE compliant' indicates that the window meets the BRE Guidelines criteria for either 27% retained value VSC or a reduction in VSC of no more than 20%. The figures in bold in the tables highlight the suggested alternative 15% VSC retained value which officers have given weight to in the daylight assessment.

#### Ebury Square – Block A

Room / Use	Window/ Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL loss
R1 Living room	W4-F00	24.5	12.7	48.2%	BRE compliant		
R2 Kitchen	W5-F00	21.4	9.4	56.1%	90.1	60.6	32.7%
Dining	W6-F00	15.6	9.8	37.2%			
	W7-F00	13.6	9.3	31.6%			
R1 LKD	W4/F01	27.2	15.9	41.5%	BRE compliant		
R2 Bed	W5/F01	24.4	12.5	48.8%	94.3	71.2	24.5%
	W6/F01	17.8	11.9	33.1%			
R3 Bed	W7/F01	15.8	11.4	27.8%	71.1	45.2	36.4%
R1 LKD	W4/F02	29.9	<b>19.6</b>	34.4%	BRE compliant		
R2 Bed	W5/F02	27.3	<b>16.2</b>	40.7%	BRE compliant		
	W6/F02	20.4	14.5	28.9%			
R3 Bed	W7/F02	18.4	14.1	23.4%	73.2	51.8	29.2%
R3 LKD*	W4/F03	32.9	<b>24.4</b>	25.8%	BRE compliant		
R2 Bed	W5/F03	30.7	<b>21</b>	31.6%	BRE compliant		
	W6/F03	23.6	<b>17.8</b>	24.6%			
R3 Bed	W7/F03	BRE compliant			78.9	62	21.5%

## Ebury Square – Block B

Room/Use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	Room / NSL
R2 Bedroom	W6-F00	0.3	0	100%	29.3	15.5	47.2%
R4 Living room	W8-F00	1.3	0.1	92.3%	33.8	19.7	41.7%
R10 Bedroom	W14/F01	BRE compliant			75.1	59.7	20.5%
R11 Living / kitchen / dining	W16-F01	BRE compliant			95.4	71.8	24.8%
	W17-F01	23.5	6.9	70.6%			
	W18-F01	24.7	6.6	73.3%			
R13 Bed	W20/F01	25.1	6.2	75.3%	92.7	12.3	86.7%
R15 LKD*	W21/F01	24.2	6	75.2%	96.3	92.9	3.5%
	W22/F01	22.7	5.9	74%			
	W23/F01	11.3	8.7	23%			
	W24/F01	4.8	0.8	83.3%			
R11 Bedroom	W17/F02*	26.4	9.1	65.5%	96.6	75.8	21.6%
R 11 Dressing	W18/F02	27.5	8.6	68.7%			
R14 Bedroom	W21/F02	27.2	7.7	71.7%	71.7	10.6	86.4%
R15 LKD*	W22/F02	26	7.5	71.2%	BRE compliant		
	W23/F02	12.6	9.4	25.4%			
	W24/F02	6	1	83.3%			
	W25/F02	32.3	<b>25.7</b>	20.4%			
R11 Bedroom*	W17/F03	29.7	12.3	58.6%	BRE compliant		
R11 Dressing	W18/F03	30.6	11.5	62.4%			
R14 Bedroom	W21/F03	30.5	<b>20.5</b>	67.2%	82.5	14.8	82%
R15 LKD*	W22/F03	29.6	9.6	67.6%	BRE compliant		
	W23/F03	13.8	10.1	26.8%			
	W24/F03	7.2	1.2	83.3%			
R11 Bedroom	W17/F04	33	16.8	49.1%	BRE compliant		
R11 Dressing	W18/F04	33.7	15.6	53.7%			
R14 Bedroom	W21/F04	33.6	12.9	61.6%	95.8	20.5	78.6%
R15 LKD*	W22/F04	33	12.6	61.8%	BRE compliant		
	W23/F04	14.7	10.9	25.9%			
	W24/F04	8.1	1.4	82.7%			
R11 Bedroom	W17/F05	36.2	<b>22.7</b>	37.3%	BRE compliant		
R11 Dressing	W18/F05	36.5	<b>21</b>	42.5%			
R14 Bedroom	W21/F05	36.5	<b>16.3</b>	55.3%	96.4	28.1	70.8%
R15 LKD*	W22/F05	36.1	<b>16.2</b>	55.1%	BRE compliant		
	W23/F05	18.1	14.2	21.5%			
	W24/F05	8.8	2	77.3%			
R11 LKD	W17/F06	37.5	<b>25.5</b>	32%	BRE compliant		
	W18/F06	38.9	<b>24.1</b>	38%			
	W19/F07	13.8	10.3	25.4%	BRE compliant		
R10 Bedroom	W20/F07	7.1	2	71.8%	BRE compliant		

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bedroom	W1/ B01	BRE compliant			71.3	37.6	47.2%
	W2/ B01	BRE compliant					
R2 Dining room	W2/ F00	24.7	<b>18.8</b>	23.9%	94.4	53.1	43.7%
	W3/ F00	24.8	<b>18.9</b>	23.8%			
R1 Drawing room	W1/ F01	27.1	<b>21.6</b>	20.3%	BRE compliant		

### 176 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Dining room	W1/ B01	19.4	12.9	33.5%	77.7	43.9	43.5%
R3 Living room	W2/B01	14.6	10.2	30.1%	78.5	42.1	46.4%
R1 Bedroom	W1/ F00	22.3	<b>16.1</b>	27.8%	95.3	73	23.4%
R2 Living room	W2/ F00	16.6	<b>12.5</b>	24.7%	88.4	69.5	21.3%
R1 Bedroom	W1/ F01	23.8	<b>17.8</b>	25.2%	93.1	69	25.9%
R2 Bedroom	W2/ F01	26.1	<b>20.4</b>	21.8%	93.3	70.2	24.7%
R3 Living room	W3/F01	BRE compliant			77.6	59.1	23.9%
R1 Bedroom	W1/F02	BRE compliant			86.8	54.8	36.8%
R2 Bedroom	W2/F02	BRE compliant			89.5	67.4	24.8%
R3 LKD	W3/F02	BRE compliant			70.5	43.6	38.2%

### 186 Mozart Terrace

Room and use	Window /Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Additional sitting room (for staff)	W1/ B01	BRE compliant			45	26	42.3%
R1 Dining room	W1/ F00	BRE compliant			71.4	45.4	36.4%
	W2/F00	BRE compliant					
R2 Sitting room	W2/ F01	BRE compliant			80.6	63.3	21.4%
	W3/F01	BRE compliant					
R2 Bedrooms	W2/ F02	BRE compliant			75.6	56.7	25.0%
	W3/ F02	BRE compliant					

### 102 Eaton Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	BRE compliant			56.6	35.5	37.3%
	W2/B01	BRE compliant					
	W3/B01	BRE compliant					
R1 Unknown	W1/ F00	14.3	11	23.1%	86.7	60.9	29.7%

R1 Unknown	W1 F01	BRE compliant			91	61.5	32.4%
	W2/ F01	16.7	12.4	25.7%			
R1 Unknown	W1/ F02	BRE compliant			85.6	57.1	33.3%
	W2/F02	BRE compliant					

**17a Pimlico Road**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1	W1/ B01	18.1	13.1	27.6%	51.8	36.1	30.4%
R1	W1/F00	21.3	16.2	23.9%	81.1	58.6	27.7%

**17 Pimlico Road**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1	W1/ B01	BRE compliant			96.7	57.3	40.8%
R1	W1/F00	BRE complaint			71.9	54.5	24.2%

**2 Ranelagh Grove**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1	W1/ F01	23.5	18.6	20.9%	98	89.6	8.5%
R1	W2/F01	24	18.8	21.7%			

**4 Ranelagh Grove**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1	W1/ F00	12.9	9.5	26.4%	59.8	57	4.7%
R1	W1/F01	15.7	12.4	21.0%	65.3	65.2	0.0%

**01-22 Coleshill Flats**

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R5 Kit	W6/F01	6.9	4.2	39.1%	BRE compliant		
R11 Bed	W13/F01	13.9	2	85.6%	79.3	4.4	34.4%
R12 Bed	W14/F01	16.3	8.3	49.1%	BRE compliant		
R5 Kit	W6/F02	7.3	4.7	35.6%	BRE compliant		

R11 Bed	W13/F02	15.8	2.8	82.3%	91.6	8.5	90.8%
R12 Bed	W14/F02	17.7	9.4	46.9%	BRE compliant		
R5 Kit	W6/F03	7.7	5.4	29.9%	BRE compliant		
R11 Bed	W13/F03	17.9	3.8	78.8%	92.2	15.8	82.9%
R12 Bed	W14/F03	19.4	10.9	43.8%	BRE compliant		
R5 Kit	W6/F04	5.7	3.6	36.8%	BRE compliant		
R11 Bed	W13/F04	21	6.2	70.5%	92.5	29.5	68.1%
R12 Bed	W14/F04	21.6	13.2	38.9%	BRE compliant		
R5 Unknown	W5/F05	34.3	13.8	59.8%	BRE compliant		
R5 Unknown	W6/F05	27.2	11.2	58.8%			

#### 45-66 Coleshill Flats

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Bed	W1/F01	12	7.9	34.2%	BRE compliant		
R2 LR	W2/F01	4.7	3	36.2%	39.5	14.4	63.5%
R3 Kit	W3/F01	8.3	4.6	44.6%	BRE compliant		
R7 Bed	W8/F01	12.2	9.4	23.0%	BRE compliant		
R1 Bed	W1/F02	13.1	9.2	29.8%	BRE compliant		
R2 LR	W2/F02	5.7	4	29.8%	41.4	19.8	52.1%
R3 LR	W3/F02	9.4	6	36.2%	BRE compliant		
R1 Bed	W1/F03	14.6	11	24.7%	BRE compliant		
R2 LR	W2/F03	7.4	5.9	20.3%	47.5	30.3	36.2%
R3 Kit	W3/F03	11.6	8.5	26.7%	BRE compliant		
R7 Bed	W8/F04	9	7	22.25	BRE compliant		

#### 13 Pimlico Road

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown*	W1/F02	29.4	21.6	26.5%	BRE compliant		
R2 Unknown	W2/F02	29	22.3	23.1%	67	48.9	27.0%

#### 1 Ebury Bridge

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W3/F02	BRE compliant			97.4	67.6	30.6%
R1 Unknown	W6/ F02	BRE compliant			86.7	60.9	29.7%

### Appendix 3

#### Residential properties experiencing Moderate Adverse Impact (based on the significance attributed by the City Council's independent daylight consultant).

In the tables the reference to 'BRE compliant' indicates that the window meets the BRE Guidelines criteria for either 27% retained value VSC or a reduction in VSC of no more than 20%. The figures in bold in the tables highlight the suggested alternative 15% VSC retained value which officers have given weight to in the daylight assessment.

#### 11 Pimlico Road

Room and use	Room / Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Living	W1/F02	29.4	<b>22.1</b>	24.8%	BRE compliant		
	W2/F02	29.6	<b>21.9</b>	26.0%			
	W3/F02	29.6	<b>21.7</b>	26.7%			
	W4/F02	29.7	<b>21.6</b>	27.3%			
	W5/F02	29.7	<b>21.1</b>	29.0%			
	W6/F02	29.9	14.1	52.8%			
	W7/F02	30.2	14.3	52.6%			
R2 Bed	W8/F02	30.3	14.5	52.1%	74	26.1	64.8%
R3 Bed	W9/F02	30.3	14.6	51.8%	82.1	19.6	76.1%
	W10 F02	30.3	14.7	51.5%			
R4 Living	W11/F02	29.9	14.5	51.5%	92.5	38.6	58.2%
	W12/F02	30.3	<b>15.6</b>	48.5%			
	W13/F02	30.2	<b>17.7</b>	41.4%			
R1 Unknown	W1/F03	32.3	<b>24</b>	25.7%	84.6	74.5	11.9%
	W2/F03	32.4	<b>23.8</b>	26.5%			
	W3/F03	32.5	<b>23.6</b>	27.4%			

#### 164 Mozart Terrace

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	NSL Loss (%)
R1 Unknown	W1/ B01	14.3	9.6	32.9%	64.9	30	53.8%
	W2/ B01	VSC compliant					
R2 Unknown	W2/ F00	24.7	<b>18.4</b>	25.5%	95.6	50.6	47.1%
	W3/ F00	24.7	<b>18.5</b>	25.1%			
R1 Unknown	W1/ F01	27	<b>21.1</b>	21.9%	91.1	65.2	28.5%
R2 Unknown	W2/ F01	27	<b>21.2</b>	21.5%	99.2	69	30.4%
	W3/F01	27	<b>21.4</b>	20.7%			
R1 Unknown	W1/F02	BRE compliant			88.8	63.8	28.1%
R2 Unknown	W2/F02	BRE compliant			99.2	68.3	31.1%
	W3/F02	BRE compliant					



Item No.
<b>1</b>

R1 Unknown	W1/F03	BRE compliant	86.1	59.8	30.5%
R2 Unknown	W2/F03	BRE compliant	85.6	55.8	34.8%

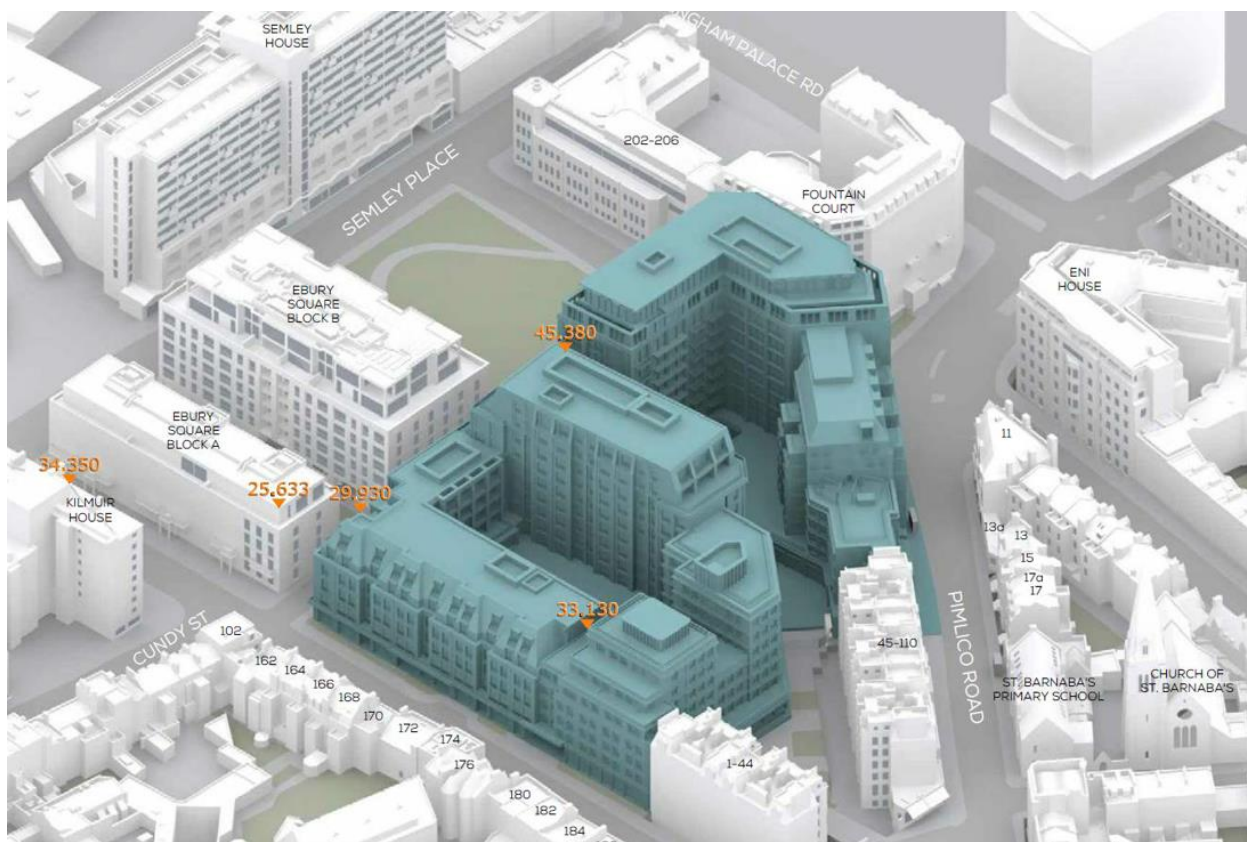
**184 Mozart Terrace**

Room and use	Window / Floor	Existing VSC	Proposed VSC	Loss (%)	Existing NSL	Proposed NSL	Room / NSL Loss (%)
R1 Unknown	W1/ B01	BRE compliant			67.2	22	67.2%
	W2/ B01	BRE compliant					
R2 Unknown	W2/ F00	BRE compliant			81.3	49.3	39.4%
	W3/ F00	BRE compliant					
R1 Unknown	W1/ F01	BRE compliant			81.1	62.8	22.6%
R2 Unknown	W2/F01	BRE compliant			84.1	65.2	22.4%
	W3/F01	BRE compliant					
R2 Unknown	W2/F02	BRE compliant			82.8	61.7	25.5%
	W4/F02	BRE compliant					

## 10.0 KEY DRAWINGS



Plan showing arrangement of new buildings

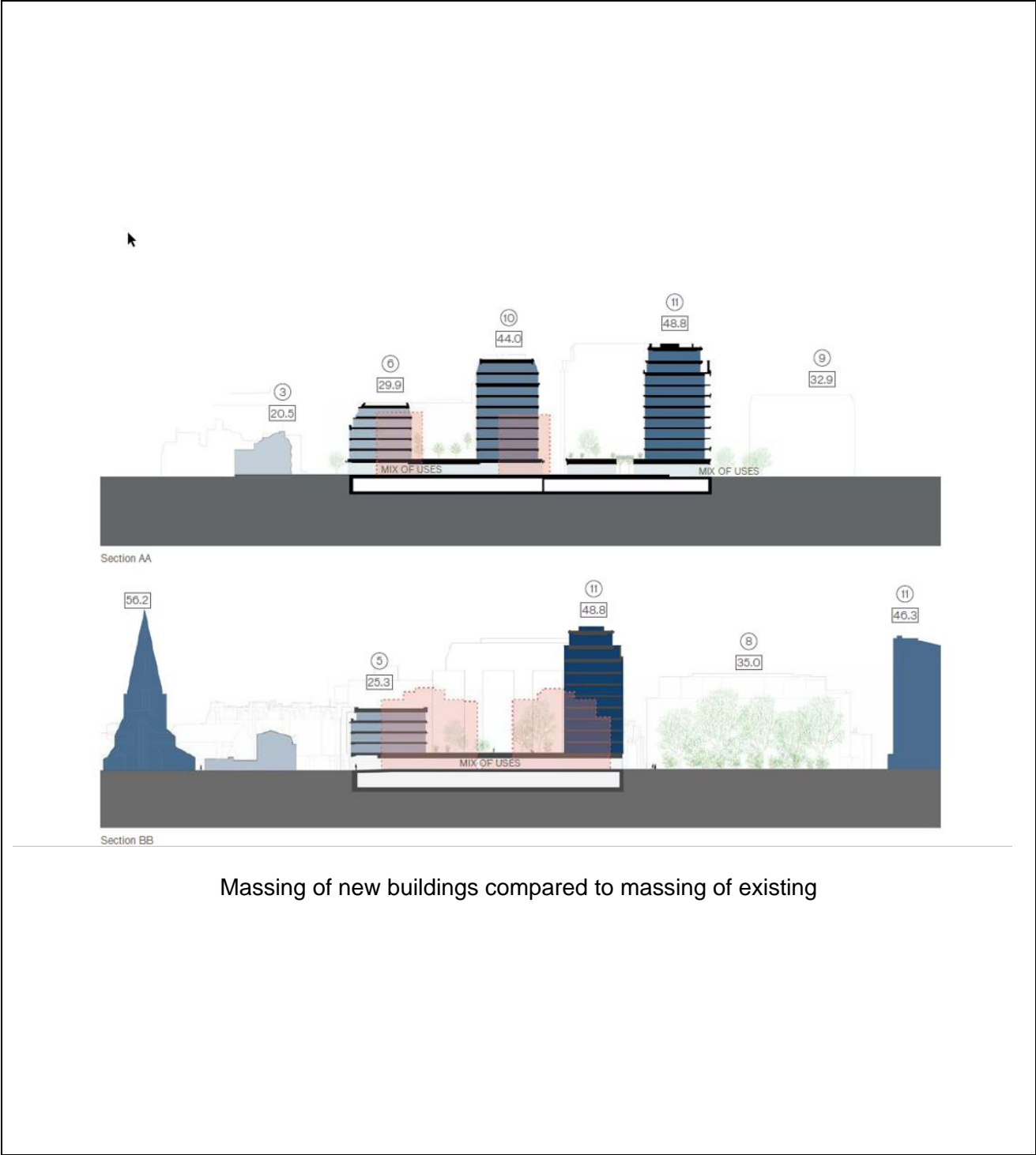


Massing arrangement of proposed development





Proposed ground floor arrangement showing commercial units





Proposed Ebury Street - Elevation

**GENERAL NOTES**

1. The proposed development is a new residential building of 100 units, including 20 affordable units, located on the site of the former Ebury Street. The development is proposed to be built to a height of 10 storeys, with a maximum height of 32.5m. The development is proposed to be built to a depth of 100m, with a maximum depth of 100m. The development is proposed to be built to a width of 100m, with a maximum width of 100m. The development is proposed to be built to a length of 100m, with a maximum length of 100m. The development is proposed to be built to a height of 10 storeys, with a maximum height of 32.5m. The development is proposed to be built to a depth of 100m, with a maximum depth of 100m. The development is proposed to be built to a width of 100m, with a maximum width of 100m. The development is proposed to be built to a length of 100m, with a maximum length of 100m.

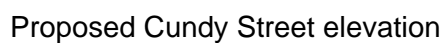


- Materials List**
- 1. External Walling - Brick
  - 2. Internal Walling - Brick
  - 3. External Walling - Brick
  - 4. External Walling - Brick
  - 5. External Walling - Brick
  - 6. External Walling - Brick
  - 7. External Walling - Brick
  - 8. External Walling - Brick
  - 9. External Walling - Brick
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  - 15. External Walling - Brick
  - 16. External Walling - Brick
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  - 18. External Walling - Brick
  - 19. External Walling - Brick
  - 20. External Walling - Brick

PLANNING

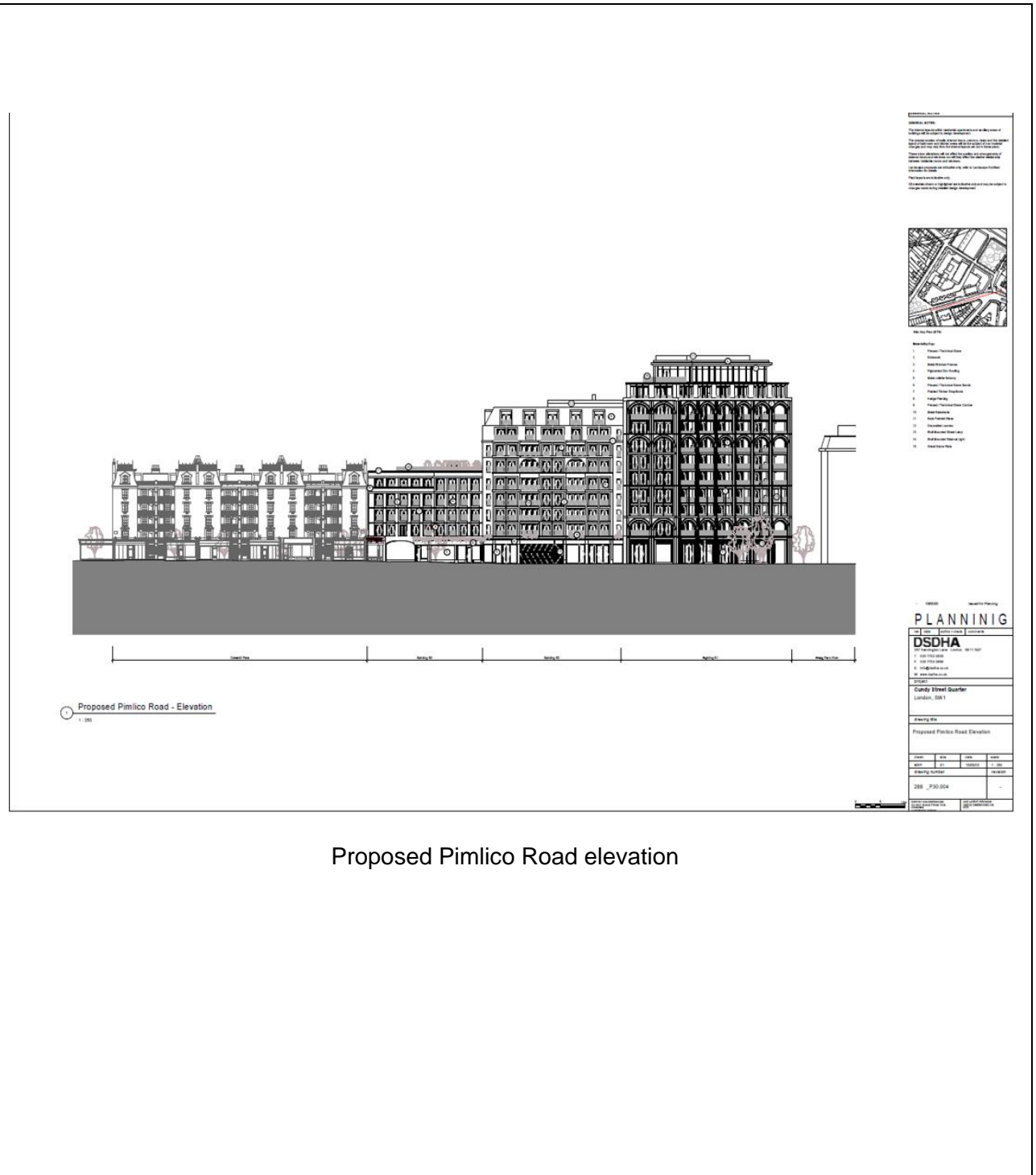
**DSDHA**

100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 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1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 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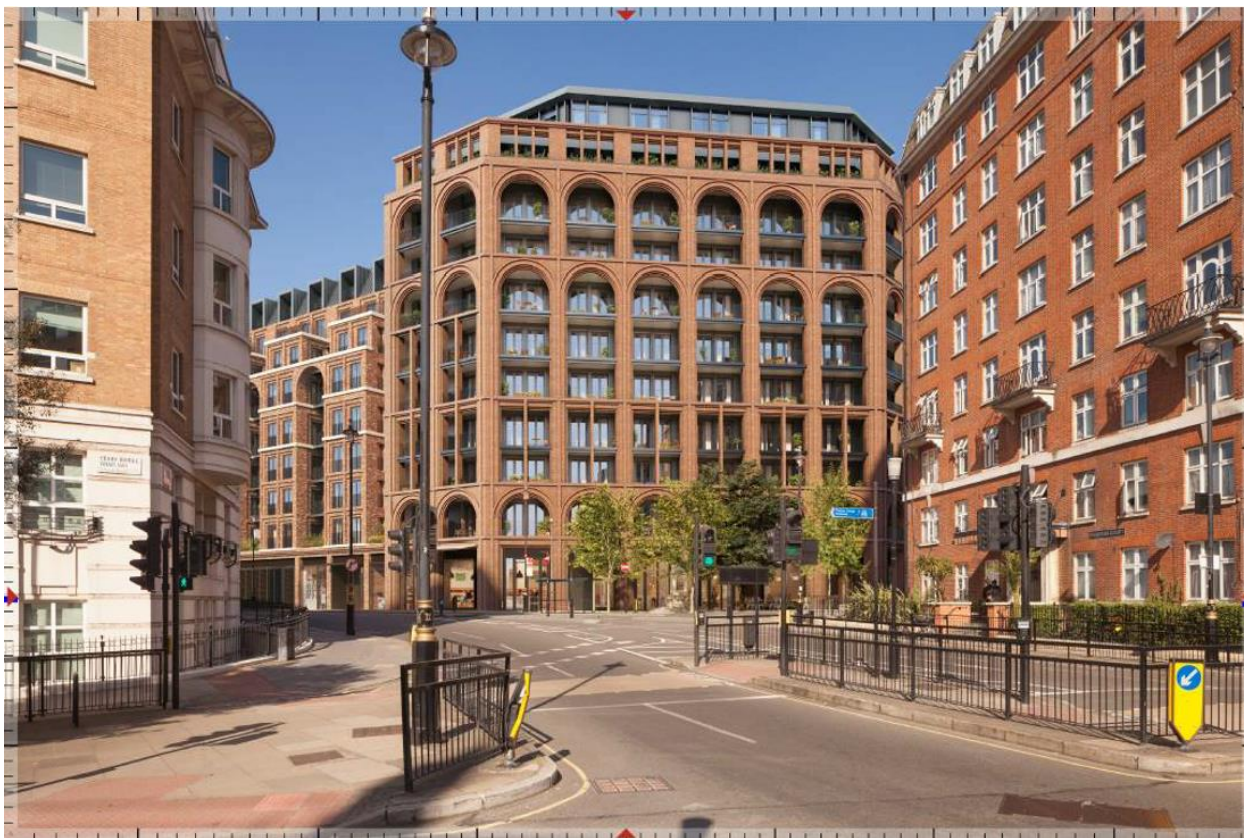








Proposed Pimlico Road elevation



Verified view – Pimlico Road



Verified view - Proposed Ebury Square elevation





Verified view – Looking down Eaton Terrace



Verified view – Ebury Street



Verified view – Orange Square





Verified view – Pimlico Road



Image looking at Elizabeth Place



**FULL DRAFT DECISION LETTER**

- Address:** Development Site Bounded By Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square And, Cundy Street, London,
- Proposal:** Comprehensive residential-led mixed-use redevelopment, including demolition of Kylestrome House, Lochmore House, Laxford House, Stack House, Walden House and structures attached to Coleshill Flats; tree removal and pollarding; erection of a partial sub-basement, basement and buildings varying in height from five to 11 storeys, to provide affordable homes (Class C3), market homes (Class C3), senior living accommodation (comprising Class C3 and / or Class C2), alongside a range of uses at partial sub-basement, basement and ground floor level including retail (Class A1), restaurants / cafes (Class A3), drinking establishments (Class A4); offices (Class B1), community space (Class D1), cinema (Class D2); use of the lower ground floor of the Coleshill Flats as retail and / or workspace (Class A1 and / or B1); provision of new pedestrian routes; basement car parking; basement and ground floor circulation, servicing, refuse,, ancillary plant and storage; provision of hard and soft landscaping; landscaping works and creation of new play facilities at Ebury Square; rooftop PV panels; rooftop plant equipment; refurbishment and relocation of Arnridd Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of the telephone boxes on Orange Square; and other associated works. (The application is an Environmental Impact Assessment (EIA) development and is accompanied by an Environmental Statement (ES), which may be viewed with the planning application documents).
- Reference:** 20/03307/FULL
- Plan Nos:** Proposed Drawings: 288\_P10.050; 288\_P10.051; 288\_P10.052; 288\_P10.053; 288\_P10.054; 288\_P10.055; 288\_P10.056; 288\_P10.057;,, 288\_P20.098; 288\_P20.099 Rev B; 288\_P20.100 Rev B;,, 288\_P20.101; 288\_P20.102; 288\_P20.103; 288.P20.104; 288\_P20.105;,, 288\_P20.106; 288\_P20.107; 288\_P20.108; 288\_P20.109; 288\_P20.110;,, 288\_P20.111; 288\_P30.001; 288\_P30.002; 288\_P30.003; 288\_P30.004;,, 288\_P30.005; 288\_P30.006; 288\_P30.007; 288.P30.008; 288\_P30.009;,, 288\_P30.010; 288\_P40.001; 288\_P40.002; 288\_P40.003; 288\_P40.004;,, 288\_P40.005.,  
.  
Application Documents, Design and Access Statement, dated May 2020; Design and Access Statement Addendum, dated October 2020; Planning Statement, dated May 2020; Energy and Whole Life Carbon Assessment, dated May 2020;,, Daylight & Sunlight - Impact on Neighbouring Properties Report, dated May 2020; Daylight & Sunlight - Internal Daylight, Sunlight and Overshadowing Report, dated May 2020; Daylight and Sunlight Window Maps, email dated 30 November 2020; Signed Appendix A - Code of Construction Practice, dated 28 April 2020; Historic Buildings

Report, dated May 2020; Conditions Survey and Method Statement, dated May 2020; Environmental Impact Assessment, dated May 2020; Transport Assessment including Framework Construction Logistics Plan and Deliveries and Servicing Plan, and Travel Plan, dated May 2020; Transport Assessment Addendum, dated October 2020; Waste Strategy Clarification, 3 December 2020; Noise and Vibration Assessment, dated May 2020;

Affordable Housing Statement, dated May 2020; Financial Viability Assessment, dated May 2020; Structural Methodology Statement, dated May 2020; Fire Strategy Report, dated May 2020; Economic Statement, dated May 2020; Ventilation and Extraction Statement, dated May 2020; Flood Risk Assessment and Sustainable Drainage Strategy Report, dated May 2020; Arboricultural Report Rev 2, December 2020; Design Amendments Letter, dated 23 October 2020; Statement of Community Involvement, dated May 2020; Response Letter with Appendices, dated 12 October 2020; Environmental Statement of Conformity Letter, dated October 2020; Contour Drawing - 18 November 2020; Building A Occupancy Letter, dated 25 November 2020; Daylight Letter, dated 25 November 2020; Building A Senior Living Roof Treatments, November 2020; Design Note: Indicative location for External Gates, December 2020; Designing out Crime Response, dated 08 January 2021., Location Plan: 288\_P10.001; Site Plan: 288\_P10.002, , Existing Plans: 288\_P10.003; 288\_P10.011; 288\_P10.012; 288\_P10.013; , 288\_P10.014; 288\_P10.021; 288\_P10.022; 288\_P10.023; 288\_P10.024., , Demolition Plans: 288\_P10.039; 288\_P10.040; 288\_P10.041; 288\_P10.042; , 288\_P10.043; 288\_P10.044; 288\_P10.045; 288\_P10.046; 288\_P10.047. , , Proposed site plan: 288\_P20.003 Rev A., , CIL Phasing Plans: 288\_P20.004; 288\_P20.005; 288\_P20.006; , 288\_P20.007.

For information purposes only:

M000483-2-2-DR-013 A; M000483-2-2-DR-014 A; M000483-2-2-DR-015 A; M000483-2-2-DR-016 C; M000483-2-2-DR-018 A; M000483-2-2-DR-004 A; M000483-2-2-DR-006 C; M000483-2-2-DR-008 B; M000483-2-2-DR-020 A; M000483-2-2-DR-003 C; M000483-2-2-DR-010 D; M000483-2-2-DR-023 A; M000483-2-2-DR-024 B; M000483-2-2-DR-025 B; , M000483-2-1-DR-054 A.

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641  
07866037944

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

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

conditions on this decision letter.

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 4 **Pre Commencement Condition.** No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and, A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works, B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not

be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 5 No piling works shall be commenced in relation to (a) Buildings A & C and (b) Building B until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which: , (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,, (ii) Accommodate ground movement arising from the construction thereof,, (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures,, , The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the relevant buildings are occupied.

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (Crossrail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

- 6 **Pre Commencement Condition.** , Prior to the commencement of development (including any demolition or site clearance), a phasing plan for the development proposal, including all buildings outlined on Drawings P20.004, P20.005, P20.006 and P20.007 (or any subsequent approved revisions thereafter), and the uses within, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved phasing plans.

Reason:

In the interests of proper planning, for the purposes of CIL and to ensure that the planning benefits of the scheme are delivered in accordance with the approved development.

- 7 The community space annotated on drawing P20.100 Rev B as Class D1 shall only be used as a community space. You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it). You must provide the community space within 3 months of the practical completion of

Building C.

Reason:

In order to ensure that the public benefits set out in the application are delivered through the provision of a sustainable mixed use development. This is as set out in Policies S22 of Westminster's City Plan (November 2016) and GG1 of the Publication London Plan.

- 8 (A) Notwithstanding the details shown on drawings P20.099, P20.100, P20.101, P20.102, P20.103, P20.104, P20.105, P20.106, P20.107, P20.108, P20.109 and P20.110 you must not commence above ground works on Building A, until details of the disposition of senior living accommodation and other permitted types of accommodation within Building A have been submitted to and approved by the, Local Planning Authority., (B) Building A must be built in accordance with the details approved., (C) The total number of senior living units in Building A must always be between 91 and 142;., (D) Subject to (C) nothing in this condition prevents the reconfiguration of the mix of accommodation in Building A following occupation of Building A.

Reason:

In the interests of proper planning and to ensure that the council can assess the implications of the implemented layout in terms of car parking provision, CIL and the late stage review mechanism for affordable housing. This is as set out in policies Trans 23 of and S15 of Westminster's City Plan (November 2016) and Trans 23 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of details of the external public realm as follows:

- i) A plan (at a suitable scale) showing the proposed hard landscaping across the site;
- ii) Samples of materials and facing materials of all elements of hard landscaping;
- iii) External play space including all roof top place space;
- iv) Location and type of the 92 Sheffield stands;
- vi) Details of storage crates beneath paving slabs to restrict water discharge rates; and
- vi) Locations for external tables and chairs associated with the commercial units.

You must not start work of these parts of the development until we have approved what you have sent us. Thereafter you must carry out the external public realm / landscaping prior to occupation of the relevant phase of development..

Reason:

To make sure that the appearance of the external public realm / landscaping is suitable, that it contributes to the character and appearance of the area and (where relevant the Belgravia Conservation Area) and to make sure that the development provides the environmental sustainability features included in your application. This is as set out in S25, S28 or S40, or both, of Westminster's City Plan (November 2016) and DES 1, DES 4, DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD),

- 10 The combined total floorspace falling within the commercial units annotated on drawing P20.100 Rev B as class A3 of the Town and Country (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) shall not exceed 750 sq.m (GIA). No individual class A3 units shall exceed 499 sq.m (GIA).

Reason:

In order to ensure that the public benefits set out in the application are delivered through the provision of a sustainable mixed use development and to protect residential amenity, the character and function of the local area and local environmental quality. This is as set out in Policies S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 8 or TACE 9 of our Unitary Development Plan that we adopted in January 2007 and GG1 of the Publication London Plan (2020).

- 11 The combined total floorspace falling within the commercial units annotated on drawing P20.100 Rev B as class A4 of the Town and Country (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) shall not exceed 150 sq.m (GIA).

Reason:

In order to ensure that the public benefits set out in the application are delivered through the provision of a sustainable mixed use development and to protect residential amenity, the character and function of the local area and local environmental quality. This is as set out in Policies S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 8 or TACE 9 of our Unitary Development Plan that we adopted in January 2007 and GG1 of the Publication London Plan (2020).

- 12 The combined total floorspace falling within the commercial unit annotated on drawing P20.100 Rev B as B1 of the Town and Country (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) shall not exceed 900 sq.m (GIA).

Reason:

In order to ensure that the public benefits and security benefits of mixed use active frontages are delivered, in particular along the new public routes. This is as set out in S21 and S29 of Westminster's City Plan (November 2016) and GG1 of the Publication London Plan (2020).

- 13 The retail food store within Building B annotated on drawing P20.100 Rev B as A1 must be used only for convenience sales.

Reason:

The application was assessed on the basis that the unit identified as Retail A1 Food would be provided as a food store only. The use of this store for comparison shopping would not comply with S21 of Westminster's City Plan (November 2016) and SS10 of our Unitary Development Plan that we adopted in January 2007.

- 14 The senior living accommodation within Building A comprising Class C2 and/or Class C3 allowed by this permission must not be occupied until you have achieved practical completion of the Class C3 residential units within Building C to our satisfaction. (C02DA)

Reason:

In order to ensure that the public benefits set out in the application are delivered through the provision of a sustainable mixed use development. This is as set out in Policies S22 of Westminster's City Plan (November 2016) and GG1 of the Publication London Plan (2020).

- 15 The seven commercial units annotated on drawing P20.100 Rev B as Class A1/A3/A4 shall only be used for the following purposes: (i) For the display or retail sale of goods, other than hot food, principally to visiting members of the public; and / or (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises; and/or (iii) Public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision. You must not use these units for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it). The Class A3 and A4 uses shall be subject to the cap on floorspace set out in conditions 10 and 11.

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the public benefits and security benefits of active frontages along the new public routes are delivered, in accordance with Policies S24, S29, S31, S32, S41 and S42 of Westminster's City Plan (November 2016) and ENV 5, ENV 6, ENV 12, ENV 13 and TACE 8 or TACE 9 or TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 16 The six commercial units annotated on drawing P20.100 Rev B as Class A1 shall only be used for the display or retail sale of goods, other than hot food, principally to visiting members of the public. You must not use these units for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the public benefits and security benefits of active frontages along the new public routes are delivered, in accordance with Policies S24, S29, S31, S32, S41 and S42 of Westminster's City Plan

(November 2016) and ENV 5, ENV 6, ENV 12, ENV 13 and TACE 8 or TACE 9 or TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 17 The commercial unit annotated on drawing P20.100 Rev B as Class A1/A3/B1 shall only be used for the following purposes: (i) For the display or retail sale of goods, other than hot food, principally to visiting members of the public; and / or (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises; and/or (iii) for offices. You must not use these units for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it). The Class A3 and B1 uses shall be subject to the cap on floorspace set out in conditions 10 and 12., , ,

**Reason:**

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the public benefits and security benefits of active frontages along the new public routes are delivered, in accordance with Policies S24, S29, S31, S32, S41 and S42 of Westminster's City Plan (November 2016) and ENV 5, ENV 6, ENV 12, ENV 13 and TACE 8 or TACE 9 or TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 18 Within 3 months of the practical completion of the community space, annotated on drawing P20.100 Rev B as D1, you must apply to us for approval of details for an operational management plan. Thereafter you must manage the community space in accordance with the details approved.

**Reason:**

Insufficient details were submitted with the application to demonstrate how this community space would be used and managed. This is in accordance with Policy S34 Social And Community Infrastructure of Westminster's City Plan (November 2016).

- 19 You must apply to us for approval of details of the ventilation system to get rid of cooking smells for the eight commercial units annotated on drawing P20.100 Rev B as class A3 uses, including details of how it will be built and how it will look. You must not carry out any primary cooking in these units until we have approved what you have sent us and you have carried out the work according to the approved details. For the avoidance of doubt the Class A3 uses comprise 3 units on the ground floor of Block A and 5 units on the ground floor of Block B.

**Reason:**

To ensure that cooking odours are adequately dispersed, in accordance with Policies S24 and S29 of Westminster's City Plan (November 2016) and Policy ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 20 Customers shall not be permitted within the commercial units annotated on drawing



P20.100 Rev B as class A4 and/or class A3 uses hereby approved before 07.00 or after 00.00 (midnight) on Monday to Thursday (not including bank holidays and public holidays), before 07.00 or after 00.30 (the following day) on Friday and Saturday and before 08.00 or after 23.30 on Sundays.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 21 You must apply to us for approval of details of an operational management plan for each commercial unit annotated on drawing P20.100 Rev B as class A3 and class A4 use. You must not occupy any unit for Class A3 and/or Class A4 use until we have approved what you have sent us. The plan should include numbers of covers, servicing, smoking policy and hours of operation for any tables and chairs approved under condition 9., You must then carry out the Class A3 and Class A4 uses in accordance with the approved plan.

**Reason:**

In order to ensure the provision of a healthy, safe and sustainable mixed use development, that the public benefits set out in the application are delivered and to protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 and 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC),

- 22 You must provide a minimum of 393 long stay cycle parking spaces with 159 provided prior to occupation of Buildings A and C and 230 prior to occupation of Building B. You must also provide 32 long stay cycle spaces for use by Coleshill Flats residents prior to the occupation of Building A. In the event that the basement of Coleshill Flats is used for affordable work/retail space, you must provide a further 4 spaces prior to the occupation of this use. ,

**Reason:**

To provide cycle parking spaces for people using the development as set out in Policy T5 (Table 10.2) of the Publication London Plan 2020 and to ensure existing cycle parking is re-provided for Coleshill Flats.

- 23 You must provide a minimum of 92 short stay cycle parking spaces within 6 months of the completion of the development. Details of the location of the short stay cycle parking to be submitted under condition 9.

**Reason:**

To provide cycle parking spaces for people using the development as set out in Policy T5 (Table 10.2) of the Publication London Plan 2020 .

- 24 You must carry out the development in accordance with the approved Servicing Management Plan.

**Reason:**

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 25 You must apply to us for approval of a car park management plan for the car parking spaces allocated to (1) Building A and for the car parking spaces allocated to (2) Building B1. You must not occupy either Building A or Building B until we have approved what you have sent us. Thereafter you must manage the development in accordance with the details approved.

**Reason:**

To ensure that the car parking spaces provided for residents of Building A and Building B1 are managed to ensure they are used effectively as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 26 You must provide each car parking space shown on the approved drawings and each car parking space shown for residential use shall only be used for the parking of vehicles of people living in the residential part of this development and in accordance with the car park management plan details approved under condition 25. (C22BA)

**Reason:**

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 27 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the class A3 and A4 use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the class A3 and A4 use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, you

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

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

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

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 29 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the activity noise breakout from the commercial units annotated on drawing P20.100 Rev B as Class A3 and A4 uses will comply with the Council's noise criteria as set out in Condition 27 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as

set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 30 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 31 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 31 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;, (c) Manufacturer specifications of sound emissions in octave or third octave detail;, (d) The location of most affected noise sensitive receptor location and the most affected window of it;, (e) Distances between plant & equipment and receptor location/s and any

mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 32 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. (R48AA)

- 33 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

**Reason:**

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime

weekday hours only, to prevent disturbance to residents and those working nearby.  
(R50AB)

- 34 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007.  
(R18AA)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 36 The design and structure of the development shall be of such a standard that it will protect adjoining residential properties from ground borne noise from underground railway lines (Crossrail 2) so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 37 You must apply to us for the approval of an external lighting strategy for the development. This must include: , , -Drawings (plans and elevations) to show location and position of proposed lights, -Manufacturers specification of proposed lights, - Lighting level details relative to nearby properties to show details of potential, -light spillage, -Hours of operation of the lighting., , You must not install external lighting until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the approved strategy.

Reason:

To ensure that artificial lighting is set at an appropriate level for a healthy and safe environment and to protect the residential amenity of residents within the development. This is as set out in S29 of Westminster's City Plan (November 2016).

- 38 You must apply to us for approval of detailed drawings of the following parts of the development - , , i) Railings to Ebury Square;, ii) Balconies for Buildings A and C;, iii) Balconies for Building B;, iv) Gates to Elizabeth Place Gardens;, v) Shopfront design for each type, indicating materials and finishes - including elevations and sections;, vi) Typical bay studies for Buildings A and C showing windows and roofs/dormers details, sections and elevations scaled 1:50;, vii) Typical bay studies for Building B showing windows and roofs/dormers details, sections and elevations scaled 1:50;, viii) New windows and doors for Coleshill Flats (scaled 1:10 elevations and sections); and, ix) Signage strategy for the site. , , You must not start any work on these parts of the development until we have approved what you have sent us in respect of that part. You must then carry out the work according to these details.

Reason:

To make sure that the appearance of the external public realm / landscaping is suitable and that it contributes to the character and appearance of the area and (where relevant the Belgravia Conservation Area). This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 10 paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 39 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 40 You must apply to us for approval of a brick sample panel(s) to be viewed on site. You must not start any work on the brick work until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 41 You must apply to us for approval of detailed drawings showing the following alterations to the scheme:, , (i) the materiality and fenestration arrangement of the eighth and ninth floor of Building A2., (ii) a redesigned residential entrance to Building C to include a chamfered corner at the ground floor retail unit., , 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 appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 42 The relocation of the Arnrid Johnston obelisk, water fountain and K6 telephone boxes, must be undertaken in full within 6 months of the completion of the development and in accordance with the Condition Survey and Method Statement Prepared by Donald Insall Associates May 2020.

## Reason:

In accordance with the terms of the planning permission and to ensure that the public benefits set out in the application are delivered through the provision of a sustainable mixed use development. This is as set out in Policies S22 of Westminster's City Plan (November 2016) and GG1 of the Publication London Plan (2020).

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

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 44 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building B1, you must carry out the scheme according to the approved details., , You must maintain the approved public art and keep it on this site. You must not move or remove it (except in case of emergencies necessitating temporary removal).

## Reason:



To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 45 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site in relation to the phasing plan approved under condition 46. You must not start any demolition, site clearance or building work for the relevant phase of work,, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

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

- 46 You must apply to us for a tree phasing plan setting out the phasing and timing of the works in relation to trees that are to be retained. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

- 47 **Pre Commencement Condition.** You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include: , - identification of individual responsibilities and key personnel., - induction and personnel awareness of arboricultural matters., - supervision schedule, indicating frequency and methods of site visiting and record keeping, - procedures for dealing with variations and incidents., You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule., You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send

copies of each written site supervision record to us within five days of the site visit.

Reason:

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

- 48 Notwithstanding the information provided, you must apply to us for approval of detailed drawings of a soft landscaping scheme which includes:
- (i) the number, size, species and position of trees and shrubs.
  - (ii) details of the planting pits of the trees to include full dimensions
  - (iii) details of a management plan for all soft landscaping within the public realm and private amenity areas.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development.

If you remove any trees or find that they are dying, severely damaged or diseased, you must replace them with trees of a similar size and species. (C30CB))

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 49 You must provide the residents communal garden adjacent to Elizabeth Place and play spaces shown on the approved drawings prior to occupation of the relevant phase of development. The residents communal garden and play space at first floor level in B1 must be made available to all residents of Building B at all times. In addition the residents shall be made available to all residents in Coleshill Flats.

Reason:

To ensure that the communal amenity and play space is provided as set out in the application. This is set out in H3 of our Unitary Development Plan that we adopted in January 2007 and D6 of the Publication London Plan (2020).

- 50 You must apply to us for approval of a management plan for each completed stage of public realm within the development. The phasing and timing of the public realm works shall be in accordance with the details approved in condition 51. Thereafter you must manage the development in accordance with the details approved.

Reason:

In order to ensure the provision of a healthy, safe and sustainable mixed use development and that the public benefits set out in the application are delivered. This is as set out in S29 of Westminster's City Plan (November 2016).

- 51 You must apply to us for a public realm phasing plan setting out the phasing and timing of the public realm works. You must then carry out the work according to the approved details.

Reason:

In order to ensure the provision of a healthy, safe and sustainable mixed use development and that the public benefits set out in the application are delivered. This is as set out in S29 of Westminster's City Plan (November 2016).

- 52 For a period of 12 months after the first occupation of any part of Buildings A and C you must monitor the areas beneath the under crofts (Five Fields Row) connecting Buildings A and C for any incidences of crime or anti-social behaviour. After 12 months you must prepare a report detailing whether your monitoring has made you aware of any such incidents for our approval in consultation with the Metropolitan Police. If there have been any incidents then your report must include proposals for how you will manage the areas in the future with a view to avoiding such incidents. ,

Reason:

In order to ensure the provision of a healthy, safe and sustainable mixed use development and that the public benefits set out in the application are delivered. This is as set out in S29 of Westminster's City Plan (November 2016).

- 53 For a period of 12 months after the first occupation of any part of Building B you must monitor the areas beneath the under croft (Cliffords Row) for any incidences of crime or anti-social behaviour. After 12 months you must prepare a report detailing whether your monitoring has made you aware of any such incidents for our approval in consultation with the Metropolitan Police. If there have been any incidents then your report must include proposals for how you will manage the areas in the future with a view to avoiding such incidents.

Reason:

In order to ensure the provision of a healthy, safe and sustainable mixed use development and that the public benefits set out in the application are delivered. This is as set out in S29 of Westminster's City Plan (November 2016).

- 54 You must provide the waste and recycling stores shown on drawings 288\_P20.099B and 288\_P20.100B prior to occupation of each phase of development. The Coleshill refuse store shall be provided prior to the occupation of any commercial units within Building C. Thereafter you must retain the waste and recycling stores and you must not use them for any other purpose. The waste shall be transported in accordance with the details approved in the Waste Strategy Clarification document dated 3 December 2020.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 55 You must apply to us for approval of detailed drawings to show where plant space has been provided to allow for the future connection to a district heating network. You must not use any part of the basement until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved.

Reason:

To ensure that the development is designed to allow for the cost-effective connection to a future heat network at a later date. This is as set out in SI 3 of the Publication London Plan (2020).

- 56 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roof / brown roof at main roof level 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 in accordance with the approved management plan.

Reason:

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

- 57 You must provide the following sustainability features as shown on the approved drawings before occupation of any part of Building B, , - Air source heat pumps; , - a minimum of a 35kWp photovoltaic solar array; and , - Blue roofs as specified in the Flood Risk Assessment & Sustainable Drainage Strategy Report (Planning Issue) dated 19/05/2020., , You must not remove any of these features., ,

Reason:

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

- 58 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roofs for i) Buildings A and C and ii) Building B 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 in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 59 You must apply to us for approval of details of the following parts of the development -  
 , , i) bird and bat boxes, , You must not start any work on these parts of the  
 development until we have approved what you have sent us., , You must then carry out  
 the work according to these details and thereafter retain them. (C26DB)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City  
 Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted  
 in January 2007. (R43FB)

- 60 No residential units shall be occupied until confirmation has been provided to us that  
 either:- all surface water network upgrades required to accommodate the additional  
 flows from the development have been completed; or - a housing and infrastructure  
 phasing plan has been agreed with Thames Water to allow additional properties to be  
 occupied. Where a housing and infrastructure phasing plan is agreed no occupation  
 shall take place other than in accordance with the agreed housing and infrastructure  
 phasing plan.

Reason:

Network reinforcement works are likely to be required to accommodate the proposed  
 development. Any reinforcement works identified will be necessary in order to avoid  
 flooding and/or potential pollution incidents.

- 61 You must not commence above ground works on Building A until you have applied to us  
 for approval of a management plan for the Class C2 assisted living accommodation. The  
 management plan shall set out whether the Class C2 accommodation will have the  
 following attributes:

- personal care and accommodation are provided together as a package with no clear  
 separation between the two
- the person using the service cannot choose to receive personal care from another  
 provider
- people using the service do not hold occupancy agreements such as tenancy  
 agreements, licensing agreements, licences to occupy premises, or leasehold  
 agreements or a freehold
- likely CQC-regulated activity<sup>72</sup> will be 'accommodation for persons who require  
 nursing or personal care'

Thereafter you must manage Class C2 assisted living accommodation in accordance with  
 the details approved.

Reason

To assess whether the Class C2 assisted living accommodation falls within the definition  
 of care home accommodation as set out in H13 of the Publication London Plan  
 (December 2020).

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.
  
- 3 Condition requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
  - , \* the order of work on the site, including demolition, site clearance and building work;
  - , \* who will be responsible for protecting the trees on the site;
  - , \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - , \* how you will deal with accidents and emergencies involving trees;
  - , \* planned tree surgery;
  - , \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
  - , \* how you will remove existing surfacing, and how any soil stripping will be carried out;
  - , \* how any temporary surfaces will be laid and removed;
  - , \* the surfacing of any temporary access for construction traffic;
  - , \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
  - , \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
  - , \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
  - , \* the place for any bonfires (if necessary);
  - , \* any planned raising or lowering of existing ground levels; and
  - , \* how any roots cut during the work will be treated.
  
- 4 Part of this site and adjacent properties are in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer.

Item No.
<b>1</b>

- 5 Some of the trees adjacent to the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer.
- 6 You must ensure that the details you submit to satisfy the tree protection conditions are prepared in conjunction with a construction management plan/ site logistics, as adequate protection of trees on/ adjacent to the site will rely heavily on an appropriate means of construction.
- 7 Condition 58 of this permission requires the submission of detailed information with regard the green roof systems at the property. You are advised that the Council will expect this to be an intensive green roof system and not a sedum roof system as an intensive green roof will have additional biodiversity benefits.
- 8 The works to the highway shown on the approved drawings are indicative only and will ultimately require approval from our Highways team and may also require a S278 Agreement.
- 9 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 10 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:, a) Provision of 93 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 49 x intermediate rent tenure (rents set at London Living Rent values for Churchill ward up to a maximum household income of £60,000.) The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 49 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage

review., b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerb lines, footway widening, relocated memorial fountain, relocated TfL bus stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development. , c) A Walkways Agreement to secure access for the public across the site., d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development), e) Car club membership for the occupiers of all residential units for a period of 25 years., f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development)., g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development)., h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development)., i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be: , i. Zone 1: In or close to the locations shown on planning application drawing ref 288\_P20.100 Rev B, ii. Zone 2: Within 200m of the development site , iii. Zone 3: Within Churchill and/or Belgravia wards, iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster, j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the council's Carbon Off Set fund. (payable prior to commencement of relevant phase of development)., k) The long term retention, access to and maintenance of any play space within the development., l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards., m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent., n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period., o) Provision of public art to the value of £75,000., p) The costs of monitoring the S106 legal agreement.

- 11 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'working near our assets' to ensure your, workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other, structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/> , Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading,



Berkshire RG1 8DB.

- 12 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 13 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil) , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk) , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

**LBC DRAFT DECISION LETTER**

**Address:** Development Site Bounded By Ebury Street, Pimlico Road, Avery Farm Row, Ebury Square And, Cundy Street, London,

**Proposal:** Demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Arnrid Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square; and other associated works in connection with comprehensive residential-led mixed-use development.

**Reference:** 20/03308/LBC

**Plan Nos:** Existing, 288\_P10.011, 288\_P10.012, 288\_P10.024, , Demolition, 288\_P10.039, 288\_P10.040, 288\_P10.041, 288\_P10.042, 288\_P10.043. , 288\_P10.044, 288\_P10.045, 288\_P10.046, , 288\_P10.047., , Proposed, 288\_P10.050, 288\_P10.051, 288\_P10.052, 288\_P10.053, 288\_P10.054, 288\_P10.055, 288\_P10.056, 288\_P10.057., 288\_P10.100. 288\_P30.010., CSQ-L-TLG450-PL-B001, , CSQ-L-TLG450-SS-103, CSQ-L-TLG450-SS-104, , Historic Buildings Report (dated May 2020).

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641  
07866037944

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

- 1 The works 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 The relocation of the Obelisk, Fountain and K6 Telephone boxes, must be undertaken in full and within 6 months of the completion of the development and in accordance with

the Condition Survey and Method Statement Prepared by Donald Insall Associates  
May 2020.

Reason:

To protect the special architectural or historic interest of these listed structures. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 3 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development - , , i) Railings to Ebury Square, ii) New windows and doors for Coleshill Flats (scaled 1:10 elevations and sections), iii) New shopfront to south side of Clifford's Row., , 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., , ,

Reason:

To protect the special architectural or historic interest of this building and where applicable to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.