

<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 March 2023	<b>Classification</b> For General Release
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Church Street
<b>Subject of Report</b>	<b>Land Bound By Edgware Rd, Boscobel St, Penfold St, Church St, Salisbury St And Broadley St (including Venables St And Part Of Penfold St) (Sites A, B And C) And Public Highway On Church Street, London,</b>	
<b>Proposal</b>	<p>Hybrid planning application consisting of:</p> <p>An application for full planning permission for Site A, for the demolition of all buildings on Site A and erection of mixed-use buildings providing ground floor flexible commercial use floorspace (use class E), a library (use class F1), market storage (use class B8), residential units (Use Class C3), landscaped amenity space, car parking, motorcycle parking, cycle parking, market infrastructure and associated works; and</p> <p>An application for outline permission for Sites B, C and Church Street Market (all matters reserved) for:</p> <ol style="list-style-type: none"> <li>1. The demolition of buildings and structures;</li> <li>2. The erection of buildings and works of alteration to existing buildings for the following uses <ol style="list-style-type: none"> <li>a) Flexible Commercial Floorspace (Use Class E);</li> <li>b) Community Floorspace (Use Class F1 and F2);</li> <li>c) Public houses, wine bars, or drinking establishments Floorspace (Use Class Sui Generis);</li> <li>d) Market Storage (Use Class B8), and</li> <li>e) Residential Floorspace (Use Class C3) and ancillary residential facilities.</li> </ol> </li> <li>3. Associated infrastructure;</li> <li>4. Streets, open spaces, landscaping and public realm;</li> <li>5. Car, motorcycle and bicycle parking spaces and delivery/servicing spaces;</li> <li>6. New pedestrian and vehicular access;</li> <li>7. Market infrastructure and ancillary facilities;</li> <li>8. Utilities including electricity substations; and</li> <li>9. Other works incidental to the proposed development.</li> </ol> <p>Application accompanied with an Environmental Impact Assessment (EIA)</p>	
<b>Agent</b>	Savills	

<b>On behalf of</b>	Westminster City Council		
<b>Registered Number</b>	21/08160/COOUT	<b>Date amended/ completed</b>	3 February 2022 23 November 2021
<b>Date Application Received</b>	23 November 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Not in a CA, however Site B is close to the boundary of the Lisson Grove Conservation Area and Fisherton Street Conservation Areas		
<b>Neighbourhood Plan</b>	Outside of an area with an adopted neighbourhood plan		

## 1. RECOMMENDATION

<p>1. Subject to the views of the Mayor of London, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to an unilateral undertaking to secure the following:</p> <p>a) Provision of affordable units on-site (Site A comprising of 171 social rented units and 42 intermediate units at London Living Rent) prior to the occupation of the market units;</p> <p>b) Right to return for leasehold and social housing tenants in line with Westminster Hosing Renewal Policy;</p> <p>c) Provision of early, mid and late-stage viability review mechanisms for Sites B&amp;C and early and late-stage reviews for Site A, in accordance with policies H5 and H8 of the London Plan and the Mayor's Affordable Housing and Viability SPG;</p> <p>d) Provision of minimum of 50% affordable housing when measured in habitable rooms masterplan wide. Of those affordable habitable rooms across Sites A, B and C that are an uplift against the existing provision, 60-70% should be provided as social and 30-40% should be provided as intermediate rent. The market units within each subsequent phase not to be occupied until all affordable housing units are ready for occupation.</p> <p>e) Provision of a carbon offset payment of £374,184 (index linked) on commencement of Site A. Provision of carbon offset payment as calculated and agreed for Sites B and C, provided on commencement;</p> <p>f) Payment of a financial contribution towards an additional cycle hire docking station of £220,000 or enlargement of an existing docking station within the vicinity of the masterplan with an equal proportion provided prior to commencement of each phase of development;</p> <p>g) Payment of the cost of highway works associated with the development of each phase;</p> <p>h) Provision of lifetime car club membership (25 years) for each residential on Sites A, B and C;</p> <p>i) Contribution of £50,000 towards an on-street electric vehicle charging point, prior to commencement of Site A</p> <p>j) Provision of a Walkways Agreement to ensure that pedestrian routes through Site A are open to the public 24 hours a day and maintained;</p> <p>k) Stopping up and dedication of the highway where necessary masterplan wide;</p> <p>l) Car parking management plan where parking is provided on Sites A, B and C;</p> <p>m) Car lift management plan for Site A;</p> <p>n) Submit an Employment and Skills Plan and a financial contribution of £128,400 towards the Westminster Employment Service prior to commencement of development of Site A. Provision of Employment and Skills Plan, and financial contribution if required, for Sites B and C, provided on commencement;</p> <p>o) Library on Site A provided at peppercorn rent and fitted out to Category B prior to occupation of any market units on Site A;</p>
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- p) Provision of the library garden on Site A;
  - q) All residents, regardless of tenure to be provided access to communal private amenity spaces within their block;
  - r) Provision of playspace within both private and public realm prior to occupation of market housing of each phase of development.
  - s) "Be seen" energy monitoring;
  - t) Payment of £25,000 (total) towards tree planting in the vicinity of the masterplan with an equal proportion provided prior to commencement of each phase of development
  - u) Payment of cost of monitoring the agreement.
2. If the unilateral undertaking has not been completed within six weeks of the date of the Committee resolution, then:
    - a) The Director of Town Planning and Building Control 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 Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not
    - b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an undertaking within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
  3. That Committee authorises the making of a draft order pursuant to s247 and s278 of the Town and Country Planning Act 1990 for the stopping up, alteration and dedication to parts of the highway to enable this development to take place. That the Director of Town Planning and Building Control, 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 making of the orders and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up orders.
  4. At the time of writing this report the formal views of the Health and Safety Executive (HSE) on the revised scheme are awaited and will be reported verbally to Committee. If no response is received prior to the Committee meeting, for Committee resolves to grant conditional permission subject to the comments of the HSE. If the HSE raise no objections, this matter shall be delegated to the Director of Town Planning and Building Control. If the HSE raise an objection, the application will be amended and reported back to Committee for determination.

## 2. SUMMARY & KEY CONSIDERATIONS

### *Site*

This is a Hybrid Planning application (including detailed and outline elements) for the redevelopment of three sites located along Church Street: Sites A, B and C; it also includes Church Street Market, which runs from Edgware Road up to Lisson Grove. Site A is a full detailed application, with all matters considered. Sites B, C and the Market have been submitted in Outline. Outline planning

applications are used to gain an understanding as to whether the nature of a development is acceptable. Specific details known as 'reserved matters' can then be confirmed at a later date.

These sites are three urban street blocks located on the north-east side of the Edgware Road (A5) and lie on either side of Church Street. Church Street Market runs centrally through the site, extending from Edgware Road all the way up to Lisson Grove. The sites lie within the Church Street/Edgware Road Housing Renewal Area.

Site A is bordered by Broadley Street, Penfold Street and Church Street. The properties on Edgware Road are outside of the site, with the exception of the corner property which sits on the south side of Church Street at the junction with Edgware Road. It is characterised by retail shops along the Church Street elevation with a public house on the junction with Penfold Street. The rest of the site in residential use.

Site B is the whole city block bounded by Broadley Street, Salisbury Street, Church Street and Penfold Street. It is characterised by retail along the Church Street frontage, inclusive with the entrance to the Church Street Library, which sits within the site. There is a basement car park and Multi Use Games Area (MUGA), however this has been inaccessible for some time. The rest of the site is in residential use.

Site C is the whole city block bounded by Church Street, Penfold Street, Boscobel Street and Venables Street. It does however not include the 17 storey Kennet House residential tower which sits at the junction of Church Street and Penfold Street.

### *Proposal*

Since the submission of the planning application, a series of amendments have been made to the scheme and were submitted in January and February 2023. A full re-consultation has been undertaken on these amendments. The main changes to Site A are summarised as:

- Amend tenure from 60:40 intermediate: social to 70:30 social: intermediate affordable housing;
- Amendment to unit mix;
- Increase size of library;
- Change to fire strategy, resulting in additional bulk to roof for fire escapes and equipment;
- Amendments to basement parking;
- Minor design alterations.

The application proposes the demolition of all buildings on Site A and for the erection of a replacement buildings of varying heights between 8 - 14 storeys to provide 428 residential units, 605sqm of community floorspace to house a replacement library, 341sqm of commercial floorspace, 1,124sqm of market storage, associated plant equipment, parking and new public and private open space, including a new openly accessible route 'New Street Gardens' between the two new blocks called A1 and A2.

Site B & C are in outline and therefore parameter plans have been submitted which indicate that the developments on these sites could deliver: Up to 2,375sqm commercial floorspace; 459sqm community floorspace; 61,596sqm residential floorspace; 174sqm for a public house; market storage, parking and landscaping.

The masterplan (Sites A, B and C) will deliver: Up to 1,120 new homes of which 50% will be affordable on a tenure blind approach; new public and private landscaping, with play space, planting

and enhanced market infrastructure for Church Street Market; a replacement library and community uses; commercial uses on active frontages; all adhering to Westminster's Net Zero approach to new homes.

Under the Town and Country Planning (Environmental Impact Assessment) Regulations, 2017 (as amended) (the 'EIA Regulations'), the Proposed Scheme is recognised to be 'EIA development'. Accordingly the applicant appointed Aecom to prepare an Environmental Statement (ES), which has been independently assessed by Avison Young (AY) on behalf of the council. Following amendments to the scheme a statement of conformity was prepared by Aecom, which has again been reviewed by AY on behalf of the Council to ensure compliance with the EIA regulations.

### *Considerations*

Objections were received from consultees and neighbours as part of the first round of consultation in late 2021 and early 2022. The revised scheme received in 2023 has sought to address many of these concerns, however objections have also been received to the revised scheme as summarised in full within the main bulk of this report.

The key considerations are:

- The principle of the demolition of the existing buildings and the sustainability of the proposed new buildings in light of the Council Environmental Policies and Supplementary Guidance;
- The acceptability of the proposed on-site affordable housing provision in terms of the quantum, mix and tenure of the units proposed.
- The acceptability of the proposed new residential accommodation in terms of its light, quality, size, mix and accessibility.
- The quality of design of the proposal, the height and scale of the new buildings and its effect on the character and appearance of the area and on the setting of nearby listed buildings and nearby conservation areas;
- The provision of non-residential uses within the site, including the reduction in amount of commercial floorspace and replacement library;
- The impact on the amenity of neighbouring residential properties in terms of light, sense of enclosure and overlooking;
- Whether the development has delivered sufficient biodiversity net gain;
- The quality of the new public realm and proposed market

The principle of the demolition of the buildings on site is considered to be acceptable with the new replacement buildings providing a much higher density to help meet the councils housing targets and deliver high quality estate renewal. The new buildings will be efficient and include biodiversity and greening features to help promote the natural environment. The proposals will also provide additional public realm and help to deliver a new vision for Church Street Market. The principle of the redevelopment accords with policies H1 and H6 in the City Plan.

Site A will deliver a net increase in affordable housing on a tenure split of 70% social and 30% intermediate, which accords with the Councils Strategy for A Fairer Westminster. The illustrative proposals for Sites B & C indicate a tenure split of 60% social and 40% intermediate, while this does accord with current adopted policy within the City Plan, it does not accord with the latest council strategy for A Fairer Westminster. As Sites B & C are currently in 'outline' the tenure and mix can be amended to meet policy requirements at the point of submission at a later date. This would also be subject to further viability testing.

The new housing to Site A has all been designed to meet minimum technical housing standards, provide private and communal external amenity space for each flats, and the vast majority (92%) being designed with dual aspect to help improve the standard of accommodation. The housing is proposed to be provided on a tenure blind basis, and similarly the communal spaces will be provided for all. A new 'street' is provided through the centre of Site A, called "New Street Gardens" for the purpose of this application, which will create a new link between Church Street and Broadley Street.

Site A has been designed to a high standard. It is considered that there would be no harm to any designated heritage assets, including to their settings, but that there would be some small degree of harm to the setting of the row of non-designated traditionally scaled buildings which front Edgware Road and which run parallel with the western extent of the application site. In these views however the high architectural quality of the development, including that of the rear facades, would be appreciable and so that harm is somewhat mitigated by, or compensated for by good design.

A new Library is to be located on Church Street at the base of Block A1 on Site A, this has been increased in size through the life of this application to respond to consultation responses. Commercial uses are to make up the remainder of the Church Street frontages to help ensure that the vitality of Church Street is maintained. The parameter plans for Sites B&C similarly seek to maintain the commercial nature of the Church Street frontage along with creating a new commercial frontage along Venables Street. The remaining frontages will be largely residential in character except for some additional community space at the junction of Salisbury and Broadley Street on Site B. The final uses would be secured by reserved matters to ensure that they protect the character and function of the area. While the proposals will see a considerable loss in retail floorspace, the development will see a new street facing library and purpose built commercial floorspace within the District Centre.

Due to the considerable increased size and mass of the proposed new buildings when compared to the existing estate buildings, adjacent occupiers will experience significant negative and adverse impacts in terms of daylight, sunlight, privacy and sense of enclosure. This is however largely due to the low rise nature of surrounding properties, which would be negatively impacted by any additional bulk on the site. While the impact in many instances is significant, this must be balanced against the public benefits of redeveloping the estate and delivering housing to meet the councils housing targets and to meet the councils desires for the redevelopment of this masterplan site.

The redevelopment proposals will also result in the loss of a large number of trees, however a comprehensive hard and soft landscaping scheme will be delivered, including the replacement of trees and increase in open space. The development will also result in a 10% biodiversity net gain and will meet the London Plan requirements for an Urban Greening Factor of 0.41. Final details are to be secured by condition on Site A and by reserved matters for sites B&C.

In conclusion the development will deliver a high quality development, which has been subject to extensive public consultation of many years. In this report, officers consider that, while the development will cause harm to residents amenity and result in a loss of retail, on balance, the proposed development is in accordance with the Development Plan when read as whole. The illustrative masterplan could deliver an increase from 400 to 1120 units of which a minimum of 50% will be affordable. For Site A there will be an increase from 145 to 428 units of which 50% will be affordable (in terms of the number of units). Enhancements are proposed to the public realm and Church Street Market, which are welcomed and will help to promote greening within the borough. The proposed development would also meet the policy objectives of the NPPF that seek to

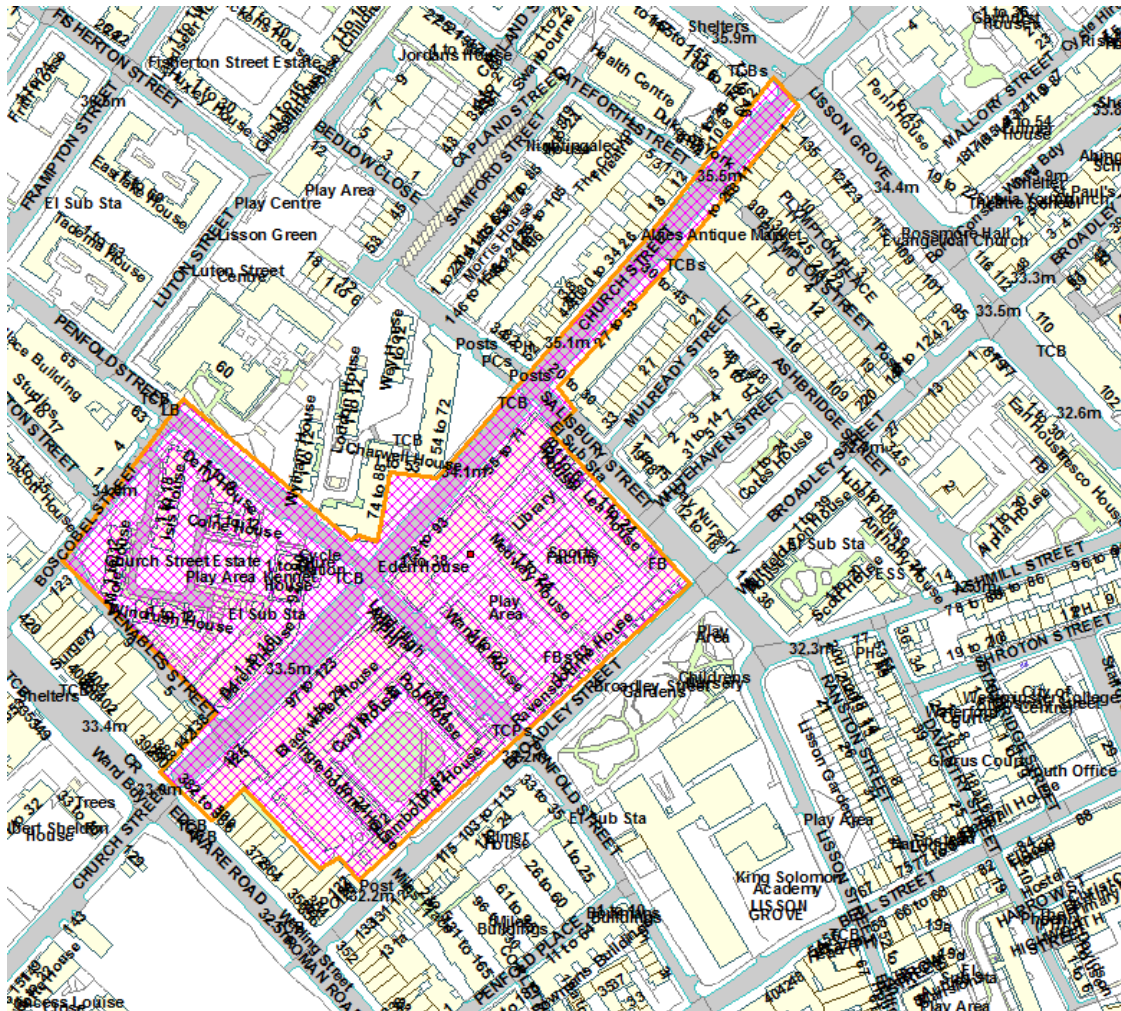
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significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site. The hybrid application is therefore recommended for approval subject to conditions for Site A and reserved matters for the outline element of the application - Sites B, C and the Market.

### 3. LOCATION PLAN

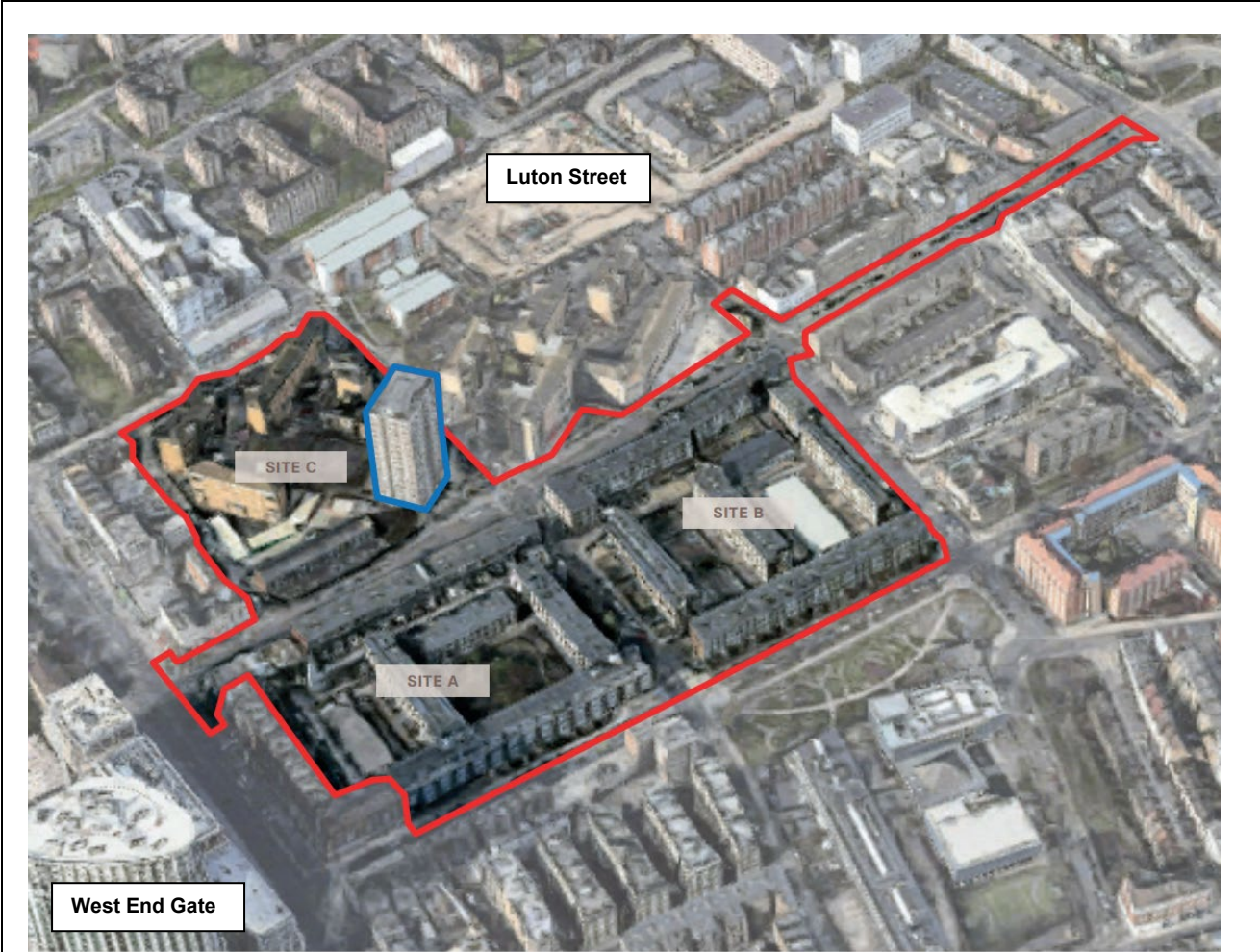
NB the site excludes Kennet House on the junction of Church Street and Penfold Street.



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**4. PHOTOGRAPHS**



**Aerial Overview of Application Site (Kennet House outlined in blue)**



Aerial view of Site A





**Blackwater House – Church Street (Site A)**



**Lambourne House – Broadley Street (Site A)**



382-386 Edgware Road and 125-127 Church Street (Site A)



Central Courtyard Area (Site A)





**Aerial View of Site B**



**Ravensbourne House – Broadley Street (Site B)**



**Eden House – Church Street (Site B)**





**Central Courtyard Area (Site B)**



**Aerial View of Site C (Kennet House on right is excluded)**





**Mole House – Corner of Boscobel and Venables Street (Site C)**



**Venables Street (Site C)**



**Derry House – Penfold Street(Site C)**

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### Consultation responses to original proposals sent out December 2021

DEPARTMENT OF LEVELLING UP, HOUSING AND COMMUNITIES (FORMERLY  
MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT)

No response received.

DEPARTMENT FOR DIGITAL, CULTURE, MEDIA AND SPORT

No response received.

GREATER LONDON AUTHORITY

London Plan policies on estate regeneration, market, community use, commercial, public houses, equalities, affordable housing, residential quality, playspace, urban design, heritage, transport, sustainable development and environmental issues are relevant to this application. Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:

- **Estate Regeneration:** The principle of demolition of the existing housing estate is accepted. The proposed redevelopment seeks to re-provide the existing quantum of social rent units and would result in an increase in habitable rooms. The scheme also proposes additional social rent and intermediate rent affordable housing. The principles of the Mayor's Good Practice Guide to Estate Regeneration have been followed. The applicant must provide more detail on the decant strategy for the rest of Site A as well as B and C, noting that they should aim to ensure that the majority of existing residents only move once
- **Market:** The proposed upgrade of the market is welcomed. The applicant should confirm whether additional storage might be required and details of how the use of parking and storage would be managed during operation. A management plan for the market during construction should also be secured.
- **Community Use:** The applicant has not adequately justified the provision of a smaller library, the provision of replacement public hall and offices for the migrant charity should be secured. Further assurances regarding continuity of service should be supplied.
- **Commercial:** The loss of retail floorspace proposed is not currently supported. Restrictions should be placed on the use of the units along Church Street for retail/community uses given its status as a district town centre frontage. Essential shops and services such as supermarkets and pharmacies should be retained in addition to businesses important to the local community through a retail strategy. The provision of light industrial/ offices on Venables Street as envisaged is supported.
- **Equalities:** The submitted Equalities Impact Assessment (EqIA) is generally acceptable however it does not sufficiently address long term impacts as required. The retention of businesses important to the community should be facilitated. As a working document, the EqIA would require review and updating on a regular basis, the provisions for which should be incorporated into the s106 agreement.
- **Affordable Housing:** The affordable housing offer is 51% on the net uplift comprising 47% social rent and 53% intermediate rent (London Living Rent). As an estate regeneration scheme resulting in the loss of existing housing, it is automatically

subject to the Viability Tested Route. The offer is in the process of being reviewed and is dependent on grant funding. Obligations relating to affordability, the inclusion of early, mid and late-stage viability reviews should be secured in the s106 agreement.

- Residential Quality: The residential quality of the scheme is generally supported. However, assurances that both Site A and the outline element would provide sufficient internal and external space standards as set out in Policy D6 should be provided. This should be included in the Design Code.
- Playspace: All of the required playspace is to be provided on site, which is supported. Confirmation that the playspace would be accessible to all children within the scheme irrespective of tenure is required.
- Urban Design: The proposed height of blocks is generally supported and generally in accordance with the maximum heights envisaged in the masterplan. However, in general terms, the scheme is as tall and dense as it can be whilst continuing to represent high quality urban design response to the site and surrounds. The applicant should give further consideration to cumulative functional and environmental impacts of the proposed height and massing. The provision of electricity supply bollards, water standpipes, wi-fi and lighting columns, and waste and recycling bins whilst supported should be sensibly located so that it does not clutter the public realm or create undue barriers to access. The provision of fully accessible public toilets or the refurbishment of the existing should be considered through the scheme. In consultation with Council officers, the design code should provide more firm commitments rather than vague statements, which indicate their attainment is unlikely. Landscaping should be front-loaded as much as possible and street gardens should prioritise pedestrians and mitigate potential for vehicular conflict.
- Heritage: The development would impact on the setting of the Marylebone Lower School Grade II\* listed building and Lisson Grove Conservation Area. Less than substantial harm arising would need to be outweighed by the public benefits of the scheme.
- Transport: Further information is required to fully understand how the site interfaces and impacts Edgware Road TLRN. A financial contribution of £220,000 should be secured to increase provision of cycle hire in the area. General parking should be removed and any parking should be leased rather than sold. The provision of parking design and management plan should be secured via a condition. The travel plan should be secured through the s106. The final Construction Logistics Plan should be secured by condition and signed off by the Council in consultation with TfL for each phase of works. Any temporary or permanent highway works to the TLRN will require the applicant to enter into a Section 278 agreement with TfL. Additional approvals may be required.
- Sustainable Development: Comments made in respect of the energy strategy, whole life carbon and circular economy statements have been circular economy statement have been issued to the Council and applicant for review.
- Environmental Issues: The Urban Greening Factor (UGF) scores anticipated exceed the target score and is therefore welcomed. The tree replacement strategy should be assessed against Policy G7 of the London Plan. Quantitative evidence of biodiversity net gain should be provided. The applicant should also consider water reuse within buildings to reduce consumption of water across the site.

No response received.

#### WARD COUNCILLORS FOR BRYANSTON & DORSET SQUARE

No response received.

#### WARD COUNCILLORS FOR HYDE PARK

No response received.

#### WARD COUNCILLORS FOR LITTLE VENICE

No response received.

#### WARD COUNCILLORS FOR REGENTS PARK

No response received.

#### HEALTH AND SAFETY EXECUTIVE (HSE)

Initially raised significant concern with the means of escape proposed. Following the submission of revised drawings to address concerns no objection raised.

#### TRANSPORT FOR LONDON

The proposed development does not yet meet the transport policies of the London Plan. Further information / consultation is required with TfL regarding the following issues:

- An updated Active Travel Zone assessment should be prepared, further detail should be provided on the site connection to Edgware Road and TfL's Urban Design comments should be addressed prior to determination to ensure the development fully meets London Plan Policy T2.
- The cycle storage composition should be provided to ensure compliance with London Plan Policy T5 and the London Cycle Design Standards.
- The potential for a cycle hire station within the site should be discussed.
- The car parking should be reduced in line with London Plan Policy T6.
- Further information is required regarding London Underground trips. A station line and capacity assessment should be undertaken using TfL's NUMBAT data in line with London Plan Policy T1.

On successful completion of the above issues, TfL request the following conditions / obligations as part of any recommendation for planning approval:

- TfL as the highway authority for Edgware Road must approve the final layout of Church Street (where it interacts with the TLRN). This should be subject to full review and a Road Safety Audit.
- A Parking Design and Management Plan is required in line with Policy T4.B of the London Plan.
- A Travel Plan should be secured by condition in line with Policy T4 of the London Plan.
- A Delivery and Servicing Plan should be secured by condition and approved by the borough in consultation with TfL in line with London Plan Policy T7.
- A Construction Logistics Plan should be secured by condition for each phase of works and approved by the Council in consultation with TfL in line with London Plan Policy T7. A requirement to enter into a S278 agreement with TfL should be

secured via a S106 obligation attached to any permission for those works affecting the TLRN.

#### LONDON UNDERGROUND

Advise that they have no comment to make on the application.

#### HISTORIC ENGLAND (LISTED BUILDINGS AND CONSERVATION AREAS)

*Initial Response Received 21 December 2021*

Note that the Townscape and Visual Impact Assessment document submitted with the application indicates that the proposals are likely to be visible from Regent's Park, which is a Grade I Registered Park and Garden. Any views from that area of the park may also include the Grade I listed Nash terrace houses that face towards the Outer Circle. They therefore requested that further information is provided on the impact of the proposals on the setting of Regent's Park and the Grade I Nash houses. Also suggested that the views of the Council's specialist conservation advisors are sought and advised that it is not necessary for them to be consulted on this application again unless there are material changes to the proposals.

*Subsequent Response Received 8 February 2022*

Following receipt of additional information from the applicant indicating that the development would not be read in conjunction with the Grade 1 listed Nash buildings and would be barely visible from the Regents Park, Historic England confirmed that this resolved their query regarding visibility from Regents Park.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

*Initial Response Dated 15 December 2021*

Application site is located within the Watling Street Archaeological Priority Area. Requested submission of a Desk Based Assessment to determine the potential for archaeological finds in and around the application site.

*Subsequent Response Dated 11 January 2022*

Following receipt of applicants Desk Based Assessment advised that the site was not substantially developed until the mid-19th century but sites A and C lie adjacent to Roman Watling Street within an Archaeological Priority Area along the road highlighting potential for associated Roman and later remains. Modern development can be expected to have caused disturbance but some remains of interest could survive. For example, the alignment of Watling Street avoiding Londinium has long been considered curious and perhaps indicates an early date for the road. As Site B lies away from Watling Street it has low potential.

Advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, a two-stage archaeological condition is considered an appropriate safeguard in this instance. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. Because this is a hybrid application for phased development, separate conditions for sites A and B/C should be imposed.

#### ENVIRONMENT AGENCY

Confirm that there are no environmental constraints within their remit on this site and they therefore have no comments at this time.

#### SPORT ENGLAND

The entire scheme appears to propose an increase of 493 residential units, the occupiers of which will generate demand for sporting provision. The existing provision within the area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as the Council's emerging Playing Pitch Strategy, Built Facility Strategy or another relevant robust and up-to-date needs assessment.

It is not known if any sport facilities would meet the sporting demands arising from the development.

If provision for sports facilities is to be made through CIL, it is acknowledged that there is no requirement to identify where those CIL monies will be directed as part of the determination of any application. Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Playing Pitch Strategy and/or any other robust borough wide sport facility strategy and direct those funds to deliver new and improved facilities for sport based on the priorities identified in those documents.

In the event that the Council decides to seek provision for sports facility provision through a S. 106 agreement rather than the CIL charge then Sport England recommends use of their Sports Facility Calculator.

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments.

#### CADENT GAS

No objection, subject to an informative to remind the applicant of their obligations to protect and maintain access to gas infrastructure around the application site.

#### THAMES WATER

Should permission be granted and with regards to waste, surface and potable water, request conditions requiring confirmation of sufficient capacity in existing network or agreement of a development and infrastructure phasing plan with Thames Water. Also request a condition requiring agreement of a piling strategy with regards to work near strategic water main

Should permission be granted, informatives requested to ensure that the applicant protects waste and potable water assets near the application site.

Note that they have been unable to identify a drainage strategy to review and request that this is provided so that they can make an assessment of the proposed site. This should follow Policy 5.13 of the London Plan which requires all developments to reduce the peak flow and volume of surface water discharging off the site, where greenfield rates should be aimed for and the drainage hierarchy followed: 1. Rainwater harvesting (including a combination of green and blue roofs) 2. Infiltration techniques and green roofs 3. Rainwater attenuation in open water features for gradual release 4. Rainwater discharged direct to watercourse (unless not appropriate) 5. Rainwater attenuation above ground (including blue roofs) 6. Rainwater attenuation below ground 7. Rainwater discharge to a surface water sewer or drain 8. Rainwater discharge to a combined sewer. Request details of point(s) of connection, discharge method and discharge rate for surface and foul water pre and post development. For surface water, also request current discharge rates and greenfield runoff rates.

#### NATURAL ENGLAND

Advise that they have no objection based on the plans submitted. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### NETWORK RAIL

Note that the proposed development is not adjacent to the railway. However, they have requested that the applicant contact them to discuss non-planning matters.

#### WESTMINSTER PRIMARY CARE TRUST

No response received.

#### NHS CENTRAL LONDON

No response received.

#### BUILDING REGULATION ENGINEERING GROUP

No response received.

#### COUNCIL FOR BRITISH ARCHAEOLOGY

Support Historic England's recommendation for a pre-determination archaeological assessment of this site (see above). It is likely that this site contains archaeological remains, including potentially from the Roman period. They do not condone the use of post-determination planning conditions, which should always be used with great caution. For archaeology, it may well be too late for amendments to accommodate the investigation of any unexpected remains, otherwise permanently lost without further study. Should a pre-determination archaeological assessment not be provided, they do not consider that this application would meet the requirements of the NPPF, paragraph 194, and should therefore be refused.

#### THE NATIONAL AMENITY SOCIETIES

No response received.

#### DESIGNING OUT CRIME OFFICER

Church Street ward suffers from a significantly high volume of anti-social behaviour and violent and sexual offences. These figures must be taken into account when considering this application.

For a scheme of this size, it is important to consider the permeability of the site and what sort of impact this may have on the local community. Permeability is a major factor for any proposed development, whereby increased permeability can be reliably linked to increased levels of crime and disorder.

Site A includes many positive security measures in the design, such as:

- Secure communal spaces for residents use only;
- 'Defensible space';
- Secure postal lobbies;
- Secure single leaf doors to integral refuse stores; and
- Secure access control

However, there are some concerns from a design out crime perspective such as:

- The shared use of car parking and residential entrances. This could potentially lead to conflict or inability to challenge potential intruders in this area.
- Public areas such as the library containing unrestricted gates that lead into an otherwise secure residential area that could lead to intrusion.
- Cycle stands placed in recessed corners that may not benefit from much legitimate activity or levels of surveillance.

Ongoing consultation between the applicant and the Designing Out Crime Officer can help this site to incorporate the necessary crime prevention measures to help protect against levels of crime and disorder within this community and potentially beyond. Request that any approval of this application contains a relevant planning condition, requiring the entire development to achieve a Secured by Design accreditation prior to occupation.

#### LONDON FIRE AND CIVIL DEFENCE AUTHORITY

No response received.

#### LONDON FIRE SERVICES

No response received.

#### CROSSRAIL STRATEGIC SCHEMES

No response received.

#### THE ST MARYLEBONE SOCIETY

Raise strong objection to library proposed. Council has not taken on board repeated concerns about the library raised by local groups. While the addition of a mezzanine floor over part of the designated library area does give a little more space, they have not seen any analysis of what library provision Church Street Ward requires, especially as this and other Futures Plan projects will lead to an increase in residents.

Before the Council sold the main Marylebone Library and Council House, that library was very heavily used by school students from the Church Street area who had no quiet spaces for studying in their homes. In the afternoons after school, almost all seats were



always taken. That option was lost, and the sad remnant of the old Marylebone Library is currently housed in a retail unit too far from Church St for those children to use, and in any case with very limited seating.

The existing Church Street branch library could do with enlargement: a comparative study of the sizes of existing and proposed has clearly not been done.

The proposed library is accessed directly from Church Street. There are no intervening lobbies, or any way of separating library activities from the distractions of people coming and going. A communal garden is planned to be accessed through the library, thus converting the whole, largely open-plan arrangement into a public way. No space for quiet study and reading is proposed. Strongly object to conflation of community spaces and library functions. This is to the detriment of library activities. The library would work much better if it was located on the Broadley Street facade and not used as garden access from Church Street. That would also remove the library toilets from being so easily accessed by Church Street shoppers and traders, which is inappropriate and would be a source of more distraction for library users.

Consider the proposed buildings too high, with resulting overshadowing of the market a negative effect on this thriving and useful market that local people rely on. Building tall blocks on north side of Church Street would not impinge on the market.

Rearrangement of market stalls seems reasonable although do not believe this layout would be maintained in the long term. Tidying up of shops behind stalls a good thing although note that local people do not have any difficulty in locating individual retailers at present.

Concern that market may become more nominal than useful with proposed changes. Local markets invaluable for less affluent residents and encourage people to eat fresh food. Changes to market may make it more visually appealing to visitors, but would encourage residents to buy from supermarkets where there is more unhealthy food.

Toilets for market stall holders must be provided. At present, stall holders use library toilet, which is not appropriate.

Unclear how proposed storage and van access for stall holders compares to what is/was available at present.

#### ST JOHN'S WOOD SOCIETY

Raise concerns about the height and density of the project.

#### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No response received

#### MARYLEBONE ASSOCIATION

No response received.

#### HARROWBY & DISTRICT RESIDENTS ASSOCIATION

No response received.

**HYDE PARK ESTATE ASSOCIATION**

No response received.

**MARBLE ARCH BID**

No response received.

**PADDINGTON BID**

No response received.

**ENVIRONMENTAL SCIENCES OFFICER**

Request further information relating to air quality impacts.

*Operational Traffic and Parking*

It is understood that there is a net reduction in parking from the existing situation, but can the following points be clarified.

The Environmental Statement states that within Site B and C, the proposals are to include a total of 6,623 sqm (GIA) parking facilities. This area is substantially greater area than proposed in Site A.

Agree that the proposed development will result in a net reduction in car parking spaces and traffic generation, therefore emissions associated with the operational phase will be lower than current emissions in the area. However, and in accordance with Table 6.2 of the Joint IAQM/EPUK Air quality Planning Guidance, impacts to air quality should be assessed where:

- A change of Light Duty Vehicles (LDV) flows of more than 100 AADT within or adjacent to an AQMA. Vehicles will be channelled to a new single point of access within new basement. Will these new access requirements result in a change in LDV/HGV flows above the criteria along a road link? Where the vehicle movements are above this criterion, a detailed assessment will be required;
- There are existing sensitive receptors located within Kennet House on Penfold Street. As a result of the changes in the layout and access, will Penfold Street experiences increased traffic above the criteria set out in Table 6.2?
- Point 6 of Table 6.2 would require a detailed air quality assessment where there is an underground carpark with an extraction system. It is assumed that these carparks will be ventilated but the positioning of the exhaust has not been provided. Do any of the underground carpark require mechanical extraction and exceed the criteria as set out above? If yes, an assessment of the impacts will be required.

It is understood that backup generators are required but it is unclear where flues terminate can the flu termination be confirmed. Flues should terminate at roof level of the tallest building as a minimum positioned away from ventilation inlets to facilitate adequate dispersion of air quality pollutants

**WCC CHILDREN'S SERVICES**

An initial calculation suggests a child yield requiring school places for 50 primary/35 secondary in Site A and 58 primary/32 secondary in Sites B and C. No account has

been taken of the number of returning residents as this is likely to be relatively small and spread over several years.

Christ Church Bentinck Primary School has already been expanded in anticipation of Church Street regeneration, and this school currently operates below capacity and is expected to continue to do so. King Solomon Academy has recently completed an expansion of capacity. These and other schools in the locality are well-placed to accommodate the anticipated demand for pupil places, especially given demographic factors in London, and the longevity of the development programme.

Refurbishment of the Portman Nursery and Family Hub has also been recently completed and it is believed that there is sufficient nursery and early years' provision. These investments will support the community during the disruption of the development and beyond.

Children's services have asked to be kept updated on the progress of this application and the development.

#### WCC HIGHWAYS PLANNING MANAGER

##### *Waste*

- Off-street waste storage is shown on the proposed drawings and is supported

##### *Car parking*

- Removal of existing off-street car parking is supported
- No car parking is provided for non-residential uses other than for the market street traders. This is acceptable.
- The site is within a Controlled Parking Zone with a good level of public transport accessibility. The impact of the proposed development on parking levels will be minimal and consistent with Policy 27.
- It is accepted that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling). Trip generation modelling indicates that the proposed uses will not have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in floor space.
- Policy 27A of the City Plan states that the London Plan standards will apply. For this site, being PTAL 6, this means the development should have no on-site car parking provision, other than an element of disabled car parking. The disabled provision is 3% of residential unit numbers, which would be 13 spaces for the proposed 429 units.
- It is noted that London Plan Policy T6.1 requires developments to demonstrate how an additional 7% of dwellings could be provided with one designated disabled persons parking space per dwelling upon future request as soon as existing provision is insufficient. Within the majority of developments in Westminster, where any car parking is provided, this effectively needs to be constructed upfront, especially where developments rely on basement car parking provision. 7% of dwellings would be 30 car parking spaces. The maximum disabled car parking spaces would be 43 and 22 disabled spaces are proposed. Given the limited options to include space that could be converted to disabled parking in the future, the provision of 22 spaces is considered acceptable and within the lifetime maximum of 43 spaces.
- However, policy 27F of the City Plan for redeveloped sites indicates that car parking should be reduced to meet current standards. The site is within a designated Housing

Renewal Area. This allows for car parking to be reprovided for existing residents. The applicant states that the proposed car parking would be for the newly introduced market units and is not for returning residents. Therefore this provision is not consistent with policy. The proposed 21 car parking spaces would only be acceptable if it was provided to returning residents. No evidence of this being required or how it would be managed to only provide to returning residents has been provided.

- Lifetime Car club membership should be secured for all residential units within the development. The applicant has confirmed their agreement to this provision in accordance with Policy 27B of the City Plan.
- Policy 27A of the City Plan requires all new spaces to provide active provision of Electric Vehicle Charging Points. The applicant has indicated that 50% of spaces will be provided with an active EV charging point. The full policy requirement should be secured if permission is granted.
- Policy 27B of the City Plan requires parking spaces to be let, rather than sold, parking spaces to residents of new developments on a short-term basis, with spaces allocated to individual addresses or property numbers. This commitment does not form part of the applicant's submitted Car Parking Management Plan. This element would need to be secured by legal agreement, should the scheme be granted permission.
- Policy 27E of the City Plan requires contributions from major developments for on-street provision of EV infrastructure. No contribution is offered. It is noted that one on-street rapid charge point is approximately £50,000 to install (this includes the unit, power upgrades plus physical works and legal processes).
- It is accepted that the internal space for vehicle manoeuvring is functional. The down car lift, to access the basement, is set back to partly allow a vehicle to wait off the highway (footway). This means a vehicle waiting will cause an obstruction to pedestrians and other highway users. Limited pedestrian visibility splays are provided for vehicles exiting the car lift and entering the highway. This design element cannot be considered a positive of the scheme, consistent with Policy 25 of the City Plan. Further details should be secured of each vehicle access to ensure a safe and function vehicle access is provided.

#### *Cycle Parking*

- Site A would require 750 (8 studios, 201 1-bed and 220 2+bed) long term cycle parking spaces and this has been provided. It is also of a suitable design and layout and is supported.
- For short stay cycle parking, one space is required per 40 units and these spaces should be located near residential entrances. Short stay cycle parking on the highway is not acceptable to meet the minimum requirements of the development.
- No long term or short stay cycle parking provision appears to have been made for any non-residential element on Site A. It is unclear why this is given this is a complete demolition and rebuild scheme. Further details and provision must be secured via condition.
- Details of cycle parking (both long and short stay) for all uses for Sites B & C will need to be secured by condition. There provision should meet the standard applicable at the time these sites come forward.
- The supporting text (para 27.5) promotes increased cycle parking provision within the site over on-site car parking provision. The cycle parking quantum provided is the minimum required by London Plan T5 (and for the residential element only), with limited provision for short term cycle parking.

### *Uses & Travel*

- Given the wide list of potential uses within the E use class, concern is raised that certain uses may generate significant peaks of motor vehicle traffic which may be unacceptable in trip generation terms (particularly nursery/creche/education and medical type uses). It is strongly recommended that a specific restriction is placed upon the use, given the varied uses within the use class and further information (including staff numbers, hours of operation, capacity, etc) should be submitted on the proposed use/s once a firm proposal regarding the use and operation is known for consideration and approval.
- For the residential, office and retail/restaurant type uses, a travel plan is not required in this location. However, educational (and other former D class type uses), may generate the need for a travel plan.
- The highway boundary is the existing building line. Canopies and structures over the highway need to maintain 2.6 metres vertical clearance to allow for pedestrian passage and 1 metre from the kerb edge to allow for sufficient clearance from vehicles within 1 metre of the kerb edge and over carriageway 5.3 metres clearance must be provided. This should be conditioned.
- Any gate or door must not open over highway, this should be conditioned.

### *Servicing*

- Policy 29 of the City Plan requires off-street servicing and freight consolidation. No off-street servicing is provided (other than for the street market/market traders). The applicant indicates this reflects the existing situation. Despite the proposal being complete demolition and rebuilding, the proposal relies on on-street servicing. There would appear to be no physical constraint to achieving on-site servicing (as required by Policy 29). There are limited ground floor holding areas for deliveries to be held. This is likely to prolong the time goods are left on the footway.
- Providing off-street servicing would improve the highway environment for pedestrians and other highway users. The approach to servicing is likely to have a negative effect on the wider proposed public realm improvements and is inconsistent with these elements indicated to be a benefit of the scheme.
- To minimise the impact of commercial uses (Class E) on the highway network, no delivery service should operate from this location. Delivery vehicle parking can reduce the availability of parking for other uses, increase congestion (both on the carriageway and footway) and increases noise and fumes in the area.

### *Public Realm & Works to Highway*

- The provision of private public realm is welcomed, although the link is considered of limited benefit within the local pedestrian network. If the internal private public realm element is considered a benefit of the scheme (including the through pedestrian route), this should be via a Walkway Agreement to ensure a through route is retained and accessible to all.
- While third party funded public realm improvements are welcomed, they must accommodate all highway users and not a single development proposal. With regard to the suggested public highway, these interventions, including the allocation of kerb space and location of any formal crossing points will be subject to a detail highway design process. The Highway Authority would welcome further future discussions on these interventions within the area which accommodate all user's needs. These could be taken forward outside of the planning process via separate agreements with the Council.
- The applicant has submitted a Design Code which includes treatment of the highway. Any highway works will need to go through the detailed highway design process and

meet highway standards. This includes materials used. It is likely that not all approaches outlined within with the Design Code would be followed within the highway. There are issues with broad principles within the document and specific elements that would not be taken forward including clear footway widths being below standard minimums, surface treatments etc. Any non-standard materials used would also attract commuted sums, fully funded by the developer.

- While the applicant indicates some highway layouts, including allocation of parking spaces for various users and type of restrictions, these elements will be determined by the Highway Authority and is part of a wider programme of works – funded by the developer. The end layout may not match that proposed in the planning application documents. The approach to phasing of highway works requires further discussion to ensure an appropriate approach to construction.
- Any materials on the highway will need separate highway approvals and will need to meet the Highway Authority requirements, including those relating to minimising long term maintenance. This will be determined and agreed as part of the detailed highway design phase. The detailed design of the highway layout would also need to include the market layout and associated infrastructure.
- Redundant vehicle crossovers must be reinstated as footway. This will improve the environment for pedestrians and other highway users.
- The highway boundary is the existing building line. From the information provided, there are locations where the building line is brought forward and in other locations set back. Some private amenity space within Site A appears to reduce the available footway width. Where the building line is set back, this should be dedicated as highway
- It is unclear from the drawings submitted if the sufficient 2.0 metre minimum footway clear width remains particularly on Penfold Street of Site A. Further detail is required for it to be demonstrated that minimum footway widths can be achieved.
- Pursuant to s247 of the Town and Country Planning Act 1990 (as amended) the applicant may separately require a stopping up order for parts of the highway to enable this development to take place.

#### WCC ARBORICULTURAL MANAGER

No response received.

#### WCC WASTE PROJECT MANAGER

- The applicant is only seeking full permission for Site A at this point in time. The majority of the assessment about the suitability of the proposed waste management strategy is only based on the information provided for Site A.
- Six bin stores and one bulky waste store were noted on the ground floor plan with no bin storage indicated within the basement plan. This is contrary to section 8.2.2 of the transport statement which indicates that the private flats bin store are located on the basement levels. Waste servicing is proposed on-street on Church Street, Penfold Street and Broadley Street.
- The waste details submitted within the transport statement are not in line with the council waste storage requirements.
- The applicant has not indicated the waste management storage provision for the commercial uses stated above. The applicant will need to indicate on the drawings, the area of waste storage for these uses and should be clearly labelled as “commercial bin store”. The applicant will need to confirm the bin capacity for the general waste, food waste, and recyclable materials for the commercial units. The bins should be appropriately labelled.

- The applicant will need to clarify the provision of bin storage at basement level for the private flats. The bin store must be clearly indicated on the basement drawings with the bins indicated and labelled appropriately.
- The door on the bulky waste store need to be widened (double door) to allow the easy passage of the bulky waste items. The doors on all the bin stores on the ground floor drawing need to be widened (double door) to allow the easy passage of the 1,280L bins. This should include all the corridors and final exit leading to the waste collection point.
- The applicant is proposing storage capacity based on twice weekly collection. This approach is not acceptable, and it is contrary to the council waste storage requirements. All residential developments must provide 7 days storage capacity for all waste materials irrespective of the frequency of collection. Therefore, the applicant will need to revise the storage capacity calculation and if necessary design larger waste stores to accommodate these capacities.
- The applicant needs to revise the transport assessment to reflect different waste streams.
- As this development is a major development (Site A, B and C). The whole development would require an additional public micro recycling centre incorporated within the development to cater for the nearby residents and the occupants of the development.

#### WCC STREET LIGHTING

From a lighting design perspective, the planning information submitted does not provide adequate information for a full review. More information is required to generally satisfy the requirements for installation, maintenance and future demolition and to ensure that the items have been considered as part of the planning application.

#### WCC ECONOMY TEAM

Request an Employment & Skills Plan and a Financial Contribution of £441,650 toward provision of local employment opportunities.

#### WCC AFFORDABLE HOUSING SUPPLY MANAGER

No response received.

#### WCC BUILDING CONTROL

No response received.

#### WCC PROPERTY

No response received.

#### WCC INVESTMENT SERVICE MANAGER

No response received.

#### WCC PARKS & GARDENS

No response received.

#### WCC HOUSING SERVICES (CHURCH ST REGENERATION)

No response received.

#### WCC SPORT & LEISURE

No response received.

**WCC LOCAL FLOOD AUTHORITY**

No response received.

**WCC ADULT & COMMUNITY SERVICES**

No response received.

**WCC WESTMINSTER WORKS**

No response received.

**WCC CHILD PROTECTION**

No response received.

**WCC HOUSING - CHURCH STREET**

No response received.

**WCC HOUSING - LISSON GREEN**

No response received.

**CHURCH STREET LARP**

No response received.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 5764

Total No. of replies: 48

No. of objections: 41

No. in support: 3

In summary, the objectors raise the following issues:

***Land Use***

- The reduced size of the library will be insufficient for existing residents and/or the increased population of the area as a result of the development;
- The design of the new library is inappropriate and does not cater for the variety of uses that the existing library supports;
- Access to the community garden through the library and the absence of lobby areas would not make the library a quiet place;
- Insufficient storage has been provided for the market traders;
- Unclear if toilets for market traders have been provided;
- The affordable housing mix proposed is not appropriate to Church Street. More social housing should be provided;
- The proposed affordable units will not be genuinely affordable for local residents;
- The proposed development will deliver an insufficient number of new units in comparison to what was envisaged in the Church Street Masterplan and policy GG4 of the London Plan therefore results in a disproportionate disruption to local residents;

***Townscape and Design***

- The proposed buildings are too tall and/or bulky and out of character with the existing area;



- The proposed buildings are out of scale with and/or would dominate Church Street, Venables Street and surrounding streets;
- The proposals do not include sufficient parks and/or green space;
- The brickwork proposed is not suited to the character of the area;
- The large heavy corner columns to the balconies proposed are inappropriate;
- The roof profiles to the buildings proposed are inappropriate;
- The proposed development may harm the skyline, prominence and silhouette of the Palace of Westminster and Westminster Abbey

#### *Amenity*

- The proposed development is too tall/bulky and would block sunlight/daylight to neighbouring residents;
- The proposed development is too tall/bulky and would block sunlight/daylight to Church Street market and/or Church Street Triangle;
- The proposed buildings would significantly overlook existing residents on neighbouring sites;
- The tall/bulky buildings proposed would create a wind tunnel effect;

#### *Transport*

- Insufficient parking is proposed;
- Inadequate pavement and road widths have been provided on Venables Street;
- Inadequate off-street servicing has been provided for Site C and will exacerbate local traffic and highway safety issues on Venables Street.

#### *Sustainability*

- The proposed development will not be zero carbon, despite the Council declaring a climate emergency;
- Too much concrete construction and consequent carbon emissions are proposed;
- Deplorable that no Church Street District Heating system has been proposed for this development to connect to;
- Excessive overshadowing will decrease natural heating of the proposed units and therefore increase heating costs;
- Retrofitting and/or extending the existing buildings has not been considered;

#### *Construction*

- Construction of the development will cause enormous disruption in the area;

#### *Public Sector Equality Duty*

- Returning residents, particularly those who are elderly, disabled and/or do not work, will not be able to afford a new unit within the development or would go from being home owners to council tenants. This would be contrary to section 149 of the Equalities Act 2010;
- No Equalities Assessment appears to have been submitted with the application;

#### *Other Issues*

- Site C should also be developed in conjunction with the properties between Venables Street and Edgware Road. This would allow for the same number of units to be created with smaller blocks and remove unattractive Venables Street.

It would also allow for the narrow entrance to Church Street off Edgware Road to be widened;

- Funding the development through private housing sales is driving the excessive height and bulk proposed. The City Council should instead use increased borrowing and mayoral funding. This would decrease the need for private housing sales;
- The City Council's decision not to take this regeneration scheme to a public vote, and therefore eligibility for mayoral funding, has resulted in an overreliance on funding through private housing sales and therefore the excessive height and bulk of the buildings proposed;
- West End Gate should not be seen as a precedent for the height of the proposed buildings;
- Proposal will not create a mixed community;
- The proposed development is much taller than was originally consulted on;
- The proposed units have insufficient storage space;
- Increased population will place additional demand on public services, such as the Metropolitan Police or London Fire Brigade;
- The construction of tall buildings on the application site will set a precedent for the construction of other tall buildings in the area;
- Tall buildings only benefit developers at the expense of the local community;
- Residents feel they were misled by the applicants pre-planning consultation, particularly with respect to the height of the proposed buildings;
- Residents do not feel they were listened to during pre-planning consultation;
- A circus should be considered for the Church Street and Penfold Street junction;
- The archaeological impact of the proposed development has not been adequately considered;

In summary, the supporters raise the following issues:

- Regeneration of the area is long overdue;
- The existing buildings are harmful to the character and appearance of the area;

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

### **RECONSULTATION**

A full re-consultation to the same consultees was undertaken in February 2023 on the amendments as summarised at the start of the report and as fully described below within the proposals section. Only the responses to the re-consultation are summarised below. Any additional responses received following this report being published will be reported verbally. If any consultees which were not consulted the first time around, they will also be listed below.

GREATER LONDON AUTHORITY:

No formal response, however they have confirmed that the following are acceptable: air quality; flood risk/water; and whole life cycle carbon. The GLA Circular Economy team have made some further comments, which are being addressed by the applicant.

ST JOHNS WOOD SOCIETY:

Note objections raised by residents and defer to the opinions of ward councillors, amenity societies which are more closely affected, and Historic England.

#### HISTORIC ENGLAND:

Comment that it is not necessary for them to be consulted again.

#### ENVIRONMENT AGENCY:

No environmental concerns, however make the following comments for the applicant:

- Water resources: suggest water efficiency measures.
- All new residential development should achieve water consumption limits of 125litres per day as required by building regulations, but recommend 110litres per day in areas of water stress.
- Recommend that all non residential development of 1000sqm or more should meet BREEAM 'excellent' for water consumption.

#### NATURAL ENGLAND

No further comments to response provided to original application.

#### NETWORK RAIL

Raises no objection.

#### LONDON UNDERGROUND SAFEGUARDING

No comments to make.

#### TRANSPORT FOR LONDON

Further comments provided in relation to additional provided to address original response as follows:

- No further action in relation to Healthy Streets and Street Design
- Note that any works to the TLRN would require S278 agreement and licensing. Informative recommended.
- No further comments in relation to footway widths and market operation
- Request for market storage to be provided throughout construction period of sites B & C.
- No further comments in relation to cycle connectivity.
- No further comments in relation the Transport Assessment.
- ATZ hasn't suitably been updated to identify other places of Worship within the vicinity.
- Recommend a condition in relation to street lighting to improve safety of women at night time.
- Exploration of personal safety data and assessment of night-time designing out crime
- No additional comments in relation to pedestrian environment and kerbs.
- Recommend a minimum of 20% Sheffield Cycle Stands are provided, which is in excess of the 5% provision, despite this being in accordance with the LCDS. Note the population demographics who may have issues with cycle stackers and issues in relation to equality Act 2010.
- A cycle hire contribution is required.
- No additional comments in relation to short stay cycle parking.
- Further clarity is sought to ensure that the development is car free (except blue badge). It should be a permit free scheme.
- No additional comments in relation to car parking management.
- No comments in relation to the trip generation and confirm no contribution towards bus network or LU is required.

- No additional comments in relation to Delivery Servicing Plan or waste stores, however further clarity required regarding waste vehicle access and retractable bollards.
- No further comments in relation to construction, any temporary or permanent changes to the TLRN would need to be delivered by a S278 highways agreement.

**SPORT ENGLAND:**

No further comments to response provided to original application.

**CADENT GAS:**

No objections however informative is recommended regarding infrastructure, responsibilities and obligations of the owner.

**MET POLICE DESIGNING OUT CRIME OFFICER:**

Comments as follows:

- The new residential fire escape adjacent to the library, do pose significant vulnerability to residents and visitors and this can be addressed by a number of small design changes to the garden wall, or for this space could be gated.
- There are also two recessed front door entrances and need to be amended to reconfigure the layout to have the door sets on the building line with no visible obstruction. Install a full height gate which is fob access and self-closing.
- The shared walkway on 10th floor should only be used in case of fire emergency.

**HIGHWAYS PLANNING MANAGER:**

Comment as follows:

- Off street waste storage is provided which is welcomed
- Removal of residential car parking (except for disabled parking) is inline with policy
- Provision of market traders parking is acceptable.
- The site is within a CPZ with good public transport, the impact on parking levels will be minimal.
- Lifetime car club membership and funds towards on street electric charging should be secured via legal agreement.
- 100% of parking spaces should be provided with electric charging facilities.
- Car Parking Management Plan should include details of how parking is let and not sold.
- The car lift is acceptable, but further details of its safe and functional access.
- It is recommended that given the range of uses within Class E, more information would be required such as staff numbers, hours of operation, capacity etc) should be provided for certain uses. Travel Plan would be required for certain uses such as education.
- Canopies and structures over the highway need to maintain 2.6m vertical clearance.
- Doors or gates must not open over the highway.
- 750 long stay cycle spaces are provided for site A which is welcomed.
- More information is required in relation to short stay cycle parking and long stay non-residential cycle parking.
- Sites B&C cycle parking will need to be reserved.
- No off street servicing is provided, which could cause issues with obstructing highways users (when compared to off street servicing), which is regrettable given total redevelopment of the site. The improvements to off-street servicing are however welcomed.
- Greater commitments to freight consolidation are proposed which is welcomed, but further details should be secured through Servicing Management Plan for each site.
- No delivery service should be provided, as this can increase congestion.

- New Street Gardens is welcomed, but should be secured through a walkways agreement.
- Works to the Highway will require separate consents.
- Comments regarding building lines on the outline elements of the scheme and pavement widths.
- Conditions, informatives and legal agreement recommendations.

#### WASTE PROJECT OFFICER:

- The bin within the library and commercial elements should be appropriately labelled on the plans.
- Doors to residential bin stores should be widened.
- A public micro recycling centre should be provided for Sites A, B and C.

#### ARBORICULTURAL OFFICER:

- 128 trees have been surveyed, of which 70 are on the site.
- Disagrees with the categorisation of the tree quality by the assessor.
- Objects to the level of tree loss and canopy reduction.
- Retained trees are likely to be negatively impacted by the development, and unlikely to be practical.
- Further information is required for trees which are being retained.
- Insufficient soil volume is provided in areas of landscaping, and soil volumes should be linked where possible to provide greater growing medium for plant roots.
- The number of trees proposed is overly ambitious, it is recommended that a smaller number of larger specimens are proposed and that a contribution for off-site trees is secured via legal agreement.
- Comments and recommendation to revisions to the design code provided.
- Conditions and informatives recommended in relation to tree protection and landscaping.

#### AFFORDABLE HOUSING MANAGER:

- The provision of affordable housing as parts of the outline and detailed elements of the scheme is welcomed
- The proposed unit mix of affordable housing meets the requirements of the decanted council tenants who have a right to return.
- The new proposed affordable housing will help to meet council needs and is of appropriate unit size.

#### BUILDING CONTROL:

Raises no objections in terms of structural approach to buildings and to ensure protection of adjacent properties.

#### ENVIRONMENTAL SCIENCES:

- In respect of the hybrid planning application Site A, no objections on environmental noise or nuisance grounds provided the conditions/informatives are imposed for: A supplementary acoustic report condition to ensure that plant complies with the Council's noise conditions; The Class E uses have the potential to result in noise to the future residents and request conditions to protect future residents; a condition to safeguard the proposed new residential flats from external noise sources; noise conditions in respect of the proposed back up generator.
- Request details of all mechanical ventilation to address possible overheating to those windows which need to be closed.

- Conditions to mitigate the impact of construction impacts.
- Request revised contamination land condition is applied.
- Condition to reserve details of any kitchen extracts associated with Class E uses.
- Condition to secure air quality positive on Site A.
- In respect of Sites B and C, before works start on these sites request conditions to demonstrate air quality positive.

#### CITY MANAGEMENT AND COMMUNITIES SERVICE MANAGER

- Library staff are happy with the layout plans for the proposed library, however did raise some concern over in relation to room layouts in relation to desk and chair location within rooms. Query if glass will be one way to protect data on screens of staff workers.

#### ADJOINING OWNERS / OCCUPIERS

No consulted: 5764

No responses: 6 objections on the following grounds:

##### *Land Use*

- Unacceptable revised tenure.
- More intermediate rent should be provided.
- More private housing should be provided.
- How will creating more social housing create a "Fairer Westminster"? People who work full time should not be prejudiced against.
- Area already over populated, and increased population will increase anti-social behaviour.
- Should not develop sites B&C until the negative impact of Site A can be appreciated.
- Negative impact on the charm of uses within the area such as antique and local businesses.

##### *Amenity*

- Will shadow and overcast the area for the majority of the year
- Loss of light due to buildings height and mass and cumulative impact with Berkely Scheme on the other side of Edgware Road.

##### *Design*

- Looks like something from 1960's GDR
- Does not enhance the area and will have negative impact on its character.
- Buildings have no architectural merit
- Overdevelopment of the site (inclusive of Sites B & C)
- Building heights are far too large

##### *Environment*

- Proposed concrete construction form is bad for the environment.
- Site B should be retained and refurbished, which would have less environmental impact.

##### *Transport*

- Proposal does not meet the transport policies in the London Plan as set out in Transport for London's comments n has been submitted.

##### *Other:*

- Unacceptable precedence set by Berkely development on other side of Edgware Road

- despite 100's of objections to that scheme.
- No summary of revisions received.
  - Discrimination of existing residents forced to move and not allowed to return due to high level of social housing which they would not be eligible for. Compulsory purchase not enough to purchase similar property in area.

SITE NOTICE / PRESS ADVERT:

Yes

## 5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below (as provided by the applicant).

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
<b>Futures Plan consultation</b> (2012) leading to the 1 <sup>st</sup> Resident Regeneration Ballot. The ballot focused on 15 individual regeneration elements	2013	25.5% voter turnout	The ballot received an 87.5% 'yes' vote.  (1,896 votes cast across the neighbourhood)
<b>Public Consultation</b> 11 weeks ward-wide consultation to work up scheme proposals and develop the masterplan. Consultation activities included: - Public Exhibition - Outreach to local community hubs and local events - Digital and printed newsletter delivered to 6000 residents and businesses	October and November in 2017	350 residents attended consultation exhibition.  A further 360 residents engaged via outreach events  120 feedback forms submitted  152 comment cards	The delivery of new homes in Church Street was identified as being the most important element of the Proposed Development:  54% supported higher residential density in the area; including the proposed mix and balance of different types and tenures of homes;  75% stated that they felt that the current Church Street Market layout could be improved; and
<b>Priorities Consultation.</b> 4 week consultation following the approval of the Church Street Masterplan Used to establish the key themes set out within the Masterplan. Activities included: - Workshop at King Solomon Academy	October/ November / December 2018	162 responses total 62 members of the Engaged Residents group at King Solomon Academy)	<ul style="list-style-type: none"> <li>• 71% identified that providing new homes was one of their priorities in the regeneration of Church Street. People said that they want good quality new homes that are truly affordable.</li> <li>• 48% identified supporting the shops and retail market in Church Street as one of their priorities; and people were also keen for there to be a wider</li> </ul>

<ul style="list-style-type: none"> <li>- 6000 Newsletter distributed to local residents and businesses.</li> <li>- Door knocking and leaflet distributed to all residents sites a,b and c throughout the consultation.</li> <li>- Church Street Business Forum meetings</li> <li>- Online survey</li> </ul>			<p>variety of stalls at the Church Street Market.</p> <ul style="list-style-type: none"> <li>• 35% of respondents said improving access was one of their priorities.</li> <li>• Access was considered to be the lowest priority, with only 35% classing it as an important consideration. There was a slight difference in opinion as some people wanted to see cycle lanes and pedestrians being prioritised, whereas others felt no change was better than cycle lanes.</li> </ul>
<p><b>Two-stage detailed design Pre-Planning Consultation</b> Design proposals formed in collaboration with residents and stakeholders.</p> <p>The four options presented to the community ranged from maintenance to comprehensive redevelopment.</p> <p>Activities included:</p> <ul style="list-style-type: none"> <li>- Public exhibition and launch workshop</li> <li>- Door knocking and leaflet distributed to all residents sites a,b and c throughout the consultation.</li> <li>- Community hubs drop in sessions</li> <li>- Resident workshop and tenured specific drop ins</li> <li>- Consultation workshops</li> <li>- Church street community pop-up exhibitions</li> <li>- Market Traders lunch and Local businesses breakfast event.</li> </ul>	<p>March – April 2019</p>	<p>90 attendees</p> <p>193 unique users on website</p>	<p>Residents and stakeholders expressed a preference for the partial redevelopment and partial refurbishment of Sites A, B and C (Option 3)</p> <ul style="list-style-type: none"> <li>• Overall findings from feedback forms, consultation events and responses from local stakeholder groups showed a preference for redevelopment and support for the benefits this would bring. For example, comments included that new homes and improvements would be of higher quality and make Church Street look better, it would make the area look more appealing for visitors, and more modern buildings and green spaces would be welcomed.</li> <li>• Only a small number of people expressed a desire for redeveloping shops on Edgware Road (Option 4). Others were keen for these properties to be kept as they are.</li> <li>• Many residents felt that Kennet House was in good condition and didn't need to be a part of the regeneration project.</li> </ul>
<p><b>Best Value, Delivery options Consultation and Site A Design Update.</b></p> <p>The purpose was to gauge if there was any preference locally for a specific delivery model to build Site A.</p>	<p>January/February 2020 May 2020-</p>	<p>37 local residents and stakeholders provided feedback</p>	<p>-Overall, those who responded gave no clear preference. However, there was the least support for a partnership strategy, and more support for a direct delivery strategy. Feedback indicated an expectation that the Council makes sure that any agreement</p>



<p>Three options were presented:</p> <ol style="list-style-type: none"> <li>1. a developer-led strategy</li> <li>2. A partnership strategy</li> <li>3. A direct delivery strategy</li> </ol> <p>In May 2020, we carried out a Site A consultation update. The designs for Site A were altered significantly in response to feedback in the options consultation. Bell Phillips Architects redesigned Site A to meet these requirements, with development officers guiding the overall project. The key changes were the provision of more open space and a new street garden created between two residential blocks in Site A. This would offer more green space, better accessibility and more daylight onto Church Street.</p> <p>Activities included:</p> <ul style="list-style-type: none"> <li>- An eight page newsletter delivered across the ward</li> <li>• A film explaining the changes available on the Church Street website</li> <li>• Stakeholder meetings</li> <li>• A webinar</li> <li>- Church Street Library Staff</li> <li>- Church Street Ward councillors</li> <li>- Church Street Neighbourhood Forum</li> <li>- Little Venice Ward councillors</li> <li>- Friends of Church Street Library</li> </ul>			<p>keeps the developer highly accountable.</p> <ul style="list-style-type: none"> <li>-All designs well received – There was particular support for the location of the library, and the open space was seen as an improvement.</li> <li>•Support for the design modern look and generous outdoor spaces and balconies</li> <li>•Concerns were raised about the height of the proposed buildings, and the impact they might have creating shadowing on Church Street. A site map showing the number of storeys was produced in response</li> <li>• It was recommended that the next stage of consultation should include more aerial views of the development within the existing context and local townscape</li> </ul> <p><b>Library:</b></p> <ul style="list-style-type: none"> <li>• Some welcomed the new library design, including the courtyard pods. While others felt it was too small in overall floor area in comparison to existing.</li> <li>• It was felt that the library should have a confidential area, in addition to the open plan design, to allow study areas and quiet reading, and space for ward councillors to hold their surgeries</li> <li>• It was welcomed that the new development would treat private and social housing exactly the same. This was seen as important in integrating the future and existing communities. It was confirmed that ‘poor doors’ should be avoided at all costs.</li> <li>• The importance of storage was emphasised, to help avoid clutter appearing on balconies</li> </ul>
<p><b>Pre Planning Consultation</b> The Pre-Planning Consultation for Church Street Sites A, B and C consisted of two stages.</p>	<p>3-31<sup>st</sup> March 2021</p>	<p><b>1,438 survey contributions</b> - 67% of the respondents chose phone as a way to</p>	<p>82% respondents are positive about the proposals, 12% neutral, and 6% negative.</p> <p>78% of the respondents felt they were informed about the</p>

<p>The first focused on an initial design proposal for Sites A, B and C. During this time, we worked with residents to develop the design following Option 3 (part redevelopment, part refurbishment) being chosen. We used feedback gathered to date, including the assessment against the established priorities, to develop and present an initial proposal. In the second stage of the Pre-Planning Consultation, the design team further presented the initial design proposal in greater detail, based on the feedback received in the first stage. We then made sure that all residents and stakeholders were informed when the planning application had been submitted.</p> <p>Activities included:</p> <ul style="list-style-type: none"> <li>- Church Street provider meeting</li> <li>- Lisson Arches Stakeholder meeting</li> <li>- Lisson Arches Stakeholder meeting</li> <li>- Church Street Youth Voice Session</li> <li>- LST Residents Meeting</li> <li>- Market Traders sessions</li> <li>- Business forum meeting</li> <li>- Webinars</li> </ul>		<p>participate, 14% by Freepost, 17% by online and 2% by door knock</p> <p>Over 400 visited pop-up stall and left feedback or took away a copy of the consultation booklet</p> <p>Webinar: Open to all public 1<sup>st</sup> – 35 registered, 26 attended 2<sup>nd</sup> – 27 registered, 22 attended 3<sup>rd</sup> – 21 registered, 17 attended</p>	<p>regeneration plans for Sites A, B, and C.</p> <p>Specifically, 80% of responses were positive to very positive about the proposals for new homes with 90% of these responses emphasising the importance of keeping the design of new buildings in line with the local area.</p>
<p><b>Second Stage Pre-Planning Consultation</b></p> <ul style="list-style-type: none"> <li>- Public Exhibition and drop in sessions at 35 church street</li> <li>- Pop up stalls</li> <li>- Regeneration walkabout</li> <li>- 6 Webinars</li> <li>- Door knocking to residents of Sites A, B and C</li> <li>- Friends of Church Street Library</li> <li>- The Mosaic Community Trust</li> </ul>	<p>30<sup>th</sup> June – 28<sup>th</sup> July 2021</p>	<ul style="list-style-type: none"> <li>• 1,310 pieces of feedback via the Commonplace website.</li> <li>• 268 completed surveys – pop-up exhibition, Commonplace, Freepost and telephone.</li> <li>• 80% of respondents were either positive or somewhat positive across all</li> </ul>	<p>-The SCI notes that there is very positive feedback about how the designs for the homes, market and green spaces were seen as modern and improvement for Church Street</p> <ul style="list-style-type: none"> <li>• The extent of shadowing from the buildings and lack of light reaching Church Street remained a concern.</li> <li>• The height of the buildings remain too tall and could be overwhelming for the area, making Church Street feel closed in.</li> </ul>

		<p>design proposals.</p> <ul style="list-style-type: none"> <li>• 465 visitors to the Commonplace website.</li> <li>• 15+ pieces of feedback were received through email and via stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>• Addition of green courtyards and public spaces was welcomed. New street gardens on Site A helps introduce much needed green space to the area.</li> </ul> <p><b>Church Street Library:</b></p> <ul style="list-style-type: none"> <li>• Concerns that the library is still too small compared to the existing library. In particular it was noted that with an increase in the local population, there will be an increased demand for the library.</li> </ul> <p>-In response to this feedback we continued to carry out further engagement with community groups and as a result the design was further amended to increase the library's overall floorspace by including a mezzanine level.</p> <p>-Residents welcomed that the library will stay on Church Street. Encouraging that the location near the junction with Edgware Road shows the importance of the library to the regeneration of the area.</p> <p><b>Traffic:</b> Consideration should be given to businesses along Church Street and their customers with the pedestrianisation of Church Street during market hours.</p>
<b>Residents Ballot</b> Consultation on Westminster's Landlord Offer and the regeneration proposals.	December 2022	<p>56% turnout 197/352 in which:</p> <p>144 (73.1%) yes 53 (26.9%) no</p>	<p>12 dedicated tenant and leaseholder workshops, regular dialogue with each eligible household.</p>

In summary, across the range of engagement undertaken by the applicant the principal issues raised were:

- The size of the Church Street Library;
- Overshadowing of the Church Street Market by taller buildings;
- Height of taller buildings and impact on townscape.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- Established guarantees to secure tenants and leaseholders impacted by the regeneration should they require to move home.
- Created a series of pledges to put residents and the community at the heart of the scheme.
- Worked with residents and stakeholders to develop key priorities for the regeneration.
- Listened to feedback and incorporated it into designs, including the location of Church Street Library, the design and layout of new homes, more public green spaces, new community facilities, and plans to improve the Church Street Market infrastructure.
- Creation of a dedicated housing and relocations team offer reassurance and guidance about what the regeneration means for each resident's property.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

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

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

### **6.2 Neighbourhood Planning**

The application site is within the Church Street Neighbourhood Forum, however there is no adopted Neighbourhood Plan.

### **6.3 National Policy & Guidance**

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

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The application site has an area of approximately 3.84 hectares and comprises the following:

- land bound by Edgware Road (excluding no’s 354-380), Church Street, Penfold Street, and Broadley Street (“Site A”);
- land bound by Penfold Street, Church Street, Salisbury Street, and Broadley Street (“Site B”);
- land bound by Venables Street, Boscobel Street, Penfold Street, and Church Street (“Site C”); and
- Public Highway on Church Street between Edgware Road and Lisson Grove.

The entire site is located within the Church Street/Edgware Road Housing Renewal Area. The frontages to Church Street for Sites A, B and C are also located within the Church Street/Edgware Road District Centre.

No listed buildings are located on the application site and it is not located within a conservation area. The Grade II\* listed Marylebone Lower House at King Solomon Academy is located approximately 40 metres to the south-east of Site B. The Grade II listed 129-135 Lisson Grove is located approximately 10 m to the south-east of Church Street near its junction with Lisson Grove. The Lisson Grove Conservation Area is located approximately 45 metres to the south of the Site B. The Fisherton Street Conservation Area is located to the approximately 145 metres to the north of Site B.

Table 1: Existing residential Unit Mix for Entire Sites A, B & C

	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>	<b>4 bedroom</b>	<b>Total (%)</b>
<b>Market</b>	55	68	40	9	172 (43%)
<b>Social Rent</b>	147	11	67	3	228 (57%)
<b>Total</b>	202	79	107	12	400

A further architectural site description will be provided within the Design & Heritage section of this report (9.4). Details of Sites A, B and C are set out below.

### 7.1.1 Site A – Detailed application

Site A is located within the Watling Street Archaeological Priority Area, a Nature Deficiency Area and an Air Quality Focus Area. It contains Blackwater House, Cray House, Pool House, Ingreboune House, and Lambourne House.

Blackwater House fronts onto Church Street and is four storeys in height. Approximately 2927 sqm GIA of commercial units are located at ground floor with residential units (Use Class C3) above. The majority of the commercial units contain retail uses falling within Use Class E, although a public house (Lord High Admiral – Use Class Sui Generis) is also located at the northern corner of the site, at the junction of Church and Penfold Streets, and a betting shop (Use Class Sui Generis) is located on the Church Street frontage. All uses are accessed via Church Street, with the residential premises accessed through designated entrances in-between the retail units.

Lambourne House is located on the south-eastern side of the application site, along the full Broadley Street frontage of the site. It is five storeys in height, with the top floor set back at roof level and houses residential units throughout. On the western side of the building at street level, there is a pedestrian and a vehicular access route that leads into

Site A and provides access to a large single storey storage/plant building and basement parking level.

Pool House is located on the north-eastern side of the site, on the Penfold Street frontage. It is five storeys in height and contains residential units throughout. At its northern end there is also a vehicular access to the rear of the commercial units fronting Church Street.

Ingrebourne House is located toward the south-western end of the site. It is also five storeys and contains residential units throughout. Cray House is located between Blackwater and Ingrebourne Houses. It is three storeys high and contains residential units throughout. Cray, Pool, Ingrebourne and Lambourne Houses enclose a large communal garden area for existing residents.

The existing residential unit mix for Site A is set out below:

Table 2: Existing Residential Unit Mix for Site A

	1 bedroom	2 bedroom	3 bedroom	4 bedroom	Total (%)
<b>Market</b>	6	22	18	1	47 (32%)
<b>Social Rent</b>	58	0	40	0	98 (68%)
<b>Total</b>	64	22	58	1	145

### 7.1.2 Site B – Outline application

Site B contains Eden House, Ravensbourne House, Wandle House, Medway House, Lea House and Roding House. A commercial car park (Approximately 4310 sqm GIA - Use Class Sui Generis) is located under the majority of Site B and accessed via the Penfold and Salisbury Street frontages.

Eden House occupies the entire frontage to Church Street and is four storeys high. It contains approximately 2778 sqm GIA of commercial units (Use Class E) at ground floor with residential units above. Church Street Library (Approximately 848 sqm GIA – Use Class F) is located to the rear of Eden House and accessed via a shopfront on its Church Street frontage. A disused and enclosed Multi Use Games Area (MUGA) is located to the rear of the library.

Ravensbourne House occupies the entire frontage to Broadley Street. Wandle House is located on the south-western frontage to Penfold Street, between Eden and Ravensbourne Houses. Lea and Roding Houses are located on the north-eastern frontage of the site to Salisbury Street. Medway House is located centrally within Site B, with its long axis oriented north-west to south-east. All five buildings have four storeys and contain residential units.

The existing residential unit mix for Site B is set out below:

Table 3: Existing Residential Unit Mix for Site B

	1 bedroom	2 bedroom	3 bedroom	4 bedroom	Total (%)
<b>Market</b>	38	36	15	2	91 (52%)

<b>Social Rent</b>	62	3	19	1	85 (48%)
<b>Total</b>	100	39	34	3	176

### 7.1.3 Site C – Outline application

Site C is located within an Air Quality Focus Area and the Watling Street Archaeological Priority Area. A very small part of the north-eastern boundary of the site is located within an Area of Open Space Deficiency.

Site C contains Darent House, Windrush House, Mole House, Isis House, Derry House, and Colne House. Although located within Site C, Kennet House is excluded from the application site and does not form part of this application.

Darent House is on the Church Street frontage of the site and is comprised of three storeys. The ground floor contains a supermarket (Use Class E) with residential units above. It is connected to Kennet House by a canopy. Storage containers for Church Street Market are located between Darent and Windrush Houses.

Unlike Sites A and B, Site C does not include perimeter blocks. Windrush, Mole, Isis Derry and Colne Houses are instead orientated diagonally to Site C's boundaries. Pedestrian access through the site and around the blocks is limited by a brick and wrought iron wall. These five blocks are three to five stories high and contain residential units. A paved play area with perimeter trees is located near the centre of Site C.

The existing residential unit mix for Site C is set out below:

Table 4: Existing Residential Unit Mix for Site C

	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>	<b>4 bedroom</b>	<b>Total (%)</b>
<b>Market</b>	11	10	7	6	34 (43%)
<b>Social Rent</b>	27	8	8	2	45 (57%)
<b>Total</b>	38	18	15	8	79

### 7.1.4 Public Highway on Church Street

A street market is located on Church Street Monday to Saturday. Monday to Friday it operates between Edgware Road and Salisbury Street and contains 135 market pitches. On Saturdays, the market extends to Lisson Grove, and comprises a total of 220 market pitches.

## 7.2 Recent Relevant History

### 7.2.1 Application site

There have been many applications for minor works, such as changes of use, shopfronts, satellite dishes and advertisements on the application site. However, none of these are considered relevant to the proposed development given its scale.

In relation to the proposed development, the applicant applied for a scoping opinion (Ref: 21/04197/EIASCO) for the following:

*“Request for a scoping opinion under Regulation 15 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for regeneration of three sites across three phases including demotions of existing buildings and structures, approximately 1,200 residential units to be delivered across Sites A, B and C, approximately 3,200 sqm of commercial area to be delivered across Sites A, B and C, approximately 800 sqm of community area to be delivered across Sites A and B, van parking spaces, market storage units, accessible and standard parking spaces, approximately 1,400 sqm of associated public realm improvements (through the introduction of New Street Gardens), approximately 2,000 sqm of communal amenity area for residents; and new layout, pedestrian focussed highway design and upgraded infrastructure on Church Street.”*

The City Council issued a scoping opinion on 3 September 2021 stating that the following topics shall be scoped into the Environmental Statement to accompany the application:

- Air Quality;
- Built Heritage;
- Climate Change;
- Daylight, Sunlight and Overshadowing;
- Noise and vibration;
- Socio-economics;
- Townscape and Visual Impact;
- Traffic and Transport; and
- Wind Microclimate.

The following topics were scoped out:

- Archaeology;
- Ecology;
- Water Resources, Flood Risk and Drainage;
- Ground Conditions and Land Contamination; and
- Waste and Materials.

Permission was granted in May 2018 (Ref: 17/06139/COFUL) for Phase 1 of the Green Spine Project on Salisbury Street, Church Street, Broadley Gardens, Lisson Gardens and Lisson Street. This development crosses over the application site at the Salisbury and Church Street junction and borders Site B to the north-east. This development is now completed.

Prior approval was granted on 16 February 2023 (ref: 23/00183/COAPAD) for the demolition of Pool House, Ingrebourne House, Lambourne House, and adjacent single storage units (part of Church Street Site A) notification under Schedule 2, Part 11, Class B of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended).

## **7.2.2 Outside the Application Site**



Two large developments are currently being constructed on sites near the application site and have been referred to in several of the representations received. The Luton Street/Carrick Yard (Ref: 17/08619/FULL) development is located approximately 62 metres to the northeast of the application site. Granted permission in March 2019, it includes two large six storey blocks containing 168 residential units (including affordable units) and a new sports hall. The Green Spine connects and runs through the Luton Street/Carrick Yard development, with a new pedestrianised link along Fisherton Street.

West End Gate is located across Edgware Road, approximately 43 metres to the south-west of Site A at its closest point. Permission was originally granted in April 2016 (Ref: 15/11677/FULL) for redevelopment of this site to include eight blocks ranging in height from seven to 30 storeys and to contain 652 residential units (including 126 affordable units) with commercial units at ground floor level. Since this original permission, subsequent permissions have been granted on this site and the adjoining site at 14-17 Paddington Green with over 830 units permitted and under construction.

The applicant for West End Gate has also applied to redevelop the neighbouring Former Paddington Green Police Station site to the south (Ref: 21/02193/FULL). This application was refused by the City Council and the application was subsequently called in by the Mayor of London. A revised scheme for 556 residential units (including 210 affordable units) (Use Class C3) in three buildings of 39, 15 and 24 storeys is currently being considered by the Mayor, and a Hearing will take place on 17 March 2023. The Council was consulted on these amendments and the Major Applications Committee agreed to raise a formal objection to this application on 28 February 2023 on the following grounds: The height and design of Blocks I and K; the less than substantial harm caused to designated heritage assets; loss of light to existing residents; and the poor levels of natural light and outlook to a number of the affordable housing flats on the lower levels of Blocks J and K.

## **8. THE PROPOSAL**

The applicant seeks full and outline planning permission (i.e. a hybrid application) for an estate renewal scheme and for the complete demolition of the application site. Full permission is sought for redevelopment of Site A. Outline permission with all matters reserved is sought for Sites B, C and Public Highway on Church Street.

The application site includes for the regeneration of the existing streetscape and market area of Church Street and parts of the immediately adjoining streets, plus new areas of public realm and private amenity courtyards. Within these three sites, the only building to be retained would be Kennet House which does not form part of the application, but which is surrounded on all sides by the scheme's public realm proposals.

The masterplan will deliver: Up to 1,120 new homes of which 50% will be affordable on a tenure blind approach; new public and private landscaping, with play space, planting and enhanced market infrastructure for Church Street Market; a replacement library and community uses; commercial uses on active frontages; all adhering to Westminster's Net Zero approach to new homes.

## 8.1 Site A – Full Permission

Aerial Visual of view from north to south of Site A



The applicant proposes demolishing all buildings and the erection of two buildings separated by a new pedestrian street (known as New Street Gardens for the purposes of this application) that runs northwest to southeast through Site A.

The east building (Block A1) would be a perimeter block development around a central landscaped garden. The buildings height would range from ten floors at the southern corner of the site to fifteen floors at the eastern corner of the site. Block A1 also includes a basement level, containing disabled car and cycle parking level as well as mechanical plant. Vehicular access to this basement level would be via a car lift on the Penfold Street frontage. Access to cycle parking would be via cores to the floors above.

The west building (Block A2) would have an L-shaped plan that wraps around a new podium level landscaped garden to the rear of the existing buildings on Edgware Road. Building height would range from 8 floors on the Edgware Road/Church Street corner of the site to 12 floors where the new building meets New Street Gardens.

Both blocks include commercial floorspace (Use Class E) at ground floor on the Church Street frontage. Block A1 would also include a new library (Use Class F), to replace the library to be demolished on Site B, at ground and mezzanine level and accessed from Church Street. Block A2 also includes storage and parking for market traders at ground floor level (Use Class B8), beneath the new landscaped garden. The ground floor frontages to Broadley Street, Penfold Street and New Street Gardens would have residential units. Residential units occupy the floors above in both Blocks A1 and A2. The upper floor levels would be accessed via cores at the corners of both blocks.

The landscaped garden area within Block A1 would be divided into two parts. The majority of the garden would be a secure communal area for residents of Block A1. This area would be largely soft landscaped and would include play equipment for residents. The ground floor residential units backing onto this communal area would have private outdoor terraces abutting the communal garden. The second area would be located to the rear of the proposed library, would have less soft landscaping and would be publicly accessible. It would also include seating and community gardening areas.

The podium level landscaped garden within Block A2 would be for the exclusive use of residents within that block. It would also be largely soft landscaped and would include play equipment for residents to use. The residential units backing onto this garden area would also have private outdoor terraces abutting the communal garden.

Although pedestrianised, New Street Gardens would be publicly accessible. It would include large areas of soft landscaping and play equipment. Large paved areas are proposed immediately adjacent to the residential entrances to Blocks A1 and A2. The residential units with a frontage onto New Street Gardens also have private outdoor terraces that abut the soft landscaped areas proposed.

Both blocks would be constructed predominantly from red and creamy-white brick. Metalwork detailing is also used throughout including railings, balustrades, perforated metal screens, balcony fascias, balcony soffits, window frames, door frames, and rainwater goods.

In terms of transport, 22 car parking spaces for people with disabilities are provided within the basement. In terms of cycle parking, 827 will be long stay spaces within the basement level. A further 23 spaces are proposed for short stay.

The floor areas for the proposed uses and the residential units proposed on Site A are set out below:

Table 5: Site A - Existing and Proposed Floor Areas

	<b>Existing GIA (sqm)</b>	<b>Proposed GIA (sqm)</b>	<b>+/- (sqm)</b>
Storage (Use Class B8)	2,736	1,124	-1612
Residential Affordable (Use Class C3)	9,336	18,833	+9,497
Residential Private (Use Class C3)	4,131	18,281	+14,150
Residential Total (Use Class C3)	13,467	37,114	+23,647
Commercial, Business and Service (Use Class E)	2,494	341	-2,153
Betting Shop (Use Class Sui Generis)	159	0	-159
Public House (Use Class Sui Generis)	174	0	-174

Library (Use Class F)	0	605	+605
Ancillary Parking	0	896	+896
Plant and Service Space	0	2,603	+2,603
<b>Total</b>	<b>19,030</b>	<b>42,683</b>	<b>+23,653</b>

Table 6: Site A – Residential Unit Mix Proposed (with existing in brackets)

	1 bedroom	2 bedroom	3 bedroom	4 bedroom	5 bedroom	Total (%)
<b>Market</b>	119 (6)	77 (22)	19 (18)	0 (1)	0 (0)	215 (50%)
<b>Social Rent</b>	75 (58)	48 (0)	40 (40)	6 (0)	2 (0)	171 (40%)
<b>Intermediate</b>	28 (0)	12 (0)	2 (0)	0 (0)	0 (0)	42 (10%)
<b>Total</b>	222	137	61	6	2	428
<b>Percentage</b>	52%	33%	14%	1%	0	100

NB: 3 of the 75 1 bedroom social units are studio flats.

## 8.2 Outline Permission for Sites B and C and Church Street Public Highway

Outline planning permission is sought for Sites B and C and Church Street Public Highway. All matters such as highways, land use, appearance, layout, scale, landscaping and access etc are reserved.

Demolition of all buildings on Sites B and C is proposed. The parameter plans submitted for Site B indicate a perimeter block development around a central landscaped courtyard, similar to Block A1. Building height would typically be 8-10 storeys with an area of additional height up to 14 storeys on the western corner. Class E and/or F uses would be proposed on the Church Street frontages and corners of the site. A Class E and/or F use is also proposed on the eastern corner of the site, adjacent to the Green Spine at the junction of Broadley Street and Salisbury Street. Residential (Use Class C3) is proposed on the Salisbury, Penfold and Broadley Street frontages.

The parameter plans for Site C indicate a perimeter block development with a wing extending along the length of Venables Street and the full Boscobel Street frontage. It would also extend along approximately half of the Penfold and Church Street frontages to retain space around Kennet House which is being retained and does not form part of this application. A central courtyard is proposed within the perimeter block but largely left open around Kennet House. Building height would typically be 8-10 storeys with additional areas of height proposed on the north eastern corner up to 14 storeys. Class E uses are proposed along the Venables and Church Street frontages with residential (Use Class C3) on the Boscobel and Penfold Street frontages.

A Sui Generis Use is also proposed to replace the existing public house. The parameter plans have been updated during the course of this application to allow this to be placed on one of the commercial frontages on Sites B&C.

A Design Code accompanies the application and sets out the broad principles for the details to be approved in the reserved matters applications although it is anticipated that much of the detailed design will be similar to the currently proposed on Site A.

The illustrative floor areas for the proposed uses and the residential units proposed on Sites B and C are set out below. These are likely to change following the reserved matters applications:

Table 7: Sites B and C – Existing and Illustrative Proposed Floor Areas

	<b>Existing GIA (sqm)</b>	<b>Proposed GIA (sqm)</b>	<b>+/- (sqm)</b>
Storage (Use Class B8)	0	3,562	+3,562
Residential Affordable (Use Class C3)	8,748	30,135	+21,387
Residential Private (Use Class C3)	8,446	31,461	+23,015
Residential Total (Use Class C3)	17,194	61,596	+44,402
Commercial, Business and Service (Use Class E)	3,526	2,375	-1,151
Public House/ wine/ drinking establishment (Sui Generis)	174	174	0
Parking Garage (Use Class Sui Generis)	4,310	0	-4310
Library/Local Community and Learning (Use Class F)	848	459	-389
Ancillary Parking	0	5,724	+5,724
Plant and Service Spaces	0	3,398	+3,398
<b>Total</b>	<b>26,052</b>	<b>77,288</b>	<b>+51,236</b>

Across Sites B and C the applicant currently proposes the following illustrative unit mix. This is likely to change following the reserved matters applications:

Table 8: Site B (Outline – Illustrative Scheme Only) existing in brackets

	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>	<b>4 bedroom</b>	<b>5 bedroom</b>	<b>Total (%)</b>
<b>Market</b>	103 (38)	110 (36)	23 (15)	0 (2)	0 (0)	236 (51%)
<b>Social Rent</b>	62 (62)	43 (3)	35 (19)	0 (1)	0(0)	140 (30%)
<b>Intermediate</b>	38 (0)	48 (0)	3 (34)	0 (0)	0 (0)	89 (19%)
<b>Total</b>	203 (100)	201 (39)	61 (34)	0 (3)	0 (0)	465 (176)

Table 9: Site C (Outline – Illustrative Scheme Only) existing in brackets

	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>	<b>4 bedroom</b>	<b>5 bedroom</b>	<b>Total (%)</b>
<b>Market</b>	54 (11)	50 (10)	12 (7)	0 (6)	0 (0)	116 (51%)
<b>Social Rent</b>	27 (27)	25 (8)	19 (8)	2 (2)	0 (0)	73 (32%)
<b>Intermediate</b>	18 (0)	20 (0)	0 (0)	0	0 (0)	38 (17%)

<b>Total</b>	99 (38)	95 (18)	31 (15)	2 (8)	0 (0)	227 (79)
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For Sites A, B and C, the illustrative total floorspace proposed and the unit mix is set out below:

Table 10: Sites A, B and C – Existing and Illustrative Proposed Floor Areas

	<b>Existing GIA (sqm)</b>	<b>Proposed GIA (sqm)</b>	<b>+/- (sqm)</b>
Storage (Use Class B8)	2,736	4,686	+1,950
Residential Affordable (Use Class C3)	18,084	48,968	+30,884
Residential Private (Use Class C3)	12,577	49,742	+37,165
Residential Total (Use Class C3)	30,661	98,710	+68,049
Commercial, Business and Service (Use Class E)	6,020	3,086	-2,934
Parking Garage (Use Class Sui Generis)	4,310	0	-4310
Betting Shop (Use Class Sui Generis)	159	0	-159
Public House (Use Class Sui Generis)	174	0	-174
Library/Local Community and Learning (Use Class F)	848	843	-5
Ancillary Parking	0	8,134	+8,134
Plant and Service Spaces	0	5,069	+5,069
<b>Total</b>	<b>44,908</b>	<b>120,528</b>	<b>+75,620</b>

Table 11: Sites A, B and C – Illustrative Residential Unit Mix Proposed (existing in brackets)

	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>	<b>4 bedroom</b>	<b>5 bedroom</b>	<b>Total (%)</b>
<b>Market</b>	276 (55)	237 (68)	54 (40)	0 (9)	0	567 (51%)
<b>Social Rent</b>	164 (147)	116 (11)	94 (67)	8 (3)	2	384 (34%)
<b>Intermediate</b>	84 (0)	80 (79)	5 (0)	0	0	169 (15%)
<b>Total</b>	524 (202)	433 (79)	153 (107)	8 (12)	2 (0)	1120 (400)
<b>Percentage</b>	47% (50%)	39% (20%)	14% (27%)	0% (3%)	0% (0%)	100

### 8.3 Church Street Market

On Church Street, the applicant proposes introducing an asymmetric road layout (i.e. single carriageway on north west side of road) and introducing back to back market stalls on the southern side of the Church Street. No increase in stall provision is proposed.

Alterations are proposed to the market infrastructure such as new lighting, water and wifi provision along with new hard surfacing and soft landscaping are proposed. These matters are largely dealt with under separate Highways Legislation, however details will also be reserved where appropriate.

### 8.4 Revised scheme

During the course of the application the proposals have been amended as follows:

Re-consultation has been undertaken with neighbours and consultees in January and February 2023:

SITE A (detailed application)

- Changes to the tenure types of the new homes to be built:  
Previously 60% of new affordable homes would be intermediate homes and 40% would be social rent homes. The revised application proposes that 70% of new affordable homes will be for social rent and 30% will be intermediate homes
- An increase in floorspace for the Church Street library (Community Floorspace library - Use Class F1) by 64 sqm (GIA) to 605 sqm (GIA)).
- Reduction in new retail/shop floorspace (Commercial Floorspace (Use Class E) by 313 sqm (GIA) to 341 sqm (GIA)).
- Changes to balcony design.
- Alterations to landscape and public realm.
- Introduction of commercial, library cycle and waste storage at the ground floor level.
- Alterations to cycle, bike, parcel and bulk storage.
- Removal of private residential parking spaces at basement level (excluding disabled spaces) to Block A2.
- Alterations to car lift.
- Installation of a rooftop plant (energy systems and mechanical and electrical equipment) to Block A2.
- Proposed changes to fire cores (including a secondary staircase) and the associated emergency escape strategy, including additional fire safety measures (provision of smoke pressurisation equipment at basement and roof level).
- Erection of additional fire escape cores and lifts to roof.
- Alterations to location and bulk of flats within courtyards in association with alterations to fire escape corridors.

SITE B and SITE C (outline application)

- Removal of private residential parking spaces at basement level (excluding disabled spaces) and replacement with storage areas (for residents).

SITES A, B and C (Revised proposals)

- The fire and emergency escape strategy.
- A revised Whole Life Carbon Assessment, Sustainability Assessment, Circular Economy Statement & Energy Statement.

## 9. DETAILED CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan for the area comprises the City Plan 2019-2040 (April 2021) (“the City Plan”), and the London Plan (March 2021) (“the London Plan”). As material considerations. The National Planning Policy Framework (July 2021) (“the NPPF”) and the National Planning Practice Guidance are also relevant.

### 9.1 Principle of development

The proposed development would be a high-density form of development providing up to 1,120 new homes, commercial and community facilities and public realm improvements.

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

Policy H1 of the London Plan seeks to increase the supply of housing in the capital and sets a 10-year housing target of 9,850 homes within Westminster.

The application site is located centrally within the Church Street / Edgware Road Housing Renewal Area (“the HRA”). Policy 6 of the City Plan states that redevelopment of the HRA over the plan period (i.e. 2019-2040) will deliver the following priorities:

- A. at least 2000 high quality new homes;
- B. at least 350 new jobs;
- C. community facilities;
- D. new green infrastructure and public realm improvements;
- E. improve mobility through infrastructure improvements to support active travel;
- F. Innovative and high-quality design to ensure the most efficient use of land, including tall buildings; and
- G. Enhancements to Church Street / Edgware Road District Centre, including the market.

Policy 8 of the City Plan aims to exceed the provision of 20,685 new homes across the plan period. This will be achieved through, inter alia, optimising site densities, including in Housing Renewal Areas, and planning positively for tall buildings in certain locations.

Policy 9 of the City Plan aims for at least 35% of all new homes in Westminster to be affordable.

The proposed boost to housing, particularly affordable housing supply, improvements to the quality of homes, the provision of community facilities and the provision of enhanced public realm for residents is strongly supported in principle by adopted national, regional and local policy objectives and by the City Plan. Accordingly, the principle of the proposed development is acceptable.



## 9.2 Design Code

A Design Code has been submitted with the application to cover the Outline elements of this Hybrid application, namely Sites B, C and the Market. It sets out three different levels of instruction namely:

- Clauses phrased with “must” are mandatory (unless otherwise agreed by the LPA);
- Clauses phrased with “should” are strongly recommended, but must still fulfil the underlying code objective;
- Clauses phrased with “could” are examples or suggestions for illustration.

It covers the following topics:

- 1) Uses – land uses at different floor levels.
- 2) Access and Movement – connections between buildings and local area.
- 3) Height and Massing – compositional relationships of buildings and the framing of the public realm.
- 4) Character and Appearance – articulating the quality and character of the buildings and spaces.
- 5) Landscape and Public Realm – regarding outdoor amenities and spaces and their integration with the buildings.

During the course of the application, minor amendments have been made to the design code to address officers’ concerns. Given the potential long timescales of development, it is recommended that an updated Design Code is submitted for approval prior to each development phase, this shall be secured by reserved matters.

The submitted Parameter Plans and Design Code are intended to inform and shape the reserved matters applications which would follow the granting of outline planning permission for Sites B and C. They do not apply to Site A, which is the subject of the detailed part of this hybrid application. The Code is supported by parameter plans which provide certain maximums, such as building heights and building footprints. Both the Code and the parameter plans would be included as ‘approved documents’ on the formal decision notice for this current application.

The Design Code draws out the characteristics of the existing surroundings and of the detailed design of Site A, and provides guidance or in places sets standards for how this should be interpreted to shape the designs of Sites B and C.

Being an outline application, considerable scope for innovation remains for the individual design of Sites B and C, and so evolution from the design of Site A shown by the detailed part of this current application should be expected, including potentially different design teams and styles of architecture. The design will consider each of the subject headings laid out above. Subject to the careful consideration of future reserved matters application, this evolutionary but familial approach to creating the character of the development areas can be welcomed.

Nevertheless, the Code makes clear that these later phases should draw on the design of Site A in order to give what may be described as a familial relationship between the three phases. Applications for reserved matters for these later phases will need to demonstrate how they have complied with and taken account of the Codes.

The Design Code also sets out expectations for matters such as highway considerations, land uses and layouts, building and landscape detailed design, including a requirement for high quality materials, detailed, interesting designs and legible building forms.

### 9.3 Land Use

#### 9.3.1 Estate Redevelopment and existing Affordable Housing

Policy H8 of the London Plan states that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. Part C of this policy requires consideration of alternative options to redevelopment first. The potential benefits of demolition and rebuilding of homes should be balanced against the wider social and environmental impacts of redevelopment. Part D of this policy states that demolition of affordable housing, including where it is part of an estate redevelopment programme, should not be permitted unless it is replaced by an equivalent amount of affordable housing floorspace. Part E of this policy requires estate redevelopment schemes to follow the Viability Tested Route and should seek to provide an uplift in affordable housing in addition to the replacement affordable housing.

Paragraph 4.8.2 of the supporting text to policy H8 states that the mayors Good Practice Guide to Estate Regeneration (February 2018) (“the GPGER”) provides detailed guidance for assessing appropriate approaches to estate regeneration. The GPGER sets out the following key principles for estate regeneration schemes in London:

- like for like replacement of existing affordable housing floorspace;
- an increase in affordable housing;
- full rights of return for any social housing tenants;
- fair deal for leaseholders/freeholders; and
- full and transparent consultation and involvement.

Policy 9 of the City Plan states that there will be no net loss of affordable housing across the City. Part H of this policy states that proposals involving the demolition of existing affordable housing will not be permitted unless it is replaced by at least an equivalent amount of affordable housing floorspace. Additional affordable housing will be maximised in such redevelopment proposals.

The applicant proposes redevelopment of Site A first, followed by Site B, then Site C and public realm on Church Street in stages.

#### Consideration of Alternative Options

Redevelopment of Church Street Sites A, B and C, as well as the properties fronting Edgware Road adjacent to Sites A and C and Kennet House has been the subject of significant levels of consultation with residents, the wider community, businesses market traders, amenity groups and other stakeholders since October 2018 and most recently a public ballot at the end of 2022. A summary of the Statement of Community Involvement (SCI) that accompanied the application is provided in section 5.2 of this report. As noted by the GLA in their Stage 1 response, the SCI demonstrates that the consultation strategy employed has been extensive and transparent and, except for the absence of a

resident ballot, fully aligns with the requirements of the GPGER. Since the GLAs response and following the installation of the Labour administration at the council in the summer of 2022, a Ballot was held between 28 November – 21 December 2022 namely for: “Do you support the proposals, for the regeneration of sites A, B and C. 73.1% voted ‘Yes’ and 29.9% voted ‘No’.

The applicant considered the following four options for the application site:

- Option 1: Maintenance of the Existing Buildings at Current Levels;
- Option 2: Refurbishment of the Existing Buildings;
- Option 3: The Current Proposal;
- Option 4: Comprehensive Redevelopment (Replacement of all Buildings in Sites A, B and C, as well as Kennet House and the Edgware Road properties).

As indicated in the SCI, residents, the wider community, businesses market traders, amenity groups and other stakeholders were consulted on these options during March and April 2019. WCC and private tenants indicated a preference for the current proposal, closely followed by Option 4, whereas resident leaseholders and business owners were more evenly split between the four options. However, option 4 was discounted as feedback during consultation was that it would result in too higher density in the area and would result in the loss of the Dutch gabled properties on the Edgware Road frontage adjacent to Site A as well as Kennet House. There was also a concern that the inclusion of the largely privately owned properties on Edgware Road in Option 4 would add a level of uncertainty and delay that could be avoided under Option 3.

The applicant has also identified a number of issues affecting the site and its residents. In particular, the area suffers from severance caused by surrounding transport infrastructure creating barriers to accessibility and movement into and out of the area. The area also has high levels of deprivation, being within the lowest fifth of the GLA’s well-being index which considers indicators such as health, economic security, safety, families, accessibility and community. Overcrowding is also identified as an issue for up to 19% of social housing properties in the application site. The site and wider area are also identified as being deficient in public open space.

Given the above, alternatives to the current proposal have been considered and the current proposal is considered the only option that addresses the issues affecting the site in an effective and timely manner.

#### Like for like replacement of Affordable Housing

Although Sites B and C are currently in outline, the illustrative proposed development indicates that there would be a significant increase in affordable housing floorspace. As currently proposed, the development would result in the provision of 48,968 sqm of affordable housing (both social rent and intermediate), an increase of 30,884 sqm on the existing.

All existing affordable units on-site are social rent. The existing and proposed mix of social rented units on-site are set out in the tables below:

Table 12: Proposed unit mix and tenure as proposed for Site A (existing number in brackets)

	1 bedroom	2 bedroom	3 bedroom	4 bedroom	5 bedroom	Total (%)
<b>Market</b>	119 (6)	77 (22)	19 (18)	0 (1)	0 (0)	215 (50%)
<b>Social Rent</b>	75 (58)	48 (0)	40 (40)	6 (0)	2 (0)	171 (40%)
<b>Intermediate</b>	28 (0)	12 (0)	2 (0)	0 (0)	0 (0)	42 (10%)
<b>Total</b>	222	137	61	6	2	428
<b>Percentage</b>	52%	33%	14%	1%	0	100

Table 13: Existing and Proposed Social Rent Units (Sites A, B and C)

	1 bedroom	2 bedroom	3 bedroom	4 bedroom	5 bedroom	Total (%)
<b>Market</b>	276 (55)	237 (68)	54 (40)	0 (9)	0	567 (51%)
<b>Social Rent</b>	164 (147)	116 (11)	94 (67)	8 (3)	2	384 (34%)
<b>Intermediate</b>	84 (0)	80 (79)	5 (0)	0	0	169 (15%)
<b>Total</b>	524 (202)	433 (79)	153 (107)	8 (12)	2 (0)	1120 (400)
<b>Percentage</b>	47% (50%)	39% (20%)	14% (27%)	0% (3%)	0% (0%)	100

As required by the London Plan, the applicant has also provided information to show the level of affordable housing proposed in terms of habitable rooms and floorspace

Table 14: Existing &amp; Proposed affordable housing uplift

Unit Status	Tenure	No. Units (Habitable Rooms)	% Split by Habitable Room	Floorspace (GIA) for detailed area and illustrative outline (sqm)
Existing Units to be Demolished	Social	228 (545)	52.3%	18084
	Intermediate	0	0	0
	Private	172 (507)	47.7%	12577
Proposed Units	Social	384 (1094)	36.9%	48968
	Intermediate	169 (420)	14.2%	
	Private	567 (1450)	48.9%	49742
Net Gain	Social	156 (549)	28.7%	30884
	Intermediate	169 (420)	22.0%	
	Private	395 (943)	49.3%	37165

Total New build flats (replaced + uplift)	1120 (2964)	n/a	98710
Affordable total	553 (1514)	n/a	48968
Affordable Net Gain	325 (969)	n/a	30884

As set out above, all 228 existing social rent units would be replaced across all 3 sites. A greater proportion of larger units is proposed across the three sites to meet the needs of existing residents, in accordance with the GPGER. As indicated, the proposed development provides significantly more affordable housing floorspace than existing and provides an improvement in the size of the units re-provided to meet the needs of returning residents.

Right of Return for Social Rent Tenants

There are 98 existing social rent homes on Site A. All of these tenants have been re-housed within Westminster with none choosing to move out of the borough. Of these, 48 households express a desire to move back to the new development. The remaining 50 households wish to remain in their new homes.

The GPGER requires that residents who have to move off site are given a full right to a new home on the regenerated estate of adequate size for their needs, on the same or similar rent and the same security of tenure. The applicant has confirmed that all social residents would have a right to return, all replacement units would be provided at social rent levels as existing and would be afforded the same security of tenure. It is also understood that each social rent household would be offered a £7,100 home loss payment for having to move from the site. This is in addition to being able to claim back reasonable costs associated with moving.

The GLA queried whether existing residents who would be relocated would be provided with a home of adequate size and accessibility for their needs; are on the same or similar rent as before and have been afforded the same security of tenure. The applicant has confirmed that, as per the City Council’s Policy for Tenants in Housing Renewal Areas (August 2019), all residents have a right to a new home that suits their needs (including medical needs); they will be offered it at a rent similar to as before; and security of tenure will be as existing.

Fair Deal for Leaseholders

There are 47 leasehold properties on Site A. All resident leaseholders have been offered a new home on the estate. Of these, two have been rehoused and wish to return to the estate. A further two leaseholders not yet completed, have expressed a desire to return. There are a further eight leaseholders remaining on Site A, only one of these is not currently in negotiations with WCC or under offer.

Objections have been received from leaseholders who object to losing their homes and considered that they would not be able to afford a similar property within the area through compensation or afford to return.

The City Council's Policy for Leaseholders in Housing Renewal Area (August 2019) confirms that all leaseholders would be offered compensation equal to the open market value of their property in addition to a home loss payment equal to 10% of the market value. Moving costs would also be reimbursed. For non-resident leaseholders, the loss payment would be equal to 7.5% of the value of the property. For leaseholders wishing to return to the estate, the Council would assist them in purchasing a property by either offering an equity loan or on a shared equity basis. Shared ownership is also an option under the terms of the Policy but is only available to leaseholders who are not eligible for the equity loan or shared equity option. This is in line with the provisions of the GPGER and supported by the GLA.

The GLA have requested full details of the decant strategy for the remaining residents of Site A as well as the residents of Sites B and C and assurance that all residents move only once. Full details of the decant strategy are to be secured by legal agreement.

### 9.3.2 Housing

The illustrative masterplan indicates that the scheme would deliver 1120 units across sites A, B and C. Site A will deliver 428 new units, which is an uplift of 283 from the existing 145 units. This is welcomed and will help to meet the councils housing targets.

#### 9.3.3 Additional Affordable Housing

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

Policy H5 of London Plan relates to the Threshold Approach to the provision of affordable, and requires a 50% provision on public sector land. Policy 9 of the City Plan similarly requires for 50% of all new homes as affordable on public sector land.

Policy H8(E) of the 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.

#### Uplift

The illustrative Masterplan proposes a residential net uplift of 1912 habitable rooms, of which 969 are affordable. This equates to a 51.1% provision as affordable. When expressed in terms of unit numbers the illustrative masterplan proposes a net increase of 325 affordable homes (45% - 156 social rent and 169 intermediate London Living Rent) and 395 Market Units (55%).

For Site A, a residential uplift of (730) habitable rooms is proposed, of which 335 are affordable. This equates to a 46% provision. When expressed in terms of unit numbers Site A currently has 98 existing social units proposes a net increase of 115 affordable homes (73 social rent and 42 intermediate).

Table 15 To show existing and proposed habitable rooms and unit numbers:

		<i>Existing Hab Rooms</i>	<i>Existing Units</i>	<i>Proposed Hab Rooms</i>	<i>Proposed Units</i>
<b>Site A</b>	<b>Affordable</b>	258	98	593	213
	<b>Total</b>	408	145	1138	428
<b>Masterplan</b>	<b>Affordable</b>	545	228	1514	553
	<b>Total</b>	1052	400	2964	1120

The City Council appointed Avison Young (AY) as viability consultant to assess the applicant's Financial Viability Assessment (FVA). Having interrogated the applicant's FVA, AY conclude that the proposed development, including the level of affordable housing set out above, is delivering the maximum possible amount of affordable housing in accordance with the policy. AY also note that sites B and C will have full scheme viability reviews prior to commencement, and the information from the outturn performance of Site A, is likely to have a significant bearing on that review.

#### 9.3.4 Tenure

Policy 9 of the City Plan 2019-2040 seeks a tenure mix of 60% as intermediate affordable housing for rent or sale provided across the indicative income levels and 40% will be social rent or London Affordable Rent.

Since the adoption of the City Plan, Westminster has launched its Fairer Westminster Strategy, which seeks to provide genuinely affordable housing, with a new target of 70% council rent (or social rent) on council-owned developments. The application was revised in January 2023 to meet this target for site A. The illustrative masterplan for sites B and C indicate that 60% of the affordable housing will be social and 40% will be intermediate.

The intermediate housing will comprise London Living Rent housing which is welcome and help to deliver genuinely affordable homes. The Mayor publishes benchmark London Living Rent levels for every neighbourhood in the capital, updated annually. These are based on a third of average local household incomes and adjusted for the number of bedrooms in each home. They are only eligible for people who meet certain criteria including that they live in London and have a maximum household income of £60,000.

No objection has been received from the Head of Affordable Housing and Partnerships.

The proposals are for each of the sites to be Tenure Blind, which is welcomed and will help to promote mixed communities.

Site B&C currently propose a 60% social, 40% intermediate split which isn't in line with "A fairer Westminster" strategy, however this will be subject to review and viability at the point of application for those sites.

#### 9.3.5 Affordable Housing conclusion

The detailed area, Site A, will be subject to both early implementation and late stage viability reviews and the outline areas (Sites B & C) will be subject to early, mid and late stage reviews in accordance with Policy H6 of the London Plan (2021). Any additional affordable housing would be provided on-site where sufficient surplus profit is generated

in line with the London Plan's Affordable Housing and Viability SPG (2017).

### **9.3.6 New Private Residential units**

The proposals would provide an indicative uplift of 49,742sqm of private residential floorspace across sites A, B and C and 18,281sqm on Site A alone. This is welcomed and along with the affordable housing provision will help to provide a mixed community. Objections have been received that additional private accommodation should be provided, however in order to provide a healthy community, a mix of tenures is recommended and is being provided in accordance with the councils goals.

The additional housing will help towards meeting the councils housing targets, which is welcomed and in accordance with policies, namely Policy 8 which relates to Housing Delivery by the council across the scope of the Development Plan.

### **9.3.7 Dwelling mix**

Policy 10 of the City Plan requires that 25% of all new homes be 'family sized' (i.e., with 3 bedrooms or more) and limits studio flats to no more than 10% of new homes.

#### *Site A*

Three studio flats are proposed. Only 15% of the flats would have 3 bedroom or more, however the glossary of the City Plan states that "For affordable housing, units with two bedrooms may be considered suitable for families, but this will be at the discretion of the council based on need on the council's waiting lists and the size of the unit." The Affordable Housing Manager has accepted 2 bedrooms as family housing in this instance. With this taken into consideration, Site A includes 92x2 bedroom flats for 4 people. Taking this into account, Site A will deliver 25.2% family housing. It is also appreciated that Paragraph 10.6 of the supporting text to policy 10 states that the 25% requirement is a strategic target, rather than a site specific one, and there may be circumstances where it is not appropriate to provide family sized homes, due to a site's small size, location or other practicability issues.

#### *Sites B & C*

Only a provisional mix of units has been proposed across sites B&C, which will be subject to future reserved matters applications. However, they provisionally indicate that they will also meet the 25% family sized accommodation targets. It is recommended that this is secured by reserved matters.

### **9.3.8 Standard of accommodation**

All flats will meet the nationally described space standards, the requirements of part F of policy D6 of the London Plan and policy 12 of the City Plan. The Design Code for the outline elements confirms and requires that all units meet the minimum national space standards.

#### *Internal Lighting*

##### *Site A*

During this application, the new BRE guidelines came into force in June 2022 which sets out new criteria for the assessment of new residential accommodation. The main assessment by the applicant has been undertaken in line with the 2011 BRE guidelines, as this was the point of reference when the buildings were designed, however the applicant has also tested the proposed flats against the updated 2022 BRE guide.



Overall 783 of the 1146 habitable rooms (68%) meet the BRE 2011 recommendation for daylight ADF and 54% for sky visibility (NSL). A further 40 living/kitchen/dining (L/K/D) achieve 1.5% ADF for their living rooms, which then equates to 72% of the units receiving good levels of daylight. An additional 31 L/K/D would received an ADF of 1%. This would leave 106 which fall below this level. This is due to their location within challenging areas of the façade, lowest floor levels and where facing onto the enclosed courtyards. It is noted that the ADF is calculated as an average across the entire room area, which leaves to shortfalls even if the room enjoys good levels of light at their frontages. This is particularly relevant for large open plan L/K/D's.

When compared against the 2022 BRE guide, the development doesn't fair as well. This is because the guidance has changed the way assessments are carried out, by using a climatic weather file (Illuminance method) and different targets (LUX levels). When using this method 55% of all habitable rooms will meet the recommended target for illuminance, with a further 43 L/K/D's meeting the recommendation for a living room of 150LUX.

It is appreciated that in order to get the density and number of units which this development delivers, it will be difficult to achieve 100% compliance for the new dwellings. It is also appreciated that this scheme was designed prior to the new BRE guidance being released. The units have been designed so that the vast majority (91%) are dual aspect which has the benefits of improving light and airflow. Due to the nature of the development where units circle around a courtyard, there will inevitably be units which sit in corners, which will have restricted light. It is appreciated that where possible the design has ensured that these worst affected flats have been arranged so that living areas are located where they will be best located for light and air. As such, when considered in the round, the development is considered acceptable in these terms.

In terms of aspect, the original proposals included 100% of the flats being dual aspect, however the amendments required to the scheme in order to meet updated fire regulations has resulted in a reduction in this figure, down to 91%. While this is regrettable, this is still a very high proportion and given the reason, is considered acceptable.

#### Sites B & C

While only in outline, the parameter plans show that Site B will comprise a single courtyard block with a mix of commercial, community and residential at ground floor, with residential units above.

Site C will compromise of a block which wraps around the site, with a central courtyard, leaving Kennet House with breathing space around its base.

Every unit shall be provided with private amenity space in accordance with the London Housing Design Guide, with a target of all units being dual aspect as noted within the Design Code.

As these blocks are only proposed in outline, the final flat layouts are not known. The potential impact is however set out within amenity section of this report.

### *Building Cores:*

The Standard 12 of the Mayor's Housing SPG (2016) requires that residential cores should be accessible to generally no more than eight units on each floor. This is achieved on Site A.

The Design Code for the outline elements ensure that this standard is met for Sites B and C. This will be subject to condition and updates.

### *Amenity Space*

#### *Site A*

Site A is split into two separate blocks, A1 and A2, separated by New Street Gardens. Each block is focused on a central communal garden, with New Street Gardens providing separation and light through the provision of a new area of public realm. Block A1 will have a communal garden at ground floor level and Block A2 will have a raised podium garden above the market infrastructure at first floor level.

On upper floors, flats are arranged in clusters in order to maximise dual aspect units and relationships with areas of open space. Duplex units are proposed along New Street Gardens, Broadley Street and Penfold Street.

Every flat will be provided with private amenity space in accordance with the London Housing Design Guide with sizes of 6sqm for 1-bed flats, 7sqm for 2-bed flats, and 8sqm for 3-bed flats and is therefore considered acceptable.

### *Accessible*

10% of all the proposed units will be wheelchair user dwellings. The Mayors Housing SPG, London Plan Policy D7 and City Plan Policy 12 require that 90% of all new-build homes meet the Building Regulation requirements M4 (2) 'accessible and adaptable dwellings'. This is welcomed and considered acceptable.

### *Overheating*

Passive design measures such as internal blinds, external shading, thermal mass, self-shading balcony design, considered glazing specification and MVHR have been incorporated as baseline measures to minimise the need for active cooling. Utilising opening windows will not provide suitable internal levels on facades facing or relatively near Edgware Road and so mechanical cooling is therefore provided. On the other facades, such as those facing into the internal courtyards or facing Penfold Street, additional mitigation is not required to provide reasonable internal levels with windows opened. On these facades, openable windows can be used without compromising internal noise levels.

On site A residential units are provided with Fan Coil Units (FCUs) that can provide both heating and comfort cooling. The Environmental Sciences Officer notes that it is unclear if the proposed mitigation will allow compliance with the current CIBSE overheating TM59 Criteria. No information has been provided regarding overheating mitigation to Site B and C given that they have not yet been designed. Conditions are therefore recommended to secure details for the detailed element, Site A, and also the outline elements, Sites B&C.

## **9.3.9 Children's Play Space**

Policy S4 of the London Plan (2021) seeks to ensure that development proposals include suitable provision for play and recreation, and incorporate good-quality, accessible play provision for all ages, of at least 10 sqm per child.

These masterplan proposals include the provision of around 5,797sqm of playspace, which exceeds the London Plan requirement of 5,158sqm.

The playspace has been provided to accommodate a range of age groups including doorstep play for children aged under 5 years old, the playspace area will be 4,089sqm which amounts to 71% of the whole playspace area across the Site. An area of 1,708 sqm of playable space is provided for children aged 5 to 11, and 1,250 sqm for children aged 12 and over. As such, the Proposed Development exceeds London Plan and City Plan Policy. No objection has been received from the GLA in relation to this subject to ensuring that it is accessible to all tenures. As the development is tenure blind this is assured, but a legal obligation will also highlight this requirement.

Within Site A the play is to be provided both within the private communal gardens and within New Street Gardens, which will be accessible by the general public. In terms of floorspace figures, the development falls short of what would be required by policy (2,112sqm) and only provides 1,774sqm. It will therefore be important to ensure that the amount of playspace is secured for Site A and shortfall provided across the masterplan. The level of playspace shall be secured by reserved matters for sites B&C to ensure it meets the London Plan requirements.

It is recommended that the details of the play equipment on Site A are secured by condition as part of the hard and soft landscaping.

The proposals include the loss of two Multi Use Games Areas, this is further discussed in Land Use section 9.2.13.1 of this report below.

### **9.3.10 Toilets**

Policy 15 of the City Plan requires public toilets to be provided on major schemes such as this, to provide facilities for the community. They should be provided by the applicant and maintained at their expense with opening hours to reflect the needs of the area. The GLA has also noted that London Plan policy S6 requires toilets to be provided on a 24 hour basis where they are accessed from areas of public realm. The applicant has noted that these can be provided as Part of Sites B & C, and this is therefore to be secured by reserved matters.

Toilets are also provided for the Market Traders within Site A, which are to be secured by condition.

### **9.3.11 Town Centre Uses (Class E)**

The site is located within the Church Street District Centre. Paragraph 14.21 of the City Plan notes “Church Street provides a range of shops and services to local residents and has a long-established antiques market and theatre that hosts community events. A growth in retail, cultural and community facilities in the area will support sustainable growth as regeneration proposals come forward.”

Policy 14 states that within district centres proposals will provide a mix of commercial and community uses to meet residents needs. This is also reflected in Policy 13 and Policy 6 which relates to the Church Street spatial development priorities and notes that development should provide jobs and community facilities.

The proposals include a considerable reduction in the amount of Class E floorspace, reducing from 6,020sqm to 2,789sqm across the masterplan. Site A also sees a considerable reduction from 2,494sqm down to 341sqm. This has in part been as a result of moving the Library onto Site A from Site B, which itself is 605sqm and takes up the majority of the Church Street retail frontage. In addition, the frontage is reduced through the provision of New Street Gardens centrally through the site.

#### *Site A*

For Site A the proposals are for the whole of the ground floor facing onto Church Street to be commercial or community uses, with two retail Class E units in the base of Block A2 comprising of two corner units, one with frontages onto Edgware Road and Church Street and one facing onto Church Street and New Street Gardens. The whole of the unit at the base of Block A1 is to be used by the library.

Class E includes a vast array of different uses such as shops, offices and gyms, therefore conditions are recommended to control the use within Class E, the hours of opening, extract ventilation and servicing (discussed further within the highways section). The recommended uses are town centre type uses namely:

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

Subject to these conditions to ensure that they are uses with active frontages, the proposals are considered to be in accordance with policy. Similarly for the library, as this has such a long and prominent frontage onto Church Street, a condition is recommended for details of its shop frontage to be provided, to ensure that the majority of it is open and views into the unit are not obstructed in order to protect the vitality of the frontage.

Whilst the loss of retail frontage and floorspace in Site A is regrettable, this is compensated by the provision of a new library, and it is not considered to harm the viability of this part of the District Centre, and replacement retail will be also provided in the other two sites.

#### *Site B*

The parameter plans for Sites B and C indicate that parts of the ground floor will either be used as Class E (commercial) or Class F (community uses) with 2,375sqm of floorspace. Within Site B the main frontage is onto Church Street, but also wraps around onto Penfold and Salisbury Street. The corner of Broadley Street and Salisbury Street is also proposed as Class E Class F or Sui Generis (pub). On site C, the Venables and Church Street ground floor frontages are proposed as Class E, Class F and/or Sui Generis (pub).

Venables Street offers more flexibility in terms of uses, as a non-primary street frontage it may be better suited to a range of uses including offices, it is therefore not considered that this should be so restricted as the Church Street frontages, which should be active. There are however residential uses along this frontage, so the units should be appropriately managed and with suitable opening hours, which would be secured as part of any reserved matters application.

The GLA objected to the loss of retail, due to the negative impact on the character of the district centre. They have recommended that essential shops and services such as the supermarket and pharmacy are retained, however the existing units are not protected and fall within Class E, and so could change at any time without permission. In order to ensure the vibrancy of Church Street, it is recommended that the uses are limited, so that units are only used by occupiers which promote visiting members of public and protect the vibrancy of Church Street. It is also however recommended that flexibility is allowed given the changing state of the retail market, and given the long timescales involved with the delivery of Sites B & C. It is therefore recommended that details of the uses and layouts of the commercial uses are secured by reserved matters.

#### **9.3.12 Public House (Sui Generis)**

There is an existing public house (Lord High Admiral) on Site A at the corner of Church Street and Penfold Street. It is not listed as an Asset of Community Value and there has been little comment in relation to it within the consultation responses.

Policy 16 of the City Plan protects public houses throughout Westminster “except where there is no reasonable prospect of its continued use as a public house, as evidenced by appropriate marketing for a period of at least 18 months”. Such a marketing exercise has not been undertaken, as the pub is currently in operation. The applicant notes that they do not consider that there is a strong and proven community desire to retain the pub, evident from consultation undertaken in the run up to submission, which has also been demonstrated by the consultation at planning stage.

In order to meet the policy, the proposals include the provision of an allowance of up to 174sqm of Sui Generis space for a replacement pub on either Site B or C. This is welcomed to help provide vitality and variation, and to re-provide this use within the masterplan. Such a use will help to provide variety and vitality to the masterplan. It will be secured by reserved matters.

#### **9.3.13 Social & Community Uses**

London Plan Policy S1 relates to social infrastructure and notes that in major new development and regeneration that social infrastructure should be addressed by area-based planning, such as through master plans. Developments which result in the loss of social infrastructure should only be permitted where: There is a realistic re-provision that continues to serve the needs of the community; or, the loss is part of a wider public service transformation, with fit for purpose infrastructure and facilities to meet the future needs of the community. It also notes that redundant social infrastructure should be considered in other forms before their loss is considered.

Policy 17 of the City supports new community infrastructure where there is an identified present or future need and Part C of the policy also seeks to protect existing community

floorspace subject to specific criteria set out in the policy.

#### **9.3.13.1 Sports and recreation facilities**

Policy S5 of the London Plan seeks to ensure that there is sufficient supply of sports and recreation facilities. Part C states that existing facilities should be retained unless an assessment has been undertaken which indicates the facility is surplus to requirement; it would be replaced; the development is for alternative provision, the benefits of which outweigh the loss of the former use. An objection has been received by Sport England who note that existing provision of sports facilities may not be able to accommodate increased demand from additional residential units.

The GLA guidance “Shaping Neighbourhoods” play and informal recreation define Local play space as “landscaped space with landscaping and equipment so that children aged 0 to 11 can play and be physically active and they and their carers can sit and talk.” And Doorstep play as “a landscaped space including engaging play features for young children under 5 that are close to their homes, and places for carers to sit and talk.”

Within the existing masterplan area there are two existing sports facilities / Multi Use Games Areas (MUGA). The first is a MUGA on site B located within the basement, which has been locked and inaccessible for over 6 years due to health and safety issues. There is another MUGA near the base of Kennet House, located central to Site C. It is understood that both are managed by the council.

Outside of the site there are existing recreational spaces within the vicinity at Broadley Street Gardens adjacent to the school and a small playground and green off Lisson Street. A large purpose built 3 court MUGA has also just been completed at the councils Luton Street site, which has recently opened. Both Hyde and Regents Parks are in close proximity and the ‘Green Spine’ also runs through the site.

The masterplan does not propose for a replacement MUGA, but it does provide in excess of what is required by the London Plan in terms of general recreation space within the public and private realm areas. This is made up of “Local Playable space” along New Street Gardens on Site A and centrally at the bottom of Kennet House on Site C. “Doorstep playable Space” is provided within each of the private courtyards to each of the blocks. While the loss of the MUGA’s is regrettable, given the recently completed council scheme at Luton Street, the proposed playspace within the scheme, the proximity of the site to existing open spaces, and the restrictive space available on the site, where a MUGA would take up a considerable amount of the land, the proposals are considered acceptable in these terms.

#### **9.3.13.2 Library and Community Hall**

The Church Street masterplan indicates that new community hubs are proposed at various sites, including as part of sites A, B and C and at the adjacent Lisson and Lislestone Street sites (although no development proposals for this site have been proposed). The existing library on Site B is one of 12 across the Borough and serves the Church Street ward and surrounding areas. It provides both library functions and community functions, with facilities for meetings within basement levels. It currently measures 848sqm. The Derry Hall Community Centre is located on Site C and provides space for recreational activities for the local area. It measures approximately 23sqm.

As this development has come forward first (i.e. ahead of other sites within the Councils Church Street masterplan), it has been proposed to include the library replacement within this scheme, which will keep it within the same area. As the existing library has a dual library and community function, two facilities are proposed, the library on Site A and a community space on Site B. This will ensure continuity of service as Site A would be developed first.

*New replacement library:*

During the course of this application, the library has developed as a result of consultation responses. It has been increased in size to fill the whole Church Street frontage of Block A1, and has had the mezzanine level removed. It will now be 650sqm. Tacking up the whole frontage, it will have a prominent and highly visible location on Church Street contributing to the mix of uses and activity on the street. The library has a new contained garden to the rear within the private courtyard to block A1. The library will include a children's library, adult's library, learning rooms, community space, and ancillary staff facilities. The space has been designed with flexibility and adaptability in mind so that it can flex to changing needs, or indeed revert to other community functions, if required in the future.

Visual of the proposed library:



The library delivery has formed part of a council wide programme to upgrade library services. The strategy has been the subject of evidential review, consultation with the Libraries Team and engagement with both the Church Street Library itself and the Communities who use it. The Strategy for the delivery of Borough Infrastructure is set out in overarching terms in the 'City for All' document adopted by full Council in April 2021. Westminster's adopted City Plan, effectively the 'planning strategy' for the Borough, is supported by a published Infrastructure Delivery Plan (IDP). The IDP sets out that the Church Street library is to be re-provided in a purpose built facility.

The revised scheme which has reflected on consultation responses has resulted in a larger library facility than originally proposed, which is welcomed. It is clear that it is proposed as part of a wider strategy for Westminster, but will also re-provide facilities within the existing library to help maintain those functions for the local community. The new purpose built library space is welcomed and is considered to comply with Policy.

The library will be secured at peppercorn rent levels, and fitted out, through the legal agreement.

#### *Replacement community facilities*

A further 292sqm of community space are proposed, which can be provided at ground floor levels on Site B or C, however it is envisaged it would be provided as part of Site B. This will ensure that suitable community facilities are maintained within the masterplan and replace existing facilities. This is welcomed and will be secured through reserved matters.

#### *Other community facilities*

There is an existing Dental Practice located on Site B, measuring c. 120sqm. Such uses fall with Class E and could change use without prior permission. It does however provide a function for the local community. The proposed masterplan includes a considerable amount of replacement Class E floorspace, within which a dentist could be located should the market require.

### **9.3.14 Market Infrastructure**

London Plan Policy C 5) states that development proposals should support markets and improve their management to enhance their offer to promote vitality of town centres.

Policy 6 of the City Plan states that development should provide improved facilities for Church Street Market. Para 14.10 of City Plan notes that existing markets will be enhanced through partnership with traders.

The existing weekday market has an occupancy varying from 46-55%, with a mix of permanent and temporary traders. It stretches the length of Sites A & B and has 132 pitches. The Saturday market is 95% occupied and stretches down to Lisson Grove with 196 Pitches.

The market itself does not require planning permission and is managed through licensing, however the function of the market will be improved with new market infrastructure including market storage, welfare facilities and parking, thus improving the facilities needed for market traders to continue trading on the site post completion. These facilities will be provided on Sites A & B.

On site A the market storage will have vehicular access from Broadley Street and located at ground floor level will provide 1,124sqm of storage floorspace.

Site B will have the main area of market infrastructure storage (3,776sqm) and parking for market traders. Once the infrastructure on Site B is provided, this will allow for the existing market storage containers which are currently located on site C to be redundant, allowing for development proposals on that site to come forward.

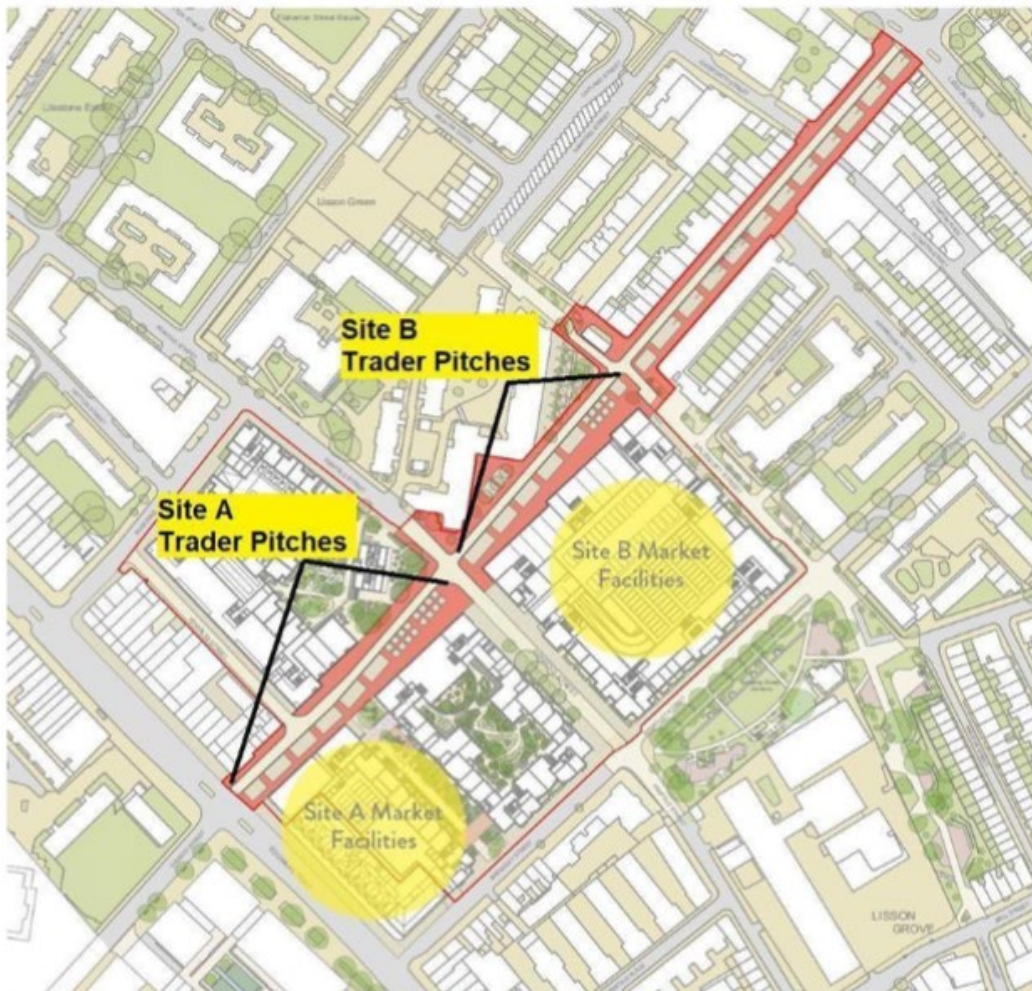


The Design Code sets out parameters for the market pitches within the general landscaping along Church Street, which indicatively shows the retention of all of the pitches and their approximate location both during the week and when extended at the weekend.

The provision of the dedicated market facilities has been indicated to have a positive impact within the Environmental Statement, which is welcomed. The main facilities can evolve through consultation with market traders as part of the details reserved for Site B.

#### *Construction disruption*

The application has been supported by an Estate Regeneration Statement which sets out how the market will function during the redevelopment of the sites as well as during the public realm works to the market itself. As occupancy of the market is around 50% during the week, it will be possible to move some traders between site A & B if necessary.



Proposed Church Street Market and Market Facilities Layout

The statement notes that the market will continue to be governed by the City of Westminster Act 1999, and as such license holder's right and licensing conditions will remain the same. The Council has held workshops and consultations sessions with the

Market traders to inform them of the new facilities and infrastructure and The Council and the Church Street Regeneration Programme will continue to engage through the development process.

While it is appreciated that there will be inevitable disruption to the market, the statement seeks to ensure that the timeframes that these disruptions take place are kept to a minimum. The same number of pitches will be provided as existing on completion.

### **9.3.15 Land Use Overview**

The development proposals will result in considerable additional housing, with a policy compliant level of affordable housing. The council will ensure that residents right to return are provided where desired. The new housing will help to meet the councils housing targets and deliver affordable housing to meet recognised need.

While there is a net reduction in the amount of commercial floorspace, the development of each site will provide purpose built floorspace. It will be necessary to secure details of this element through both conditions on Site A and reserved matters for Sites B&C, but subject to these, the development is considered acceptable.

## **9.4 Environment & Sustainability**

### **9.4.1 Demolition vs Retrofit**

Site A comprises of 2-3 storey buildings on Church Street and Penfold Street and a long 5 storey building (Lambourne House) on Broadley Street. A pre-demolition auditor reviewed Lambourne House and Blackwater House and confirmed that they are both reinforced concrete structures, with possibility of concrete elements to be recovered and re-used as primary concrete aggregates. The audit does not mention any deterioration of the existing structures. An overall investigation of the potential of existing buildings to be retrofitted was not explored, as the existing site will not be able to deliver the same amount of density and housing provision required by the council, even if opportunities for upwards extensions were to be explored. Although it is technically feasible for the buildings to be retained in part or as a whole, the existing buildings, and/or part of the buildings are not suited to the requirements of the site. Therefore retrofit (light touch or deep retrofit) was discounted as not viable for the brief.

Due to the nature of the development, the proposed buildings will all be reinforced concrete frames with at least 20% recycled concrete aggregates, and 40%-50% cement replacements (which would be subject to confirmation via planning conditions) to ensure that the embodied carbon is kept below the calculated baseline of 1136 kgCO<sub>2</sub>e/m<sup>2</sup> as proposed by the Applicant, which is within GLA's benchmarks, however it is above current best practices (RIBA/LETI 2025/2030).

The design team have demonstrated a series of reductions in whole life carbon, such as optimising the building's form factor, to align best with their Passivhaus performance aspirations, while minimising materials required for the façade (for example elevations are designed using brick dimensions to minimise unnecessary offcuts and waste in the production of the façade panels). It is known that it is challenging to deliver a low carbon residential high-rise masterplan which performs as close to Passivhaus as possible: The insulation and thermal mass requirements, as well as the overall fabric-first approach requires a thicker build-up which inevitably leads to higher carbon. Natural solutions in

this case, such as a timber frame construction with cellulose insulation, are costly and cannot be delivered on such scale, or all together discounted (for all the C3 uses above 10m). Therefore, in this instance, the proposed whole life carbon approach is seen as justified to deliver buildings which address fuel poverty and resilience, even though upfront carbon will be relatively high.

**9.4.2 Energy performance**

All dwellings are designed to be cross ventilated where possible, which will reduce the requirements for mechanical ventilation. Each dwelling will be provided with ‘whole house’ Mechanical Ventilation with Heat Recovery (MVHR) ventilation system, consisting of individual MVHR systems in each apartment. The commercial units are designed to shell and core, with external façade louvers for the retail units and kitchen ducts allowance to suit any future cooking equipment. The library is also designed to shell and core for future tenant fit-out.

Architectural measures, including orientation and site layout, natural ventilation and lighting, thermal mass and solar shading, have been optimised considering site constraints and a set of key design principles to shape the architecture and public realm design. Fabric-first approach is welcomed.

The application site is located near an existing district heating network, however a feasibility study determined that on-site generation would result in lower carbon and that future connections are not planned at the time of the application. The opportunities for renewable energy on-site are maximised. As part of the BREEAM certification a Low and Zero Carbon Technology feasibility study was done, concluding that central Air Sourced Heat Pump (ASHP), in conjunction with ambient loop and Water Sourced Heat Pumps in each dwelling and PV panels will result in the lowest carbon option.

The ASHPs have been sized to deliver 97% of the of the annual heat load, with electric boilers providing top up and back up heating. On-site renewable generation is maximised using roof mounted photovoltaic panels. It is estimated that a total system output of 60 kWp could be accommodated on the project.

The proposed measures will result in a regulated domestic carbon saving of 67% or 274.6 tonnes CO<sub>2</sub> per annum.

The “be lean, clean and green” measures proposed result in a combined regulated domestic carbon dioxide saving of 274.6 tonnes CO<sub>2</sub> per annum (or a reduction of 67% over Part L 2021 compliant Building). For residential units, savings are shown below:

Table 16 For domestic units, regulated CO2 emissions are shown below:

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
<b>Be Lean:</b> Savings from energy demand reduction	43.2	11
<b>Be Clean:</b> Savings from heat network	0	0
<b>Be Green:</b> Savings from	231.4	57

renewable energy		
Cumulative on-site savings	274.6	67
Carbon shortfall	133.5	-
	Tonnes CO2	
Cumulative savings for offset payment	4,005	
Cash-in-lieu contribution	£380,520	

Table 17 For non-domestic units, regulated CO2 emissions are shown below:

	<b>Regulated Carbon Dioxide Savings</b>	
	<b>Tonnes CO2 per Annum</b>	<b>%</b>
<b>Be Lean:</b> Savings from energy demand reduction	0	0
<b>Be Clean:</b> Savings from heat network	0	0
<b>Be Green:</b> Savings from renewable energy	6.6	151
Cumulative on-site savings	6.6	151
Carbon shortfall	-2.2	-
	Tonnes CO2	
Cumulative savings for offset payment	-67	
Cash-in-lieu contribution	£-6,336	

To reach 'net zero' the scheme needs to offset the remaining CO<sub>2</sub> emissions for the residential and commercial schemes which are 133.5 Tonnes CO<sub>2</sub>/annum and -2.2 Tonnes CO<sub>2</sub>/annum respectively. The site wide cumulative shortfall of 131.3 Tonnes CO<sub>2</sub>/annum must be met through a Carbon Offset Payment to Westminster City Council's carbon offset fund. The CO<sub>2</sub> offset price for the detailed application site A is calculated to be £374,184, which would be recalculated during the detailed design stages of the project and secured via S106.

The CO<sub>2</sub> offset price for the outline sites B and C is estimated to be £1,405,358. This will be subject to review following detailed design of these Outline elements of the scheme in line with any updated guidance and fees.

In accordance with GLA guidance the "Be Seen" reporting shall be secured via the legal agreement.

#### **9.4.3 Whole life Carbon Assessment**

The applicant has submitted a detailed Whole Life-Cycle Carbon Assessment (WLCA) for Site A and outline WLCA for Site B and C, which are compliant with London Plan Policy SI2. Due to the nature of the proposal (all buildings will be entirely reinforced concrete foundations and superstructure), the assessment assumes a business-as-usual procurement and construction scenario, which will result in 1818 kgCO<sub>2</sub>e/m<sup>2</sup>. It is therefore imperative that high cement replacement in all concrete elements (50% or more) is condition.

#### **9.4.4 Circular Economy Statement**

Policies SI7 of the London Plan and 37 of the City Plan seek to reduce waste and support the circular economy. Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste.

The Applicant has submitted a Circular Economy Statement and a pre-demolition audit. The audit identified the materials with highest re-use (through re-manufacture) potential, including recycled concrete aggregates, suspended ceiling steel tiles, gypsum boards from new plasterboards, disabled assess lifts, and windows. It is recommended that updated circular economy statement is submitted during RIBA Stage 4, highlighting any changes, or improvements to the proposed circular economy strategy to the buildings and site, to be secured by condition.

#### **9.4.5 Sustainable Design and Construction**

The overall sustainability strategy for the site is informed by the BREEAM certification process. Although certification will receive only the commercial areas, such as the retail units and the library, the principles of sustainable design and construction will apply for the overall development, including Sustainable Procurement Plan, Biodiversity increase, Sustainable drainage, Water management and construction impact monitoring. The retail and library units must achieve at least Excellent under BREEAM New Construction 2018 requirements and will be secured by condition. Details will also be reserved for Sites B & C.

#### **9.4.6 Water infrastructure**

The sustainability statement that accompanies the application indicates that daily water consumption of 105 l/person/day will be targeted, in accordance with policy SI5 of the London Plan. This will be achieved through low flow sanitary fixtures and fittings and metering for throughout the development as per BREEAM Wat01 requirements. This can be conditioned for all three sites.

#### **9.4.7 Flood Risk & Sustainable Drainage**

Policy SI13 of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improve water quality, and enhance biodiversity, urban greening, amenity and recreation.

Policy 35 of the City Plan states, amongst other things, that new development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and

demonstrate how all opportunities to minimise site run-off have been taken.

The site sits within Flood Zone 1 (Low Risk) and outside of a Flooding Risk Hotspot. The application is supported by a Flood Risk Assessment with Foul & Surface Water Drainage Strategy. While the risk of flooding has been classified as low, SuDS are proposed to reduce the risks of flooding including biodiverse green roofs, blue roofs, permeable/porous pavement and geo-cellular storage tanks. These shall be secured by condition.

The report considers that the sewers in the vicinity of the site will have adequate capacity to drain foul water drainage from the proposed development. However, comments have been received from Thames Water who seek to secure details of waste and surface water to be secured by conditions.

#### **9.4.8 Environment & Sustainability Summary**

Subject to suitable conditions to secure the sustainability credential of the scheme, and reserve matters to ensure that future phases of development are also designed to a high and environmentally sustainable level, the proposals are considered to be acceptable.

### **9.5 Townscape, Design & Heritage Impact**

#### **9.5.1 The Site and Wider Townscape**

##### **Site description**

**Site A** includes a short frontage onto Edgware Road, namely Nos.382-386 (which also includes 125-127 Church Street) is a low 2-storey building which dates from the early twentieth century, albeit modified in the 1950s. The remainder of the block comprises a series of 1970s buildings: Blackwater House, Cray House, Pool House, Lambourne House and Ingrebourne House. These are predominantly residential and 5 storey in height, although Blackwater House is 4 storey and features ground floor retail units; and Cray House is a 3-storey block. These buildings were built by Westminster City Council and are arranged in long ranges, for the most part, fronting the streets, albeit in the case of Lambourne House and Pool House set back from the footway with some gardens or landscaped areas and in the case of Pool House a vehicle ramp down to a basement. A communal courtyard garden lies within the centre of the block. To the west of Ingrebourne House is a ramped vehicle access point into a large basement area; and to the west of this is a servicing area which backs onto the Edgware Road facing properties. The architecture of these 1970s buildings is relatively uniform with a strong horizontal emphasis, using red brick as the main cladding material and punctuated by a regular arrangement of full-height window bays, which typically contain replacement upvc windows.

**Site B** is entirely comprised of 1970s Council-built housing blocks with riverine names (Wandle House, Ravensbourne House, Lea House, Roding House, Eden House and Medway House). Most of the perimeter blocks are 4 storeys and are again set-back from the footway to provide small gardens to the ground floor flats. The central Medway House does not face onto a street but is in the centre of the block and divides it into two amenity courtyards. The eastern courtyard contains a lower height library and sports hall. As with Block A, the Church Street facing block (Eden House) has ground floor retail units which maintain a ground floor building line, albeit the upper floors pull back

from this line, other than at the corners. The architecture to these buildings is complementary to Block A, albeit utilises a brown multi-stock brick rather than red; and contains recessed deck access walkways and embellished end stair towers – which provide greater relief. As with Block A there is a basement beneath this block, with the main vehicle access ramp on Penfold Street.

**Site C** is the northern block and comprises a series of post-war blocks of flats, which form part of the Church Street Estate (Windrush House, Mole House, Isis House and Derry House). These date from c.1949 and are by the Engineer's Department of the Borough of St Marylebone. They are typically 5 storey blocks (Derry House is 4 storey) and are arranged at a diagonal to the street pattern. The other blocks of flats in this street block are later in date (c.1960s/70s) and comprise Darent House on the north side of Church Street (a low 3 storey block with projecting ground floor retail) and Kennet House. The final block is Colne House, which is adjacent to Derry House and is a 4 storey block c.1980. Although within Site C, Kennet House (a 16 storey point block with ground floor retail) which is at the junction of Church Street and Penfold Street, does not form part of the redevelopment proposals.

As a more disparate group of buildings, the architecture within this block is more varied. The 1940s group are consistent constructed in a yellow stock brick with a regular arrangement of windows. They have shallow hipped roofs, overhanging eaves and prominent brick stair towers. They have a perimeter boundary comprising a low yellow brick wall with taller piers and panels of black metal railings between the piers. The spaces between the perimeter boundary wall and the buildings is a mixture of hard and soft landscaping and car parking. Darent House is a long and relatively plain building, dominated by the long canopy over the ground floor retail. The upper storeys are in a brown brick with regular spaced and designed windows. It has a pitched roof. Colen House lies between Derry House and Kennet House and is a simply detailed brown brick L-shaped building with projecting balconies and a flat roof. Between Darent House and Windrush House is a yard containing a run of metal containers providing storage for market traders. This would appear to occupy the site of former single storey garages.

**The Street Pattern** within and bounding the site for the most part represents the earliest phase of development on the site. While many of the streets have changed their name over the years, Church Street, Boscobel Street, Penfold Street, Salisbury Street and Broadley Street can all be found on nineteenth century maps of the area, when the street blocks contained a finer grain of buildings and where Sites A, B and C were previously perforated by a tertiary network of smaller streets and mews. The one street which is of more recent origin is Venables Street, which does follow the alignment in part of an earlier mews at its northern end but did not originally link with Church Street and this may explain its utilitarian, almost service road character.

### 9.5.2 Area description

In terms of the surrounding townscape, the character of the area is very mixed in terms of age, form and architecture, ranging from early nineteenth century terraced housing at the eastern end of Church Street; through a variety of late nineteenth and twentieth century housing schemes, such as the Miles Buildings in Penfold Place; or the LCC blocks around Penfold Street, Luton Street and Frampton Street, to post war-housing similar to that within Blocks A, B and C. On the west side of Edgware Road there are further residential post-war tower blocks in the shape of Parsons House, Braithwaite

Tower and Hall Tower. Finally, lying on the west side of Edgware Road, and very close to Block A is the former West End Green site, a now essentially complete redevelopment site known as West End Gate, which features a series of large 10-storey residential blocks lining Edgware Road, with taller blocks behind including a 30-storey residential tower.

If any generalisations about the character of the area can be made, it is that the prevailing building height is in the order of four to five storeys, with the occasional building higher or lower. There are some point blocks of considerably greater height, although with the exception of Kennet House, these tend to be to the west of Edgware Road. Also, the development at West End Gate has introduced a greater scale, albeit again on the west side of Edgware Road. Very crudely the lower and older building stock tends to be to the south and east of the application site, with later and larger buildings sited to the west. In terms of land uses, residential use dominates, although activation of the ground floors with various retail functions is also a feature, mainly to Edgware Road and Church Street.

Within and beyond the site, the Church Street market is another major element which contributes to the character of the area. Evolving from the nineteenth century Portman Market, this street-based market is primarily sited between Edgware Road and Salisbury Street.

### **9.5.3 Heritage assets**

The application site lies outside a conservation area and contains no listed buildings. Furthermore, while the site features differing examples of housing provision from the mid-late twentieth century, none of the buildings are considered to hold any individual or group architectural or historic interest, such that they could be considered heritage assets.

With regard to the wider area, there are designated heritage assets whose setting would be affected by the proposals and because of the scale of the proposals some of these are at some distance from the site. The nearest designated heritage assets are the grade II\* listed King Solomon Academy to the south of Broadley Street Gardens; and the Lisson Grove Conservation Area to the south-east of Broadley Street Gardens. Within the Lisson Grove Conservation Area are a number of listed buildings of different grades.

Designated heritage assets at a greater distance but from where the proposals may still be visible include the Paddington Green Conservation Area, the Fisherton Street Estate Conservation Area, the Maida Vale Conservation Area, the St John's Wood Conservation Area and the Dorset Square Conservation Area. Within these conservation areas and between them there are listed buildings and also other non-designated heritage assets. The applicant's Townscape and Visual Impact Assessment has assessed a study area of 300m around the site and identified 24 grade II and II\* listed buildings within this area. The significance of these designated heritage assets and the impact of the proposed development will be addressed later in this report.

The application site also lies well away from strategic protected vistas, although would fall within the wider spectrum of some of the London panoramas, as defined by the LVMF. However, its scale on the periphery of these views would not have an impact on them.



Being a large, extensive and, in parts, tall development it is necessary to consider a potentially large number of affected heritage assets over a wide area of the city. The submitted Townscape, and Visual Impact Assessment (TVIA), includes an analysis of those assets which the applicant's consultants have identified; this is considered to be a generally sound scoping exercise, which picks up most if not all potentially affected assets. This officer report does not seek to repeat that exercise but in accordance with the NPPF it is necessary to identify and assess the significance of affected assets when considering the potential impact of development proposals upon them (paragraph 195).

The effects of the development are covered later in this report ('Views'), but below is a list of those assets which officers consider deserve specific or collective consideration in relation to their settings.

As briefly mentioned above, the three sites themselves do not contain any designated heritage assets, nor any buildings or other features considered to be non-designated heritage assets (NHDAs).

The NPPG defines NDHAs as:

*"... buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets."*

*A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets."*

Some local authorities produce a published 'local list' of such assets, but Westminster does not. It is however commonly accepted that 'identification' of such assets can be during the planning process, with the important point being that they are 'positively identified' by some means such as communication with the developer, local groups and/or through published application reports.

Below are listed all heritage assets, both designated and non-designated, which are considered to have some potential for effect resulting from the application proposals. Designation grades or types, and closest distances from the application site(s) are given in brackets.

Nearby heritage assets:

- Marylebone Lower House North Westminster Community School, (now known as King Solomon Academy) (Grade II\* listed, approx. 45m to SE)
- Miles Buildings, and Bowman's Buildings on Corlett Street and Penfold Place (NDHAs, approx.40m to SE).
- 358-380 Edgware Road (NDHAs, immediately adjoining site to west).
- Lisson Grove Conservation Area (approx.. 50m to SE) (and constituent listed buildings)
  - Christ Church (Grade II\* LB)
- Fisherton Street Conservation Area (approx. 125m to N).
- Maida Vale Conservation Area (approx.. 245m to NW and W) (and constituent listed buildings)

- Paddington Green Conservation Area (and constituent listed buildings; approx. 72m to SW)
  - St Mary's Church – Grade II\* listed
  - 17-18 Paddington Green – Grade II listed
  - Former Paddington Children's Hospital – Grade II listed
  - Various small monuments or items of street furniture – Grade II listed
- St John's Wood Conservation Area (approx. 300m to NW).
- Dorset Square Conservation Area (approx. 350m to E).
- Regent's Park (Grade I Registered Park and Conservation Area; approx. 0.75km to NE).
- Primrose Hill (Grade II\* Registered Park and Conservation Area; approx. 2km to NE).
- LVMF Protected London Panorama 4A.2 'The Summit'.

#### 9.5.4 Legislation, Policy and Guidance

It is considered that the application proposals would affect the setting of a number of listed buildings, conservation areas and registered parks and gardens. Therefore there are a number of key legislative requirements in respect to designated heritage assets that must be considered, as follows.

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."*

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 39 of the Westminster City Plan 2019-2040 requires development to conserve features that contribute positively to the settings of conservation areas and to take opportunities to enhance their settings, wherever possible.

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

In this considering the effect on the setting of heritage assets it is useful to note the definition of 'setting' given in the Glossary to the NPPF:

*"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."*

The Development Plan for the consideration of this application consists of the Westminster City Plan 2019-2040, and The London Plan 2021. Each include policies which relate to the application site.

Strategic City Plan Policy 6 (Church St / Edgware Road Housing Renewal Area) influences the weight to be given to housing and other regenerative developments when balanced against a scheme's design, townscape and heritage impacts. Of particular note in relation to design and heritage considerations for this case however are Policies 38 to 43:

- Policy 38 – Design principles
- Policy 39 – Westminster's heritage
- Policy 40 – Townscape and architecture
- Policy 41 – Building height
- Policy 42 – Building height in the housing renewal areas
- Policy 43 – Public realm

Strategic policies D1, D4, D8 and D9 set out in the Design chapter of the London Plan set out a series of overarching design principles for major development in London, including in relation to tall buildings, design quality and urban design. This includes specific design requirements relating to maximising the potential of sites, the quality of new housing provision, and tall and large-scale buildings. New development is also required to have regard to its context and make a positive contribution to local character within its neighbourhood.

In 2019 the Council commissioned a Building Heights Study as part of the evidence base for the new City Plan. This in particular influenced Policies 41 and 42.

The London Views Management Framework (LVMF) published by the GLA and effectively ancillary to the London Plan, is relevant to the consideration of tall buildings across most of central London, but particularly those which might affect directly or indirectly the set of protected views which are set out within it. Each view or vista sets out guidance for the assessment of development proposals which might affect those views.

The council has published Conservation Area Audits of most of its conservation areas, and each typically includes guidance on metropolitan or local views which should be considered carefully as part of this application. Where these identify affected local views, these are discussed in the 'Views' section of this report.

Regent's Park and the Royal Parks Conservation Areas do not currently have audits, but each have Management Plans published by the Royal Parks which the council considers to carry some weight in the planning process.

In 2017 the City Council published its Church Street Masterplan which set out its plans to regenerate and renew the streetscape and housing across the area. This is not a planning document and as such should not carry weight against other adopted policies or guidance. It does however provide a conscious route-map for how the area should

develop and deserves awareness when considering this application, and includes the inception of the concept of 'Sites A, B and C' forming the core of the area's regeneration.

### 9.5.5 Proposals

#### **The Detailed Scheme – Site A**

It is proposed to demolish all buildings on the site, and to build two new brick blocks, 'A1' and 'A2' in its place, divided by a new street running north-south between Church Street and Broadley Street, orientated with the existing street layout.

Proposed building heights and upper building lines would be quite variable across the two new buildings, but are based on a general height of 8 to 11 storeys (between approx. 62m and 75m AOD) with points of height up to 14 storeys (approx. 81m AOD).

The design of the development is based around a pattern of vertically arranged bays reflecting the typical plot widths of the area and articulated to this site through a varied set of roof heights and building lines. Brick is proposed as the dominant material to all elevations.

Over the two buildings there would be a clear hierarchy of architecture, with the more intricate and elaborately designed elevations facing the retail frontages of Church Street and Edgware Road, including a strong double-height podium base articulated by repeating arched shopfronts. This arched motif is repeated throughout the Site A proposals in various forms and scales.

The scheme's secondary elevations onto Broadley Street, Salisbury Street and the new dividing street would be architecturally subservient to those northerly principal frontages, but would retain a strong sense of character, visual interest and consistency.

Fronting Edgware Road the proposal would see its lowest height of 8 storeys (61.7m AOD) but with a prominent 'dutch' gable presenting a gateway feature onto this key entry point to the area. This would rise to a recessed section of 9 storeys (63m AOD) as the building turns into Church Street, rising again briefly with a focal pair of dutch-gabled bays of 12 storeys (75m AOD) before reducing back to a stepped back 9 storeys to the corner with the new street. This pattern of gabled 12 storey and recessed 9 storey bays would then be repeated symmetrically to the Church Street elevation of the eastern block, but with the addition of stepped back additional two storeys above the 9 storey shoulders of the recessed sections.

On Penfold Street and Broadley Street a similarly repeating pattern is formed, with the development rising to its tallest point of 14 storeys (81.4m AOD) on the corner of the two streets.

The new buildings of Site A would be largely brick-built, with a mixture of tones of red and buff coloured brick arranged in patterns suited to the architectural hierarchy of the new estate. Greater brickwork detail is shown to more prominent elevations and focal building parts, including glazed bricks to lower levels, and to the detail of the dutch-gables fronting Church Street, Edgware Road and to the corner of Broadley Street and Salisbury Street. Plainer bricks would be used on the street frontages to Salisbury

Street and the new street, but with again greater detail presented to lower level to define a visual base to the blocks.

To the rear courtyard elevations, materials would be simplified with a mixture of plain brick and Glass Reinforced Concrete (GRC) cladding. GRC is a generally high-quality long-life stone-like cladding which would be used primarily for areas of higher wear and lesser prominence such as within the deck-access areas, whilst a very pale brick would be used to maximise light to the courtyards, consistent with the courtyard and lightwell elevations of many London mansion blocks.

The street level design of the facades has been a considerable focus of the design development, with a distinctive pattern of arched double-height bays characterising the development's immediate interaction with the area's busy street market. To block A2 these bays would contain a range of retail uses, whilst to Block A1 it would contain the new library which has been enlarged to occupy the whole of the Church Street frontage during the course of the application. The shopfront design within these bays is simple and modern but of a high quality, reflective of traditional proportions. It is consistent including on the bays now occupied by the Library which would include adaptability to include openable shop doors for future-proof adaptability should uses be adjusted later.

Residential entrances are proposed only to the secondary facades fronting Penfold Street, New Street and Broadley Street, with the majority being individual entrances to the ground floor flats and duplexes, each of which would be set within their own semi-private front garden area to provide a degree of defensible space from the main street line. Communal entrances to groups of flats would be situated towards the ends of these frontages and would be larger than the domestic entrances, consistent with the architectural hierarchy of the site.

Roofs would be mostly flat, with the exception of zinc covered barrelled roofs behind the dutch gables to the feature bays onto Edgware Road and Church Street and to the tallest section at the south-eastern corner of Broadley Street and Salisbury Street. Most flat roof areas are shown to be given over to green roofs, details of which will be secured through conditions. As already mentioned, the heights of these roofs would vary continuously across the site in rhythm with the vertical pattern of bays of the facades below. In places there would be stair/lift and plant enclosures on top of these roofs, but these are on the whole kept back from the outward facades and are well integrated into the buildings' architectural forms.

Balconies are provided across all elevations, providing private amenity space to the flats within. These are shown to be a mixture of projecting and recessed balconies, with some combining both recessed and projecting sections. To Church Street all balconies would be recessed in order to present a clean façade. To the elevations fronting other elevations they would be a mixture, but utilising wherever possible the recessed sections of façade for the projecting balconies, to avoid a cluttered façade. Courtyard elevations would be a mixture of projecting, recessed balconies and deck access walkways. All would be fronted by a common style of decorative metal balustrade specific to this site and reflecting the arch motif from the scheme's retail frontages prominent dutch-gables.

#### **9.5.6 The Outline Scheme – Sites B and C**

Sites B and C are proposed with 'matters reserved', which means that, whilst the application includes drawings and other documents showing how the development should look, in effect the only matter fully resolved is the principle of redevelopment. Matters such as how the buildings and landscaping would look, and precisely how tall and bulky they would be, would be determined by future 'reserved matters' applications.

This type of application in this area for this sort of development proposal is considered to be appropriate, and retains adequate control over the developments architectural and townscape impacts by means of reserved matters conditions for which the applicant would have to submit further applications in the future, in accordance with the phasing of the development.

In addition, the application does include a set of parameter plans and a Design Code, which set out guidelines for how these later phases of development should be designed. This approach is similar to that taken with the Ebury Bridge Estate renewal, which was granted hybrid planning permission in 2021 (RN: 20/04366/COOUT). The design code has been set out in section 9.2 of this report.

The maximum building heights set by the Code would relate well to those of Site A, presenting a typical height of between 8 and 10 storeys (up to approx. 67m AOD), with points of height of around 14 storeys (up to approx. 79m AOD), which would be located to the western corner of Site B, and to the southern and north-eastern corners of Site C. Kennet House would remain the tallest building in the area. The Design Code sections on height, scale and massing are clear that there should be a varied roofscape, similar to that established by Site A, with visual examples of how this might be achieved given alongside the text.

The maximum building footprints are shown by the parameter plans to be quite vague for both sites. However, further detail shown in the Design Codes make it clear that the expectation is for similar footprints to those proposed for Site A, and would likely consist of raised whole-site podiums containing parking and other ancillary functions, with shallower-plan upper floors arranged in a perimeter. These would contain generous private amenity areas over the podiums, with more public amenity space / public realm around the base of the retained Kennet House.

### **9.5.7 Effects and Impacts**

#### **Site townscape and architectural design**

Overall (both detailed and outline elements of the scheme), it is considered that the proposals would represent a positive redevelopment of this part of the city, introducing new architecture, public realm and private amenity space of a high quality appropriate to the area. The scheme successfully avoids generic design ideas, presenting a highly individual and site specific architectural identity, particularly in the detailed design of Site A. Whilst design remains open to interpretation on Sites B and C due to the outline nature of the application for those sites, the submitted Design Code and parameter plans are considered to present a sound framework from which an equally positive second and third phases should be assured.

The presented detailed design of Site A in particular is considered to be of an exceptional quality despite its evident size; this quality in effect reduces or compensates

for those impacts of scale. Whilst a large and very dense development, the strength and individuality of the design is well articulated and defined. The elevations' vertical arrangement of bays reflects the tight grain of the surrounding townscape and reduces the potential impact of whole-street block lengths of façade. It successfully upscales the typical characteristics seen across Westminster in more traditional Victorian and Edwardian mansion blocks to a more modern form of inner-urban housing development. The use of high quality materials such as brick, GRC and metal windows to all elevations is welcomed and can be adequately secured through conditions.

The height of the development is of course taller than the surrounding context, in places notably so. The lowest height of 8 storeys onto Edgware Road for example is double that of the adjoining buildings retained beside it, and the rear deck-access elevations of the western block at 10 to 12 storeys will be visible above their rooflines. The tallest section to the south-eastern corner of Broadley Street and Salisbury Street will be a particularly strong impact and overall the development would bring a substantial change to the local townscape; by comparison with the existing however, this is considered to be a generally positive change.

Nevertheless, the measures proposed to break-down the visible height, bulk and massing of the development are considered to be effective without becoming tenuous or apologetic. The rhythms of setbacks, steps up and down in rooflines and focal bays appears logical and creates a streetscape of interest, boldness and character. It would be identifiably 'Church Street'.

The Design Code and parameters plans submitted to guide the development design of Sites B and C are considered to be a sound provision for these sites which, whilst remaining flexible to changing policies and guidance and to the individual design input of new design teams, will provide a robust and defensible framework for handling future applications for reserved matters. The form of development shown for these two later phases of development would work well with that for Site A, and would similarly be capable of achieving exceptional architectural and townscape designs.

#### **9.5.8 Impacts on Heritage Assets**

As set out above, there are no heritage assets (whether designated or not) directly affected by the application proposals – there are none within the site area. The development's affects on heritage are therefore in relation to the setting of those identified heritage assets affects as part of the wider townscape impacts of the proposals. This is considered in the next section of this report below.

#### **9.5.9 General Townscape, Views and Heritage Impacts**

The proposed height and layout of the scheme (both the outline elements and the detailed elements) would have a wide visual and townscape impact, which would affect heritage assets in the vicinity. The applicant has submitted a Townscape and Visual Impact Assessment (TVIA) which identifies 19 viewpoints in the immediate and wider area, providing an accurate visual representation (some in wireline and some fully rendered) of the impact the proposal would have on the local townscape, including heritage assets. The TVIA has defined a study area of approximately a 300m radius of the site and assessed all visual, townscape and heritage impacts within this area. The

assessment has been updated since submission to account for the revisions made, although these have made no real discernible difference to those originally submitted due to the minor nature of the additional rooftop elements.

It is considered by officers and the council's EIA Consultants to be a generally sound assessment in terms of methodology and accuracy, although some of the conclusions on impacts differ from officer opinions; this is not unexpected of course. Officer advice on each of these views is set out below.

### Protected Views

The development proposed would not intrude upon strategic views as defined by the London View Management Framework (LVMF), or upon the setting of the Palace of Westminster or Westminster Abbey World Heritage Site. It is located within the LVMF's London panorama incorporating protected vistas from the Summit of Primrose Hill. However, the scale of the development and its position on the periphery of the panorama means that the scheme will have no adverse impact upon strategic views.

### Views from Regent's Park

The zone of theoretical visibility prepared as part of the TVIA suggests that some parts of the proposed scheme might in theory be visible from Regent's Park. Views from the park have not been formally assessed by the applicant as part of TVIA but it is evident from a site inspection and an understanding of the height of existing buildings and other recent nearby developments, that the proposals would not adversely affect views from or the setting of Regent's Park.

### Local Views

All of the viewpoints assessed are within 700m of the site and most of these are a lot closer. The majority of the viewpoints are positioned to the east of the site, with views from the north and south and on Edgware Road also included. The scale of development to the west of the application site, including the area around Paddington Basin, West End Gate and the post war tower blocks on the west side of Edgware Road mean that longer range views of the proposed development from the west would largely be blocked by this area of larger scale townscape.

In terms of the views from the east these have been taken from where the street pattern enables longer views, such as views 9, 10 & 11 of the TVIA. In these views along Ashmill Street, Broadley Street and Church Street, the street vista is mainly one lined with lower rise buildings, typically 3-4 storeys but terminating in much taller buildings, either the tall buildings within the West End Gate development or the post-war towers blocks on the west side of Edgware Road. The effect of the application proposals will bring the taller buildings which terminate these views closer to the viewpoint, but not significantly change the nature of the view.

In views from the south and the south-east (views 6, 7, 8 & 18) the visual impact will vary depending upon the street alignment and proximity to the application site: thus, from view 7, looking north along Ranston Street, there is a small skyline change, but it is very modest; whereas in view 6, looking north along Penfold, the proposed scheme will be



more prominent rising above existing roofscape and treeline. In views 8 & and 18 which are progressively closer to the application site the visual impact becomes greater. In view 8, at the junction of Ashmill Street and Ranston Street, the proposal will introduce a significant increase in height and bulk above the tree line. In this view the taller buildings of West End Gate and some of the post-war tower blocks are already visible, but the effect will be to introduce taller and denser townscape closer to the viewpoint. View 18 is immediately to the south-east of application Site A and this will dramatically change with the scale and architecture of the new development in full view. The height change will be the biggest change with the south-east corner of Site tripling in height. In these views from the south east the proposed development will be visible to a greater or lesser extent and thus the perceived change to the townscape varies, however, in all the views assessed the existing townscape is varied in terms of its height and character and in this context while the new proposals introduce greater height and density this is not assessed as having a harmful impact on townscape.

In views from the north (views 12, 13, 14 & 17) the proposals again mainly have an impact on townscape at closer quarters. In view 13, for example, looking south from near junction of Fisherton Street with Frampton Street, the interposing buildings of the Fisherton Estate and new development in Luton Street mean that the Church Street proposals are obscured; and in view 14, looking south along Penfold Street from near junction with Frampton Street, the detailed height and massing for Site A will be hidden behind interposing buildings; and while the outline height and massing of Sites B & C are likely to result in some visibility, this will be in the context of a variable townscape (in terms of height and character) and with Kennet House already prominent in the view. Even at closer quarters in views 12 & 17, while there is an appreciable change in height, the townscape impact is not a harmful one, with the application proposals instead adding some additional variety, in terms of height and density, to an existing varied townscape.

As already indicated, views from the west are restricted by interposing development and thus there are only a few restricted views. Views 1, 3 and 4 are various points along the westward extension of Church Street to the west of Edgware Road. View 1 is from within the Paddington Green Conservation Area and Sites A, B and C will be visible through and above the tree line. The character of the townscape as appreciated in this view is one of variety, with buildings of differing ages, scale and materiality. In Views 3 and 4, which are closer to Edgware Road and outside the Paddington Green Conservation Area, the increased height, particularly to sites A and C will be very noticeable, but as with View 1, the townscape context is already one of considerable variety, with a juxtaposition of building ages, materials and heights. Thus, while particularly in the case of Views 3 and 4 there is an appreciable visual change, this is not considered to be a harmful one in townscape terms.

Other views from the west are oblique views along Edgware Road, which all lie outside a conservation area. Views 2 and 16 are from the north looking south-east and View 5 is from the south looking north-east. In these views the relatively consistent height of the Victorian/Edwardian buildings lining the east side of this part of Edgware Road, is a positive attribute to this area; and while some buildings are of relatively low quality, for example some of the foreground buildings in View 16, for the most part the buildings have some architectural interest, perhaps most notably the brick gabled group at 358-380 Edgware Road. In these oblique views the townscape scale is more consistent, and the new massing introduced by Sites A and C will represent a more jarring change in

scale, not assisted by the greater height and massing being set behind the Edgware Road frontage buildings, with the resulting incongruity of lower buildings facing onto the primary street. This impact is perhaps most readily appreciated in View 5 where the height, massing and architecture of Site A introduces a sever change to the existing townscape character.

Overall, the proposals will introduce greater height, massing and consequent density to this part of Westminster, but in general, the townscape effects of this change are not considered to be harmful to the townscape. While there is some harm to the setting of some undesignated heritage assets eg. to the setting of 358-380 Edgware Road as perceived from View 5, this doesn't occur to designated heritage assets.

#### **9.5.10 Archaeology**

Sites A and C are located within the Watling Street Archaeological Priority Area, as such Historic England Archaeology have been consulted on the development proposals.

They have not raised objection to the development, but they have requested conditions are imposed to ensure that development does not cause harm to any remains. While a desk based survey has been undertaken, a field evaluation is needed to determine appropriate mitigations. This will evaluate the nature and extent of remains and, if necessary, a full investigation. A condition is therefore recommended for Site A and details to be reserved in relation to development of Site C in order to accord with Policy 39 of the City Plan.

#### **9.5.11 Design, townscape and heritage conclusion**

When considering the impacts of a development proposal of this scale, it is necessary to consider both individual and cumulative effects, both negative and positive (and of course neutral). This then gives an overall picture of the impact on the local townscape and built heritage assets. Individual impacts can be slight but when numerous or extensive, might add up to a much greater overall impact on the city. Equally, overall the effects may be considered to be only slight if harmful impacts are not so numerous, but this may include within it very significant individual impacts, for example on one particular heritage asset's setting or a particularly cherished view which may be wholly altered by the development.

Where harm to designated heritage assets is found, it is necessary under the terms of the Act and the NPPF, to refuse permission unless that harm is considered to be outweighed by the public benefits of the proposals. Where harm is found to be caused to undesignated heritage assets, there is no statutory requirements relevant, but the NPPF nevertheless requires that that harm is carefully balanced against the scheme's benefits.

In this case as discussed above, it is considered by officers that there would be no harm to any designated heritage assets, including to their settings, but that there would be some small degree of harm to the setting of the row of non-designated traditionally scaled buildings which front Edgware Road and which run parallel with the western extent of the application site. In these views however the high architectural quality of the development, including that of the rear facades, would be appreciable and so that harm is somewhat mitigated by, or compensated for by good design.

## 9.6 Landscaping, Biodiversity & Greening

### 9.6.1 Biodiversity and Greening

Policy 34 of the City Plan seeks to ensure that developments will protect and enhance the city's green infrastructure to maximise its environmental, social and economic value.

Policy G5 of the London Plan states that major development 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 mayor recommends a target Urban Greening Factor (UGF) score of 0.4 for developments that are predominately residential. The development achieves, and exceeds slightly, this score through planting across the development namely within the public realm and on roofs (UGF 0.41).

An ecology assessment has been undertaken, and an addendum to address any changes following the revisions to the scheme. It notes that the development will increase delivery of biodiversity on the site by between 195% and 270%, which is welcomed.

The assessment has also undertaken various studies of the existing site to unearth if there are any existing bats or protected species. Buildings and trees were provisionally assessed for their value for roosting bats in 2018, 2020 and 2021, potential roosting features were identified in a small number of buildings. No trees were identified with potential roosting features. 22 buildings were considered to have a negligible likelihood for roosting bats and 3 building with a low likelihood (1 on site A and 2 on Site C). Only one sighting of a passing bat was observed. It has been recommended that a pre-demolition survey is undertaken on these 3 buildings, a condition is therefore recommended.

The ecology assessment indicates the following proposed enhancement measures include:

- 12 bat boxes within Site A, with a commensurate number also proposed for sites B and C (to be determined at the detailed / reserved matters planning stages);
- 12 bird boxes within Site A, with a commensurate number also proposed for sites B and C (to be determined at the detailed / reserved matters planning stages);
- The creation of rain gardens;
- Planting of trees;
- Inclusion of 16,043 m<sup>2</sup> of public accessible open space, landscaped with native species where appropriate.
- Green roofs are proposed;
- Log towers are proposed upon green roofs for invertebrates;
- Garden planting is proposed, to include native species and species known to be of value to invertebrates such as stag beetle *Lucanus cervus* and mammals including hedgehog *Erinaceus europaeus*; and
- Four invertebrate features are proposed within site A, with a commensurate number also proposed for sites B and C (to be determined at the detailed / reserved matters planning stages).

It is recommended that details of these features are secured by condition.

### 9.6.2 Trees

128 trees (125 individual trees and one group of 3 trees) are included in the submitted tree survey. None of the trees are protected by Tree Preservation Orders (TPOs) and the site is not within a conservation area. This does not mean that the trees are not worthy of statutory protection, but reflects the fact that the trees are all owned and managed by the City Council, and the Council does not usually make TPOs for its own trees, which are managed for the public benefit. Of these trees 48 are outside the site boundary, 12 have been removed since the survey was undertaken and 2 street trees in Boscobel Street are within the site but missing from the survey. In total there are 70 trees within the site.

55 of the 70 trees within the site are proposed to be removed. 20 of the trees are on site A and 35 are on sites B and C. The Arboricultural Manager disagrees with some of the quality categorisation of trees and the scale of tree removal.

On Site A 4 street trees are to be retained, however due to their closer proximity to the new buildings, proposed canopy reduction and impact of the construction works, the arboricultural officers does not consider the long terms retention of these trees is practical. On sites B&C it is not know if the trees which are indicated as being retained is practical due to the limited information and outline nature of the development on these sites.

No information has been provided in relation to the impact of the development on the 48 off-site trees, therefore concerns are raised that this could result in additional tree loss or damage. Tree protection and supervision details are recommended to be secured by condition / reserved matters.

In terms of proposed trees, the tree report says 200-250 new trees are proposed, with 123 for site A and 100-150 sites B and C. The Arboricultural Officer considers this to be overly ambitious, with large numbers of small growing specimens. They recommend that smaller numbers of larger growing, long lived trees in suitable soil volumes are recommended to optimise canopy cover in accordance with Policy 34. Given that different areas on different sites will be suitable for different trees, conditions are recommended for further details on trees to be provided to better meet these concerns. They also recommend that due to the level of tree loss, £25,000 is secured via legal agreement for tree planting within the vicinity. It is recommended that this is secured by legal agreement and provided in part, prior to each phase of development (Sites A, B & C).

### 9.6.3 Landscaping

On Site A soil is proposed for planting in the communal, podium and library gardens in raised planters with depths of between 600mm and 1m. Similar indicative depths are indicated on Sites B&C. City Plan policy 45 notes that above basements, 1m of soil with a 200mm drainage layer should be provided, as volumes less that this are unlikely to support new trees to maturity. The Arboricultural Officer has objections on the grounds of limited soil volumes across much of the landscaped areas and as soil should be connected to allow for evolution of the landscaped areas. Objections are also raised to the planters, which are artificial in their appearance.

It is recommended that further and final details of landscaping is secured by condition to include details of soil volumes and to try to maximise connections between these volumes to meet officer concerns. It is however also appreciated that there are limitations to the different areas, with podiums and gradient changes, which can then be addressed within any details. It is also noted that Site C does not include a basement therefore any planting should be at grade rather than within planters wherever possible.

Green roofs are proposed to the new blocks on Site A, a condition is recommended to secure further details of these to ensure that suitable planting is provided. A minimum substrate depth of 100mm-200mm depth is recommended as required by the Environment Supplementary Planning Document.

The design code includes requirements relating to landscaping for Sites B&C including for soil depths and green roofs.

## **9.7 Residential Amenity**

Policy 7 within the City Plan seeks to protect and where appropriate enhance amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. The policy notes in paragraph 7.1 that the borough is already densely populated and detrimental impacts on existing occupiers must be avoided, with developments expected to make a positive contribution to the quality and function of the local area. It does however also note that a balanced approach that considers the specific location and context as well as the merits of each proposal including the wider benefits a scheme can deliver, against impacts on the surrounding area.

Policy 33 seeks to make sure that the quality of life, health, wellbeing and natural environments of existing and future occupants is not adversely affected by harmful pollutants and other negative impacts on the environment. It also seeks to minimise the impact of light, noise and vibration on local environments.

Policy 38 C similarly seeks to provide a good standard of amenity for new and existing occupiers.

Policy H6 of the London Plan requires that the design of the development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

Policy D9 of the London Plan also requires that tall buildings address daylight, sunlight penetration and temperature conditions around the buildings and the neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces around the building.

Objection has been received to the development proposals in terms of its impact on adjacent occupiers.

### **9.6.1 Daylight, Sunlight and Overshadowing**

The applicant has submitted a daylight, sunlight and overshadowing report by GIA as

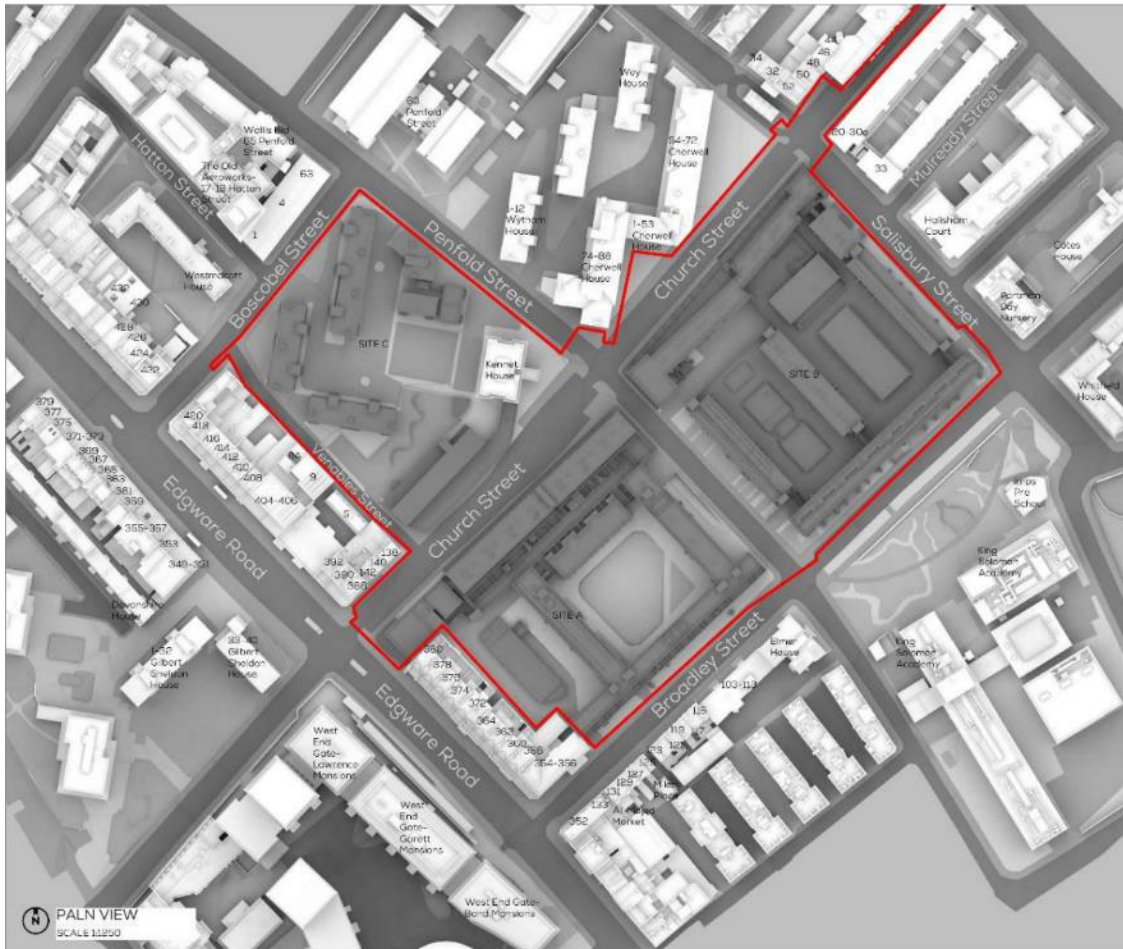
part of the Environmental Impact Assessment (EIA), which sets out considerations for the impact of the development in terms of both the EIA standards (negligible to major adverse impacts) but also in general terms. In terms of daylighting, both Vertical Sky Component (VSC) and No Sky Line (NSL) have been undertaken with the scale of effect categories as:

Negligible	0-19.9% alteration
Minor	20-29.9% alteration
Moderate	30-39.9% alteration
Major	40% + alteration

The report has been updated following the revisions to the scheme. As the final design for sites B and C is to be reserved for future applications, a three-dimensional representation of these sites has been modelled to indicate a worst case scenario as this model is based on the maximum extends of the parameter plans for these sites.

The D&S report has been assessed by AECOM, the applicants EIA consultants, who note that of the 90 existing buildings considered as sensitive receptors, a total of 1883 windows serving 1326 rooms were assessed for daylight. Of the 39 buildings assessed for sunlight, 541 rooms were considered. Of the 90 existing buildings, 27 would experience little to no impact (less than 20% alteration) in VSC and NSL and are therefore considered to experience a negligible/not significant impact. The remaining 63 buildings are discussed in more detail below (Daylight, Sunlight and overshadowing). Where the buildings are in a terrace, they have been considered together.

Figure 1 showing the site and adjacent buildings.



### 9.6.2 Daylight

The daylight and sunlight report and EIA report by AECOM have been considered here together. They have also sought to demonstrate through other examples, similar or worse cases, which have been considered as acceptable either due to their historic nature or through recent planning approvals. In line with BRE guidance two methods of assessing daylight to existing adjacent occupiers has been used, VSC and NSL. Within the assessment a VSC score of 15% has also been referred to as this is regularly considered at many developments across London to be appropriate within an Urban context. Where existing light levels are low, it is appreciated that any further reductions would then be expressed as a high percentage change, and may not represent an unacceptable loss, despite the percentage change being in excess of what the BRE would recommend.

#### *Vertical Sky Component (VSC):*

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that

the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values. For instance, as referenced above, it has been accepted by the GLA and in other applications by the council that a VSC of around 15% in an urban context is not uncommon and provides an acceptable level of light, however this is judged on a site specific basis.

*No Sky Line (NSL):*

The NSL method measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. BRE guidance states that if the no-sky line is reduced by 20% this will be noticeable to its occupants. Accurate assessment of the NSL method is dependent upon knowing the actual room layouts or a reasonable understanding of the likely layouts. The applicant's daylight assessment has had regard to the layouts of the buildings, and provided a result where possible.

*Assessment:*

Due to the number of windows and rooms which fail in terms of what the BRE recommends, it is not practical to list them all within the body of this report. A summary table is provided of the number of rooms which fail and to what level of significance as has been assessed by the ES as an appendix to this report. The impact of the development along with a commentary is provided below.

1. West End Gate – Lawrence Mansions:

Located to the west of Site A on the other side of the Edgware Road is this new residential development, with residential windows facing towards the site over the buildings which are to be retained on the other side of Edgware Road.

For VSC 85 of the 106 windows (80.2%) and for NSL 65 of the 69 rooms (94.2%) would meet BRE criteria. The majority (8 of 10) of the worst affected rooms in terms of VSC are dual aspect with retained levels of light from alternative windows at a reasonable level of light around the mid teen level. The remaining windows are single aspect and have low baseline levels of VSC given the façade is defined by recessed balconies. While the impact is considered as major adverse, given that rooms generally have alternative windows and good levels of ADF, the impact is generally considered acceptable with the worst affected rooms being at low level where due to their location, they will have lower scores, and therefore any impact will have a high percentage change.

2. West End Gate – Garrett Mansions:

This block has a similar relationship to Lawrence Mansions, but located further south.

For VSC 136 of the 156 windows (87.2%) and 113 of the 124 rooms (91.1%) would meet BRE criteria. 6 of the 20 windows are dual aspect. 6 of the remaining 14 are single aspect windows, which will retain levels of light around the mid-teen VSC level. This leaves 8 windows which would have a major adverse negative impact. This is again in part due to the recessed balconies. While the impact is also considered as major adverse, in general the rooms will remain well lit and it is not considered that the proposal will result in unacceptable losses of light.



### 3. Whitefield House

This residential block is located to the east of site B on the corner of Salisbury and Broadley Street.

53 windows servicing 53 rooms were tested. All but one window pass in terms of VSC and all rooms pass for NSL, the impact is therefore considered to be negligible.

### 4. Imps Pre-School

This low rise education building is located to the south of Site B on the other side of Broadley Street Gardens .

One window is assessed and will see losses in excess of BRE guidance for both VSC and NSL, however the room will remain relatively well lit and the impact is therefore considered minor adverse.

### 5. King Solomon Academy

Located south of Site B on the other side of Broadley Street Gardens this education building has 137 windows and 34 rooms of which 117 (85.4%) pass in terms of VSC and 29 (85.3%) in terms of NSL. All windows will however retain good levels of light in excess of 20% VSC and the impact is considered negligible.

### 6. Hailsham Court

Located to the north east of Site B on the other side of Salisbury Street is this 4 storey residential building.

Room uses and layouts for this property were not know and are therefore estimated, however due to its form, it is likely that the windows facing the site are part of dual aspect units. For VSC 19 of the 45 windows (42.2%) and an estimated 24 of the 33 rooms (72.7%) meet BRE guidance. 17 windows would see significant losses of in excess of 40%, many of which will retain low levels of both VSC, below 15% and NSL. These windows and rooms are largely located beneath balconies and at low levels of ground and first. The impact is considered to be significant and majorly adverse.

### 7. 33 Mulready Street

Also located to the north east on the other side of Salisbury Street, is this 2 storey residential block. The windows have an orientation facing towards Site B to the south west.

In terms of VSC 5 of the 27 windows (18.5%) and 3 of the 14 (21.4%) rooms in terms of NSL meet the BRE criteria. 16 of the 22 affected windows would see significant losses, in excess of 40%, however 18 of the windows serve rooms which have alternative windows, which retain good levels of daylight. Due to the significant losses of light, the impact is considered to be major adverse. However, some windows are located under eaves and will therefore have restricted light. Due to their existing low rise nature and their relationship with the site, any additional bulk will have a significant impact.

### 8. 20-30a Salisbury Street

On the other side of Salisbury Street, located opposite the northern most corner of Site B, is this 3 storey residential building.

Due to the orientation of the windows, directly onto the application site, the windows and rooms will all see losses in excess of the BRE guidance and will see major adverse impacts. However the windows will retain relatively good levels of VSC and all windows pass in terms of ADF.

#### 9. Portman Day Nursery

Located on the other side of Salisbury Street at the easternmost point of Site B is this 2/3 storey education building, housing both children's and adult education uses.

For VSC 11 of the 38 windows (28.9%) and 8 of the 12 rooms (66.7%) pass the BRE guidelines. 22 of the windows will see major adverse impacts in terms of VSC with in excess of 40% losses however the windows either serve functional uses such as offices or kitchen and the remaining classroom windows have multiple windows and are considered to retain adequate light. Given the location of the building directly opposite site B, the losses are significant, but likely to be acceptable due to other windows serving the rooms and building generally with alternative aspects.

#### 10. 358-380 Edgware Road

This is a terrace of properties whose main rear elevation faces directly onto Site A. There is a large two storey existing brick wall, which runs along most of the rear of their plot separating the sites.

There are a considerable number of windows looking onto the site, which will be negatively affected by the development proposals. These windows currently enjoy relatively good levels of light of at least 15% VSC. Due to their location, they will be significantly negatively impacted with retained levels of light below 10% VSC in many instances, with high percentage losses. The impact is therefore considered as major adverse, which is due to this existing relatively open aspect and the scale of the proposed building.

#### 11. 352 Edgware Road

This four storey building has commercial on the ground floor with residential above. It has frontages onto both the Edgware Road and Broadley Street and is located to the south of Site A on the other side of Broadley Street.

All of the windows pass the BRE guidelines for VSC with 12 of the 14 rooms passing for NSL. The impact is considered to be negligible.

#### 12. 133 Broadley Street

Located to the east of 352 Edgware Road, of the same architecture, also with residential on the upper 3 floors, but in closer proximity to Site A.

All of the 5 tested windows fail in terms of VSC with losses of between 20-39.9%, however will retain levels of between 13-18.5% VSC, which is considered acceptable for the urban setting. 3 of the 5 windows will pass in terms of NSL. The impact is considered as moderate adverse.

#### 13. 115-129 Broadley Street

This is a terrace of houses located on the south side of Broadley Street, directly opposite

Site A. Their front elevation looks directly onto the site.

Currently the rooms experience relatively good levels of light of around 20% or more VSC. These will be significantly reduced by around 50%. The losses will also be significant in terms of NSL. However the majority of the windows will retain a level of VSC in the mid-teens, with NSL figures commensurate to the urban location. It is however noted that the impact will be significant and major adverse, given the additional bulk proposed opposite.

14. Elmer House & 103-113 Broadley Street

This part 2, part 6 storey purpose built residential block, has a main frontage onto Broadley Street, and runs up to the junction with Penfold Street, with a larger element located on the corner.

Given its location directly opposite and to the south of Site A, nearly all of the windows and rooms see losses of light greater than the BRE guidelines for VSC and NSL. The windows currently achieve excellent levels of VSC in excess of 20% on the lowest level and will see significant adverse impacts as a result of the development, with retained levels of light as low as 6.8 VSC and with relatively low NSL as low as 27. The impact is therefore considered to be significant and major adverse.

15. 33-40 Gilbert Sheldon House

This is the lower rise four storey part of two blocks, with a main frontage onto Edgware Road, on the opposite side from Site A.

20 of the 30 windows (66.7%) and 23 of the 24 rooms (95.8%) will meet the BRE guidelines. The windows which fail located underneath walkways, will retain low levels of VSC between 4-8%, but other windows would retain relatively good levels of light of around 19%. The impact is considered as moderate adverse, given the worst affected windows are those currently with a poor relationship, under walkways, which will negatively skew the results.

16. 1-32 Gilbert Sheldon House

This 8 storey residential block has oblique views of the site, but does have a run of windows in the eastern facing element. All 16 windows pass in terms of VSC and all but one room in terms of NSL. This impact is considered as negligible.

17. 1-12 Wytham House

Located on the other side of Penfold Street is this residential block located to the north east of Site C.

For VSC 18 of 47 windows (38.3%) and 29 of the 41 rooms (70.7%) meet the BRE criteria. Of these windows all but 7 would retain good levels of light above 20% VSC. These 7 windows retain between 10-15%, which while low, is as a result of their location beneath an overhang, and therefore obstructed due to the buildings design.

18. Westmacott House

This residential block is located to the north west of site C.

For VSC 22 of the 37 windows (59.5%) and all rooms would meet BRE guidelines. While

6 windows will see significant VSC losses in excess of 40%, all windows will retain levels of light in excess of 13.5% VSC. Given the retained VSC and NSL results the impact is considered as minor adverse.

#### 19. Cherwell House

This large block is part 4 storey, part 5 storey, and part 7 storeys in height, and sits to the north west of Site B and to the north east of the retained Kennett House on Site C.

Due to its location to the north of the site, the majority of the windows will fail in terms of BRE, with significant losses. Many of the windows have relatively low levels of light as existing, of either low teens, and a minority with below 10% VSC. There are also windows with existing extremely high levels of VSC in excess of 30%, which will see reductions down to the low teens. While many of these rooms will retain fairly good levels of light in terms of NSL, they will be significantly negatively impacted and therefore it has been classified as a major adverse impact.

#### 20. Wey House

This residential block is located to the north of Cherwell House and therefore set away from Site B, but does sit adjacent to Site C at the western side.

For VSC 17 of the 21 windows (81%) and all rooms for NSL pass the BRE test. The windows which fail in terms of VSC have existing very low levels of light and therefore any change will show a high percentage change. The impact is considered to be negligible.

#### 21. 9 Venables Street

This is a three storey residential building located south west of Site C on the other side of Venables Street. Many of these windows have existing very low levels of light of around 2/3% VSC, which will be completely taken out by the development. Some bedroom windows do currently have good levels of light in excess of 20% VSC, which will be significant negatively affected down to around 2/3%. The major adverse and significant impact is due to the nature of the windows, directly opposite the development site, and given that some of them are set back with recessed balconies.

#### 22. 5 Venables Street

Located directly opposite Site C, this three storey building has 15 windows serving 14 rooms facing the site, all of which will breach the BRE guidelines. The losses are also significant, major and adverse, with almost all light lost, with VSC figures reduced from around 25 down to around 3 on the ground and first floor levels. The retained levels of light are improved at second floor level, around the mid-teens.

#### 23. 388, 390, 392, 404-406, 408, 410, 414, 416 & 418 Edgware Road

These buildings have rear facing windows towards Site C. All but one of the rear facing windows will see significant adverse losses of VSC in excess of BRE guidelines of around 50%. However the retained levels of light are generally around the mid teens, and could therefore be considered as acceptable given the urban context and relationship with Site C.

#### 24. 402 Edgware Road

This property is located on the other side of 5 Venables Street away from Site C, with

the main frontage onto Edgware Road. The three rear facing windows will see significant losses, but the retained levels of light are around the mid-teens in terms of VSC.

25. 9a Venables Street

This one storey building also faces towards Site C and have 3 affected windows which will be significantly adversely impacted with levels of light reduced down from around 21% to 3.7-3.8% VSC. The impact is therefore major adverse.

26. 138, 140 and 142 Church Street

These three storey buildings lie on the corner of Church Street and Venables Street and therefore will be affected by sites A and C, however its main frontage is to the south, over Church Street towards Site A.

Due to its proximity all windows would see a major adverse affect in terms of both VSC and NSL, with VSC levels dropped from around 30% to around 10%.

27. 123 & 125 Boscobel Street

These three storey properties face north west onto Boscobel Street, but have rear facing windows with oblique views towards Site C. The windows will generally retain good levels of light of in excess of 15 VSC, with the exception of one lower window which will retain a VSC of 10. The impact is considered to be negligible to moderate.

28. Kennet House

This prominent 17 storey tower sits within Site C and is the only building to be retained.

For VSC, 131 of the 237 (55.3%) of the windows and 144 of the 173 rooms (83.2%) will meet BRE criteria. Due to its location, the building will see significant losses of daylight. While the losses of light in terms of VSC will be significant to the majority of the affected windows, with the exception of the lowest floors, the daylight to rooms in terms of NSL remain reasonably high. As such the impact has been considered as moderate adverse.

29. Wallis Building-65 Penfold Street

Located to the west of Site C all rooms meet in terms of NSL, with only 2 of the 11 windows failing in terms of VSC, both of which will retain relatively good levels of light, in excess of 19% VSC. The impact is therefore considered to be negligible.

30. The Old Aeroworks-17-19 Hatton Street

Located on Hatton Street to the west of Site C is this residential building.

For VSC 17 of 38 windows (44.7%) and 16 of 18 rooms (88.9%) for NSL will meet BRE guidelines. Except for on the lowest levels, the windows will retain relatively good levels of light of in excess of the mid-teens, with all rooms retaining relatively good levels of light in terms of NSL for the urban location. The impact has therefore been considered as minor adverse.

31. 60 Penfold Street

This five storey residential building is located to the north west of site C and sits to the south west of the newly constructed development at Luton Street.

For VSC 43 of the 58 windows (74.1%) and 30 of the 32 rooms (93.8%) will meet the

BRE guidelines. The worst affected windows are at lower floor levels, but windows will generally be around the mid to late teens and rooms will retain relatively good levels of light in terms of NSL. The impact is therefore considered to be minor adverse.

**32. Sites B and C**

These two sites have not currently been designed, therefore, the true impact is not yet known. However, given that the parameter plans have been proposed, the daylight and sunlight report has undertaken an estimated impact assessment on their VSC levels. The following table shows the potential impact to these sites:

Table 18 taken from GIA daylight and sunlight report

VSC LEVELS	SITE B*	SITE C*
>27%	28%	30%
Between 15%> and <27%	22.5%	32%
Between 5%> and <15%	29%	30%
<5%	20.5%	8%

\*as a percentage of the assessed windows

It is apparent that the impact of Site A on these new blocks is potentially significant. GIA has also undertaken indicative modelling for the blocks to indicate the areas where light is likely to be more challenging. In general terms, as one would expect, it is to the lower levels, and where windows/doors are recessed behind balconies which suffer the most. Should/ when these sites come forward, the design team will have the opportunity to design and arrange the units to make best use of available light.

**9.6.3 Sunlight**

In line with BRE guidance, the applicant has provided a sunlight assessment, which measures the impact of overshadowing to all windows which face the application site within 90 degrees of due south. The BRE advises that a room will appear reasonably sunlit if it received at least a quarter (25%) of annual probable sunlight hours (APSH) including at least 5% of annual probable sunlight hours during the winter (WPSH). A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

*Assessment*

Of the 39 existing buildings assessed, 20 would experience little to no impact (less than 20% alteration) in terms of APSH and WPSH and are therefore considered to experience a negligible impact. The remaining 19 buildings are discussed further below.

**1. Hailsham Court**

Located to the northeast of Site B on the other side of Salisbury Street is this 4 storey residential building.

11 of the 21 rooms (52.4%) meet APSH and 9 of the 21 for WPSH meet BRE criteria. Of the windows which fail, the majority would see major impacts in terms of sunlight loss,

but the impact has been considered as moderate adverse. Despite this, the losses are significant to this end elevation of Hailsham Court, with almost all sunlight lost in some cases. This is due to its orientation with the site, which is to be considerably built up as a result of the development on site B.

## 2. 33 Mulready Street

This block of buildings, whose main frontage is onto Mulready Street also has a frontage onto Salisbury Street across from Site B.

14 rooms have been tested :- 9 for APSH and 10 for WPSH would see losses in excess of 40%. The losses are high for each of these rooms, which is due to their location across from Site B, where considerable additional bulk is proposed. As some light is retained for the majority of rooms the impact has been considered as minor adverse.

## 3. 20-30a Salisbury Street

This property is at the north-eastern corner of Site B, directly opposite on Salisbury Street.

All of the 6 windows will see losses in excess of 40%, again with particularly high winter sunlight losses. This is due to the location of these windows at low level and on the other side from Site B where considerable additional bulk is proposed, blocking direct sunlight.

## 4. Portman Day Nursery

This education building is located northeast of Site B. This building will see significant losses, however the majority will pass the BRE guidance in terms of winter sun (91.7%) with 58.3% passing in terms of annual sun. This is due to the location of the building directly opposite site B. Due to its location north of the Broadley Street Gardens, the rooms will however maintain a relatively open aspect to the south towards the middle of the day.

## 5. 103-113 Broadley Street

This residential building is located to the southeast of Site A on the other side of Broadley Street. As its main orientation is to the north, only one window was tested which currently has a very low level of sunlight with just 2 hours a year. These will be lost, but this is considered to be negligible.

## 6. Cherwell House

This residential block is located to the north of Site B, but also sits to the east of Site C. Given it has a main orientation to the south, it will be significantly impacted in terms of sunlight loss.

The majority of the rooms will see significant losses, well in excess of 40% their former value and many will see 100% of their sunlight lost, however these rooms generally had lower levels of sunlight in the existing situation. The impact is considered moderate to major adverse, as they will see a significant negative impact as a result of the development at Site B.

## 7. 362, 376 and 380 Edgware Road

This residential terrace, with a rear aspect onto Site A, has some south facing windows in the side of their rear extensions which have a southerly aspect and will therefore be

affected in terms of sunshine.

The rooms will see losses of round 30% of their APSH, with larger winter losses due to the existing levels being generally low. The impact is considered to be significant, but a relatively small number of rooms will be affected.

8. 9 Venables Street

This building is located to the west of Site C on the other side of Venables Street. Two rooms would be affected but they both currently only have 4 hours of annual sun. While this sunlight will be lost, it is unlikely to be noticeable and it is understood that these rooms are bedrooms which have a lower requirement for light.

9. 138, 142 & 140 Church Street

Located directly opposite Site A on Church Street, these properties have windows which face towards the development site. While these windows will see significant losses, in excess of 40% their former value, they will retain light and the impact has been considered as minor adverse.

10. Kennet House

Located within Site C and opposite Sites A and B, this residential tower has many windows facing within 90 degrees of south, particularly towards Sites A and B.

Of 95 rooms tested 64 (67.4%) would pass BRE criteria for winter and annual sun. 82.1% would pass in terms of annual sun. It is noted that many of these rooms are set back and located beneath balconies which will negatively impact on the results, due to the bulk of the balcony restricting light as existing. The sunlight losses are high, well in excess of 50%, as a result of the buildings orientation and the considerable bulk which is proposed opposite. The impact on sunlight will therefore be significant.

11. The Old Aeroworks 17-19 Hatton Street

Located to the north of Site C there are windows which will be negatively affected in terms of sunlight. The rooms at lower levels are worst affected with 100% of winter sun and in excess of 40% their annual sun reduced in some instances. This is again due to their location and orientation with Site C, where any additional bulk will have a negative impact.

12. 60 Penfold Street

This building is located to the north of Site C. Of the 32 rooms tested, 28 (87.5%) will meet BRE criteria for both APSH and WPSH. While rooms will see some significant losses, in excess of 40%, they will retain relatively good levels of light given the urban context of the site and the impact has been classified as Minor Adverse.

13. Wey House

This building is to the east of Site C and north of Site B. 9 of the 11 rooms tested (81.8%) will pass BRE criteria for both APSH and WPSH. Many of the worst affected rooms have existing low levels of light due to existing obstructions from the block which separates site B from this building. The impact has been considered as minor adverse.

**9.6.4 Overshadowing:**

It is suggested in the BRE Guidelines that for an area to appear adequately sunlit



throughout the year, at least half (50%) of any assessment area should see direct sunlight for at least two hours on the 21st March. If, as a result of new development, an existing assessment area will not meet BRE Guidelines and the area which can receive two hours of direct sunlight on 21st March is reduced to less than 0.8 times its former area, then the loss of sunlight is likely to be noticeable.

The guidance states that the availability of sunlight should be checked for all open spaces where it will be required this would normally include:

- Gardens, usually the main back garden of a house
- Parks and playing fields
- Children's playgrounds
- Outdoor swimming pools
- Sitting out areas such as those between non-domestic buildings and public squares
- Nature reserves.

Transient overshadowing modelling has been provided, indicating the overshadowing for the area on 21 March, 21 June and 21 December for 14 areas, which largely relates to areas of open space, gardens, the market and play areas around the site.

1. Open space between Tadema House and Eastlake House
2. 60 Penfold Street- Open space
3. 60 Penfold Street- Open space
4. Church Street Market Infrastructure
5. Church Street Market Infrastructure
6. Church Street Market Infrastructure
7. Church Street Market Infrastructure
8. Cotes House - Open space
9. Portman Day Nursery
10. Broadley Street Gardens
11. Gilbert Sheldon House - Open space
12. Gilbert Sheldon House - Open space
13. Westmacott House - Open space
14. 424-428 Edgware Rd - Open space

The following has been taken from AECOM's ES in relation to overshadowing to indicate the worst case impact of the development:

#### Transient Overshadowing

##### *March 21<sup>st</sup>*

On this day, shadows are cast from the Proposed Scheme from 08:00 GMT in a north westerly direction. At this time, area 13, 4, 5, 6 and 7 are overshadowed by the Proposed Development. The shadow traverses across these areas throughout the morning, clearing from area 13 and 14 by 10:00 GMT. At 12:00 GMT, shadow is cast from the Proposed Development to areas 2 and 3. By 14:00 GMT, areas 4, 5 and 6 are no longer affected by the Proposed Development, however, shadow begins to encroach on area 8. The Proposed Development shadow clears from area 2 by 16:00 GMT and area 3, 8 and 9 remains overshadowed for the remainder of the day.

Areas 1, 10, 11 and 12 are unaffected by shadow cast from the Proposed Development.

### *June 21<sup>st</sup>*

On this day, shadows are cast from the Proposed Scheme from 06:00 BST in a south westerly direction, passing over areas 3 to 7 throughout the middle of the day.

At this time, strips of areas 4, 5 and 6 are overshadowed. Additionally, a small strip of shadow is cast over areas 11 and 12, which clears by 07:00 BST. At this time, shadow from the Proposed Development is cast over a very small section of area 13, which clears by 11:00 BST. Throughout the morning, the shadows reduce in size to areas 4, 5 and 6, clearing completely by 14:00 GMT for the remainder of the day. Between 14:00 BST and 16:00 BST, areas 4, 5 and 6 are in direct sunlight, before seeing a period of overshadowing from the Proposed Development. At 14:00 BST, areas 2, 3 and 9 becomes partially overshadowed by the Proposed Development. The shadow clears from areas 2 and 3 by 17:00 BST and area 9 remains overshadowed for the rest of the day. At 18:00 BST, the Proposed Development overshadows area 10 for the remainder of the day.

Only area 1 is unaffected by shadow cast from the Proposed Development on this day

### *December 21<sup>st</sup>*

On this day, shadows are cast from the Proposed Scheme from 09:00 GMT in a north westerly direction.

At this time, area 13 is overshadowed by the Proposed Development, which clears by 11:00 GMT. Between 10:00 GMT to 14:00 GMT, areas 2 and 3 see intermittent period of overshadowing from the Proposed Development. Area 6 is overshadowed throughout the day.

Areas 4, 5, 8, 9, 10, 11 and 12 are unaffected by shadow cast from the Proposed Development on this day.

### Sun on the Ground

A detailed Sun Hours on Ground assessment has also been carried out for the most affected open spaces to understand the scale and nature of the impacts.

Areas 1, 2, 8, 9, 10, 11, 12, 13 and 14 would experience Local, Direct, Long Term and Negligible effects (not significant) as a result of the Proposed Scheme. As described in the Transient Overshadowing assessment these areas would either retain at 2 hours on sun on least 50% of their total area or not experience a reduction in the total amount of sunlight by more than 0.8 as a result of the Proposed Scheme as per BRE Guidelines recommendations.

Of the remaining receptors, Areas 3 (60 Penfold Street) and 4, 5, 6 and 7 (Church Street Market Infrastructure), each would see a reduction greater than 40% in the total area seeing at least 2 hours of sun, which is considered a considered Permanent, Direct, Long Term Major Adverse effect.

Significant effects on the Church Street Market Infrastructure are to be expected, given the low-rise nature of the baseline context and the central location of these areas in relation to the Proposed Development. Further assessments on the sun exposure

indicate that the market infrastructure will receive at least 1.5 hours of direct sunlight in march and over 3 hours in the summer solstice.

*Overshadowing conclusion*

Of the 13 areas assessed, areas 3 to 7 would see a reduction greater than 40% in the total area seeing at least 2 hours of sun, which is considered a Major Adverse effect. All the other areas experience negligible effects. It is therefore apparent that due to its location and scale, the proposed development will result in overshadowing to surrounding areas of open space and the market. It is however also noted that they will retain light, but for less hours. This is to be expected given the increased bulk on the site. This must be balanced against the benefits of the development. It will also be possible to ensure that the design of Sites B&C can be designed so as to reduce overshadowing where possible.

**9.6.6 Sense of Enclosure**

Due to the scale of the proposed development, it will have a significant impact on the existing surrounding properties, each of which will be discussed in turn below.

138-142 Church Street

These small three storey properties look onto the new end section of Site A facing onto Church Street. They currently benefit from looking onto the existing low rise two storey buildings which sit at the junction with the Edgware Road. The replacement building will be some seven stories high and will therefore result in increased enclosure for these south facing windows. They are however separated by Church Street and would suffer from any additional bulk on the site given the existing low rise nature of the existing buildings.

Lawrence Mansions and Garrett Mansions

These large residential blocks are located within the new Paddington Green development on the other side of Edgware Road. These are each eleven stories in height and will look over the properties on the other side of Edgware Road onto Site A. Given their separation, as they are larger in height themselves, it is not considered that they will suffer such a negative impact as to be unacceptable.

358-380 Edgware Road

View north west with new block A2 on right and rear of Edgware Road on left (out of visual)



The rear aspect of these attractive four storey properties will be some of the worst affected in terms of sense of enclosure, with the rear elevation of block A2 within Site A in close proximity. They also have a generally open aspect out over their rear infills towards a wall which separates the site, over an open hard paved parking area, single storey structure and out to the low rise existing residential blocks beyond.

However, the rear windows will benefit from some relief as Block A2 is set back from the boundary by a podium garden, which provides some breathing space between the rear elevations of the buildings (as shown on this visual).

Given the proximity of the rear of these properties to the boundary

of the site (which currently has a large dividing wall), they have an existing bad neighbour relationship. Given the existing open aspect, they would suffer an increased sense of enclosure from any additional bulk. The podium garden provides some relief and will help to reduce the enclosure, however, it is appreciated that this will be significant.

### Broadley Street

These properties and flats are located on the south side of the street and look directly onto Site A. They are generally 3 stories in height, with a larger block on the corner with Penfold Street. The mass of Site A is broken up by the creation of the new street 'New Street Gardens', down the middle of site A. The massing of the building increases as you head east, with the westernmost block (A.2) having nine stories onto Broadley Street, and the block to the west (A.1) varying in height and mass with eight, nine, thirteen and fifteen storey elements. The massing of block A.2 is articulated and broken up with balconies.

Given the scale of the replacement building, which is significantly taller than the existing five storey building, the properties on the south side of Broadley Street will experience a significant increased sense of enclosure. However, this is broken up by New Street Gardens and by the articulation of the new building. It is also a traditional arrangement with buildings facing onto each other from either side of the street. Many of the properties will maintain aspects to the rear away from the development site.

### Broadley Street Gardens

The school and pre-school are located some distance from Site B on the other side of Broadley Street Gardens. While they will experience greater enclosure, this is not

considered unreasonable as they will still have open aspects onto the gardens.

The situation will be similar for 2-10 Salisbury Street, which will have oblique western views of Site B across the gardens and Broadley Street.

#### Salisbury Street

A three storey educational building faces onto Salisbury Street between the junctions with Broadley Street and Whitehaven Street. To the north is the four storey end elevation of the block which sits between Whitehaven Street and Mulready Street, which features windows, balconies and an entrance. To the north again are the three storey properties which face onto Salisbury Street before you get to Church Street.

The education building is detached and therefore has aspects in each direction, and while it will experience an increased sense of enclosure, given it has windows which will remain as existing will not be so significantly affected. The residential properties to the north will be more significantly affected as the windows and rooms which lead out onto balconies are likely to be the main aspect. Given the existing relatively low level of the existing building the outlook is not oppressive. It is noted that the final bulk and design of Site B is yet unknown, so any effort to articulate and break up the mass would be welcomed. Despite the mass, the relationship will be a traditional one looking from one side of the street to the other, and the impact is on balance considered acceptable.

#### Churwell House

This block is articulated, creating areas of open space onto Church Street. There are only four windows which look directly southeast and run flush with Church Street and therefore look directly at Site B. The remaining windows and balconies will also be significantly affected, but due to the siting of the block, will have oblique views up and down Church Street towards the development site. The articulation also helps set back many of the flats away from Church Street. Despite this, the impact will be significant given the likely bulk of Site B will be more than the existing four storey building, particularly given the corner building facing Church Street and Penfold Street is proposed as a larger element. Again however, this will be a fairly traditional arrangement, looking over Church Street and the market.

#### Kennet House

Sit within Site C, this block will be affected by Site A to the south, to the east by Site B and to the north, west and southwest by Site C. The parameter plans for Site C have left space around the base of the tower to allow the building to breath. The larger elements on Site C are proposed on the corners of Venables Street and Church Street and at the northern end of the site. Given the low rise nature of the surrounding buildings as existing, the additional bulk will see the properties experiencing a significant increased sense of enclosure, particularly those flats on lower floors.

#### Wytham House

The most affected aspect of this property will be the western facing element, however this is articulated so that it does not look directly onto Site C, and is separated by an existing area of planting which has some mature trees. It is not expected that the impact of the development on these properties will be significant.

#### 60 Penfold Street

This development looks onto the northernmost corner of Site C. The lower section of the development will look onto this larger element of Site C, however it is set back from the street by an existing attractive area of landscaping and some mature planting. The larger element has oblique views of the site, however the nearest windows would not appear to be habitable rooms. Given its location and relationship, it is not considered the impact will be so significant as to be unacceptable.

#### The Wallis Building and Old Aeroworks

There are windows and balconies which look to the south east towards Site C. These will be negatively affected as the existing building is articulated so that it steps away from Boscobel Street and as it is of a lower scale to the proposed blocks (when seen as a maximum on the parameter plans). However these buildings themselves have taller elements, and benefit from having some additional separation due to the existing low rise warehouse style structure which faces onto Boscobel Street. It is not considered that the impact will be so significant as to be unacceptable.

#### 3 Hatton Street

This purpose built residential block has windows in its end elevation which look onto Site C, however as these flats are highly likely to have aspects to the front and rear away from the site, it is not considered than when taken as a whole, the flats will be significantly negatively affected.

#### Venables Street and rear of Edgware Road

The properties at the middle and towards the southern end whose main aspect is onto Site C will be significantly affected as they currently have a very open aspect onto single storey storage units, with the five storey existing residential blocks behind. Venables Street is also a narrow street and therefore the development will be in close proximity. Any additional bulk brought up to the street frontage will have a significant adverse impact onto these properties. Given the likely scale of the proposed blocks, they will experience a considerable increased sense of enclosure.

The rear windows of the properties on Edgware Road have a much greater separation from the development site, looking out over the existing private single storey rear extensions and back of house yard areas. While they will experience an increase in enclosure, this is not considered to be uncharacteristic to an urban context.

### **9.6.7 Privacy, Overlooking & Noise from new residential**

The proposed blocks include considerably more windows and balconies, often in closer proximity to the existing situation as discussed in detail above within the sense of enclosure section. In general terms the arrangement will be what one would expect with residential properties looking onto a street, however this overlooking would be mutual.

The worst affected properties would likely be those on Venables Street and those at 358-380 Edgware Road, who generally have an open outlook onto existing low rise development, with a considerable distance to the nearest residential. With the Venables Street properties, these will however have a traditional arrangement over the street, albeit being a relatively narrow street. The Edgware Road properties, currently enjoy a very open view. Block A2 on Site A, has access walkways on the face which sits closer to these properties and therefore the overlooking is likely to be more transient than should balconies be located on this frontage. These are however closer and taller than

the existing arrangement. The block is however set away from the main rear elevation of this terrace by approximately 25m, by a new podium garden area. This will provide some distance and relief to help protect privacy.

While it is appreciated that there will certainly be increased overlooking, this in general terms is not considered to be so significant when compared to a traditional arrangement of street facing residential properties with mutual overlooking so as to be unacceptable.

In terms of noise, given the residential use of the balconies and outside spaces, it would not be appropriate to limit the hours in which they are used. A condition is however recommended for the submission of a management plan to confirm how the shared private gardens will be managed.

#### **9.6.8 Amenity conclusion**

It is apparent that the proposed development would result in significant losses of daylight and sunlight to neighbouring properties in excess of what the BRE recommends. It will also result in an increased sense of enclosure to surrounding properties due to the considerable increased bulk and its location, when compared to the existing situation. It will also result in overshadowing to adjacent areas. As noted within the ES, in many cases this has been considered as a Major Adverse Impact, due to the high levels of light loss.

It is recognised that the BRE Guide is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations. Many sites within Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live. It is therefore generally accepted that the BRE guidance is applied flexibly. In this instance, many of the surrounding buildings are of a modest scale, with windows at low levels and often beneath eaves and overhanging balconies. Due to their low level and existing obstructions, windows will see significant losses from any additional bulk on these sites. These losses must therefore be balanced against the benefits of providing a considerable amount of housing, and affordable housing on the site.

In terms of sense of enclosure, this is difficult to measure and is more of a personal impression. As noted above, due to the existing relationship with lower surrounding properties, any additional bulk will result in increased enclosure to surrounding properties. It is however also appreciated that the development sites are generally located on the other side of streets, and therefore have a relatively traditional relationship, with existing and proposed buildings facing onto, but separated by the existing street infrastructure.

The development will also have negative impact due to overshadowing of adjacent spaces, due to its scale, and result in increased activity and noise from the increase in density and resultant numbers of people. This is however not considered to be out of character with the urban context.

While the proposals are considered to be contrary to policies 7, 33 and 38 in the City Plan, the impacts are on balance, considered acceptable given the central London



location and weighed against the benefits which this redevelopment will generate.

## 9.8 Transportation, Accessibility & Servicing

### 9.8.1 Highway Works

The proposals result in alterations to the building lines and therefore require stopping up and dedication of the highway. They also include the provision of the new Private Public Realm, with the introduction of New Street Gardens, the new publicly accessible route which runs through Site A. Highway alterations such as the allocation of kerb space and locating crossing points will be subject to detailed highway design process via separate agreements with the Council.

Visual down New Street Gardens



The applicant has submitted a Design Code which includes elements relating to the treatment of the highway. Any highway works will need to go through the detailed highway design process and meet highway standards including materials used. It is likely that not all approaches outlined within the Design Code would be followed within the highway. There are issues with principles within the document and specific elements that would not be taken forward including clear footway widths being below standard minimums, surface treatments etc. Any non-standard materials used would also attract commuted sums, fully funded by the developer. The Code has been updated to address these issues and will be revised prior to each phase.

While the applicant indicates some highway layouts, including allocation of parking spaces for various users and type of

restrictions, these elements will be determined by the Highway Authority and is part of a wider programme of works, funded by the developer. It is noted that the end layout may not match that proposed in the planning application documents. The approach to phasing of highway works requires further discussion to ensure an appropriate approach to construction as part of future applications.

Any materials on the highway will need separate highway approvals and will need to meet the Highway Authority requirements, including those relating to minimising long



term maintenance. This will be determined and agreed as part of the detail highway design phase.

The detail design of the highway layout would also need to include the market layout and associated infrastructure. These highway works would not require planning permission.

Redundant vehicle crossovers must be reinstated as footway. This will improve the environment for pedestrians and other highway users, consistent with Policies 25, 28 and 43 and would again be subject to separate highway permissions.

No level change to the existing highway will be able to be made. Any level changes will need to be accommodated within the site itself.

### **9.8.2 Building Line/Set backs/Stopping Up**

The highway boundary is the existing building line. From the information provided, there are locations where the building line is brought forward and in other locations set back.

Where the building line is set back, this should be dedicated as highway, consistent with Policy 28. For Site A, it is accepted that the areas to be stopped up, while not consistent with Policy 25 and 28, would not have such an impact on pedestrian movement or the operation of the highway to raise an objection within the context of Site A proposals.

Building lines for both Site B & C need further review, especially where the building line could be coming forward and causing an obstruction to pedestrian movement and in the case of Site C removing existing chamfered corners. These elements are unacceptable and alternative design solution is required, which would be discussed and approved as part of future applications for these sites.

It is unclear from the drawings submitted if the sufficient 2.0 metre minimum footway clear width remains particularly on Penfold Street of Site A. Further detail is required for it to be demonstrated that minimum footway widths can be achieved. This is however required within the Design Code.

It is noted that Pursuant to s247 of the Town and Country Planning Act 1990 the applicant may separately require a stopping up order for parts of the highway to enable this development to take place.

### **9.8.3 Private Public Realm**

The provision of private public realm / New Street Gardens is welcomed and will be secured via a walkway agreement.

### **9.8.4 Cycle Parking**

Long stay cycle parking will support sustainable travel options by residents and staff. Long term staff cycle parking must be secure, accessible and weather proof. Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy T5 requires 1 space per studio, 1.5 space per 1 bedroom unit and 2 spaces for all other dwellings. The London Plan Policy T5 requires 1 space per 175m<sup>2</sup> of A class food retail, 1 space per 250m<sup>2</sup> A class non-food retail, 1 space per 75m<sup>2</sup> of B1 office and 1 space per 8 staff/students for D uses, (most comparable uses).

Site A requires 744 long term cycle parking spaces for the residential element. 823 spaces are proposed, which is welcomed and will be secured by condition. TfL have commented that they would prefer for 20% of the spaces to be provided as Sheffield Stands for easier access. As the majority of cycle parking is currently proposed as cycle stackers, the applicant has confirmed that they will be able to provide a greater amount as Sheffield Stands, through alterations to the existing arrangements, and use of some adjacent plant areas. This is proposed to be secured via amending condition.

For short stay cycle parking, 1 space is required per 40 units and these spaces should be located near residential entrances. Site A would require 23 short stay spaces. It is noted that some cycle parking is indicated on some of the submitted drawings but the detail is not clear and this will therefore be secured by condition.

While long stay cycle parking is now indicated for the non-residential uses, it is unclear how this provision has been calculated and if it is consistent with minimum policy requirements. Further details of both long and short stay cycle parking provision will be secured via condition for all sites.

Details of cycle parking (both long and short stay) for all uses for Sites B & C will need to be secured by reserved matters. Their provision should meet the standard applicable at the time these sites come forward.

#### **9.8.5 Car Parking**

##### *Removal*

Through the total redevelopment of the sites, the proposal removes the existing off-street car parking. Policy 27A and F of the City Plan supports the reduction of car parking.

##### *Non residential*

No car parking is provided for the non-residential uses, other than van parking for the street market traders on Site B. Delivery parking spaces are also provided along with Market Storage at ground floor level within Site A. The Highways Planning Manager has no objection to the van parking in terms of operational requirements and can be supported by policy. It is also accepted that the layout of the street trader vehicle parking areas are functional and vehicles will be able to enter and leave in forward gear.

The site is within a Controlled Parking Zone. The site has a good level of public transport accessibility. The impact of the proposed development on parking levels will be minimal and consistent with Policy 27.

##### *Residential*

Policy 27A states that the London Plan standards will apply. For this site, being PTAL 6, this means the development should have no on-site car parking provision, other than an element of disabled car parking. The disabled provision is 3% of residential unit numbers, which would be 13 spaces for the proposed 429 units.

It is noted that London Plan Policy T6.1 requires developments to demonstrate how an additional 7% of dwellings could be provided with one designated disabled persons parking space per dwelling upon future request as soon as existing provision is insufficient. Within the majority of developments in Westminster, where any car parking is provided, this effectively needs to be constructed upfront, especially where

developments rely on basement car parking provision. 7% of dwellings would be 30 car parking spaces. The maximum disabled car parking spaces would therefore be 43 (13+30).

22 disabled spaces are proposed on Site A. It may be possible to amend some of the plant areas in the future should technology become more efficient, should additional spaces be required. Regardless, given the limited options to include space that could be converted to disabled parking in the future, the provision of 22 spaces is considered acceptable and within the lifetime maximum of 43 spaces. TfL requests that the development is car free and that it is secured as such with the legal agreement. The Council currently does not have the mechanism to secure this, but it could be delivered through the parking team, by removing the ability of future residents from applying for parking permits.

Lifetime car club membership is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers and not increase on-street parking stress. Car club membership should be secured for all residential units within the development. The applicant has confirmed their agreement to this provision in accordance with Policy 27B. This is welcomed and should be secured via legal agreement, including funded by the developer. TfL have queried this provision, and note that the car club should not be provided within the CAZ, however this site is just outside of the CAZ.

Policy 27A requires all new spaces to provide active provision of Electric Vehicle Charing Points. The applicant has now indicated that 100% of spaces will be provided with an active EV charging point. This is welcomed.

Policy 27B requires the spaces to be let, rather than sold, parking spaces to residents of new developments on a short-term basis, with spaces allocated to individual addresses or property numbers. The applicant has made this commitment, but it does not form part of the applicant's submitted Car Parking Management Plan. In any event, this element would need to be secured by legal agreement, should the scheme be granted permission.

Policy 27E requires contribution from major developments for on-street provision of EV infrastructure. No contribution is offered. It is noted that one on-street rapid charge point is approximately £50,000 to install (this includes the unit, power upgrades plus physical works and legal processes). This is to be secured through the S106.

The detail for parking provision for Sites B & C is yet to be finalised and will be subject to reserved matters. This would then be subject to review and any updated policy at the point the phases come forward.

#### *Car Lift/Car Parking Layout/Vehicle Access Site A*

The Highways Planning Manager notes that the internal space for vehicle manoeuvring is functional. The down car lift, to access the basement, has been amended in the revised application so that it is now set back to allow a standard sized vehicle to wait off the highway (footway). This means a vehicle waiting should not cause an obstruction to pedestrians and other highway users by blocking the footway, which is welcomed. However limited pedestrian visibility splays are provided for vehicles exiting the car lift

and entering the highway. This design element is not considered to be consistent with Policy 25 and therefore further details should be secured by condition of each vehicle access to ensure a safe and function vehicle access is provided.

#### **9.8.6 Servicing**

Policy 29 requires off-street servicing and freight consolidation. No off-street servicing is provided other than for the street market/market traders. All servicing for the residential and commercial uses along Church Street will occur on-street, including waste collection.

The applicant notes the existing footways in the area are narrow. Deliveries and goods left on the highway create an obstruction to pedestrians and have an adverse impact on any improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists. A development which provided off-street servicing would contain and manage these issues internally and not at the expense of other highway users.

The applicant indicates the proposed on street parking servicing arrangement reflects the existing situation. Despite the proposal being complete demolition and rebuilding, the proposal relies on on-street servicing. The incorporation of spaces and facilities to support the street market in Site A are noted by the Highways Planning Manager.

The revised scheme has improved the provision of ground floor holding areas for deliveries to be held. This is likely to reduce the time goods are left on the footway or vehicles are present while delivering. These improvements are welcomed by the highways officer.

The proposal now includes increased processes and commitments to freight consolidation. These are welcomed and if implemented are considered to reduce the volume of servicing vehicles to the site, reducing the impact on all highway users including pedestrians and cyclists. Further detail should be secured through a Servicing Management Plan for each Site with an overall approach and efficiencies delivered through a co-ordinated approach between each site.

To minimise the impact of commercial uses (Class E) uses on the highway network, no delivery service should operate from this location (such as from restaurants and food shops). Delivery vehicle parking can reduce the availability of parking for other uses, increase congestion (both on the carriageway and footway) and increases noise and fumes in the area.

Further work and detail for Site B & C relating to servicing should be secured via reserved matters.

#### **9.8.7 Trip Generation**

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking & cycling). Trip generation modelling indicates that the proposed uses will not have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in floor space (see separate comments below on servicing and vehicle access).

Given the wide list of potential uses within the E Use Class concern is raised that certain uses may generate significant peaks of motor vehicle traffic, which may be unacceptable in trip generation terms (particularly nursery/creche/education and medical type uses). The Highways Planning Manager therefore recommends that a specific restriction is placed upon the use, given the varied uses within the use class order and further information (including staff numbers, hours of operation, capacity, etc) should be submitted on the proposed use/s once a firm proposal regarding the use and operation is known for consideration and approval. Given that there are only two Class E units on Site A, it is recommended that these are secured as retail, for which such details are not required. It is however recommended that such detail is reserved for Sites B&C.

For the residential, office and retail/restaurant type uses, Westminster would not require a travel plan in this location. However, educational (and other former D class type uses), may also generate the need for a travel plan.

## **9.9 Economy including Employment & Skills**

Regard has been had to policy 13 supporting economic growth and policy 18 D Education and Skills which states that major development will contribute to improved employment prospects for residents. Policy 18D goes on to state that financial contributions and an Employment and Skills Plan will be secured in accordance with policy.

In accordance with the council's Inclusive Local Economy and Employment Guidance, and as confirmed by the Councils Economy Team, the development triggers the requirement for an Employment and Skills Plan which will be secured by legal agreement to maximise opportunities for local employment during construction and demolition and a contribution of £128,400 toward the Westminster Employment Service to secure employment opportunities for Westminster residents is required by the revised proposals.

The development is also subject to an Environmental Impact Assessment, which assessed the impact of the development in terms of Socio Economics. This has been discussed further within the EIA section of this report.

### **Digital Infrastructure & Connectivity**

As required by Policy 19 of the City Plan, Major new developments will be designed to enable the installation of the most up-to-date standards of digital connectivity and ensure easy maintenance and future upgrading as technologies and standards improve. This is to be secured by condition.

## **9.10 Other Considerations**

### **9.10.1 Odour**

The proposals include the provision of Class E uses at ground floor level. This could include units which require kitchen ventilation. Policy 33(D) seeks to protect against local environmental impacts, and the council has supplementary guidance to prevent odour and fume nuisance from kitchen extraction. The Environmental Science Officer has recommended a condition for the provision of details of the ventilation system to be provided prior to such works taking place. It is recommended that such a condition is

required prior to the use of any of the commercial units for the cooking of food to prevent a nuisance to residential occupiers above.

### **9.10.2 Land Contamination**

The Environmental Sciences Officer has noted that the site has been used as warehousing in the past. They have therefore recommended that details of contaminated land are secured by condition, which is considered acceptable. It is also recommended that details are secured by reserved matters for the future phases of development.

### **9.10.3 Noise & Vibration**

For Site A, whilst general mechanical plant locations are shown on the drawings, detailed information on the plant has not been provided. A noise report has been provided which indicates that the site is in an area which exceeds WHO Guideline Levels. The Environmental Sciences Officer notes the design criteria for the development, which plant and mitigation will need to meet. They have requested standard noise conditions relating to plant and the submission of a supplementary acoustic report to demonstrate that any plant, once selected, will not have a negative impact on occupiers, including the new proposed residential dwellings.

Conditions are also recommended in relation to internal noise and vibration, which are considered suitable, along with conditions to protect new residential occupiers from external noise.

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

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

### **9.10.4 Equalities**

The Equality Act 2010 places a duty on public bodies, including the City Council, in the exercise of their functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The Act defines protected characteristics, which includes age, disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Policy GG1 of the London Plan highlights the diverse nature of London's population and underscores the importance of building inclusive communities to guarantee equal opportunities for all, through removing barriers to, and protecting and enhancing, facilities that meet the needs to specific groups and communities.

An equalities statement has been provided with the application. This considers the

impact of the development both during construction and in operation, namely on homes, the market, accessibility, health and wellbeing of the community. It sets out mitigation measures and identifies priority groups for which there are differential or disproportionate impacts as a result of the regeneration including older people, younger people, children, BAME people and people with disabilities. Furthermore it sets out recommendations for groups affected by the regeneration proposals with multiple protected characteristics for which the cumulative impacts of the regeneration proposal could have an exacerbated effect. A number of mitigation measures are set out within table 9-2 of the statement.

In order to avoid, remedy or mitigate negative impacts and secure and improve positive impacts, a condition is recommended to secure an equalities impact assessment management plan prior to the commencement of each phase of development (A, B and C). This should set out how the recommendations set out in the equalities statement have been taken forward by the applicant. This has also been requested by the GLA as part of their first consultation responses, particularly in relation to the impact of the development on the commercial occupiers.

#### **9.10.5 Crime and Security**

Meetings were held by the applicant during the design development of the scheme prior to submission. In order to improve safety on the scheme the development (namely site A) has sought to include, active frontages, public realm and playspace overlooked to increase natural surveillance, minimised inactive frontage and blind corners and clear definition of public and private space with conventional permitter blocks and defensible space to ground floor dwellings.

Work has been undertaken to ensure that residential entrances are secure to accord with Approved Document Q, to separation of bike and car parking, to ensure that the market infrastructure is secure, and to ensure that the design of frontages minimise recesses and hidden spaces which could attract crime and anti-social behaviour.

The Metropolitan Police did however raise a few queries within the first round of consultation, noting that the Church Street Ward suffers from a high volume of anti-social behaviour and violent and sexual offences. From a design and crime perspective the main issues raised were:

- The shared use of car parking and residential entrances this could potentially lead to conflict or inability to challenge potential intruders in this area;
- Public areas such as the library containing unrestricted gates that lead into an otherwise secure residential area that could lead to intrusion;
- Cycle stands placed in recessed corners that may not benefit from much legitimate activity or levels of surveillance.

They also recommend that a condition is imposed for the development to meet “secure by design” accreditation.

The applicant has commented on the above points to confirm that the car park and residential entrances do not share the same location; that there is no public access between the library and residential amenity space; cycle stands have been placed to be set distances from cores and to avoid pedestrian routes and street furniture and planting.

Policies 38 and 43 of the City Plan seek to ensure that developments and public realm are designed so as to reduce the risk of crime and anti-social behaviour. While the request for the development to be conditioned to meet “Secure by Design” accreditation, the applicant has noted that while they have sought to ensure that the development is well designed and to meet the Polices comments, they are not seeking this specific accreditation as it has other negative impacts on the development as a whole. It is not considered reasonable to require such a condition, leaving the option up to the applicant if they wish to advance the scheme to gain this at a later date.

The Police have raised a few queries in relation to the revised proposals, namely dead end corridors to entrances/exit adjacent to the library garden, and some residential entrances within the communal courtyard garden to Block A1 to site A. The applicant has confirmed the proposals can be amended to address the concerns by chamfering the library garden to open this area and to add a gate to the residential entrance. An additional gate can also be added to the 10<sup>th</sup> floor to address concerns raised.

#### **9.10.6 Fire Safety**

Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to the above, Policy D5 of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.

Site A is also a ‘relevant building’ as defined by the Health and Safety Executive (HSE), as it is over 7 storeys and includes residential accommodation. As such both a London Plan fire statement has been provided, along with a duly completed HSE fire statement form, provided by an independent and suitably accredited fire assessor.

Objections were received from the HSE to the original proposals, however these were resolved, with a no objection from the HSE received in May 2022.

Since that time requirements have changed in relation to fire safety, namely with a new requirement for two points of egress being required on residential development (2 fire cores). In order to address this, the applicant, in consultation with the City Councils Building Control department, sought to adapt the development proposals to include additional cores and provide an alternative means of escape for occupiers. This resulted in some additional bulk at roof level, changes to the mix of units, and some minor alterations to the design.

During the course of the consultation with the GLA in relation to these amendments, they requested confirmation that the London Fire Brigade (LFB) has no objections to the revised scheme. Council Building Control Officers note that such a response is not required at this stage, and the LFB do not have the resource to respond to such enquiries, with response rates typically varying to between 6-14 months. Subject to some points of clarity, WCC Building Control do not object to the revised development proposals.



At the time of writing this report the formal views of the Health and Safety Executive on the revised scheme are awaited. Any response will be reported verbally to Committee.

### 9.10.7 Basement Development

#### *Site A:*

The proposed development includes a basement level under Block A1 and lowering of ground floor to Block A2. New Street Gardens has no basement beneath it. The proposals are therefore subject to policy 45 of the City Plan.

With regards to policy 45 A (1 & 3), the applicant has submitted a Structural Methodology Statement (SMS) by a suitably qualified engineer. The SMS demonstrates that the basement levels can be constructed without harming the structural stability of nearby buildings or increasing flood risk. The building control officer has raised no objection to the proposed structure works. Accordingly the requirements of policy 45 A have been met.

With regards to policy 45 A (2) and 45 B (3) the application site is a large site and therefore has high levels of accessibility. A single basement level is being proposed. The applicant has committed to Westminster's Code of Construction Practice, which demonstrates that the applicant intends to build the basement in a manner that minimises the impact of its construction on local residents and the road network as much as possible under planning law. The CoCP will be secured by condition. Construction impacts are also considered further below. Accordingly, the requirements of policy 45 A (2) and 45 B have been met.

With regards to policy 45 A (4), the proposed basement has no external manifestations, such as lightwell and rooflights. Accordingly, it would have no impact on the character and appearance of the area and meets policy 45 A (4) of the City Plan.

With regards to policy 45 B (1) the proposed basement sits under a new redevelopment site and therefore the 'garden land' does not apply. No basement is proposed beneath the new Street Gardens. For part (2) Sitting under the development site, a margin of undeveloped garden land is not directly relevant, however as mentioned New Street Gardens does not include a basement to allow for drainage. The basement is only one storey which accords with part (3). Podium gardens are provided to both blocks, one above the ground floor level to block A2 and one above the basement level to block A1. Each garden has been provided with soil depth above it, however this has in part been built up towards the minimum soil depth through the provision of planters. (4) While a greater soil depth across the podium gardens would have been desirable, it is appreciated that this has not been practical to the whole area as it has implications with floor levels and structure. This is discussed further within the landscaping section of this report. The proposed basement level does not project below the adjacent highway and accords with part (5).

Overall, the proposed basement would be consistent with the aims of policy 45 of the City Plan.

#### *Outline Sites B & C*

Only site B has a basement as indicated by the parameter plans. The development proposals will be subject to review once detailed proposals come forward. The design code includes information to help guide this design, particularly in relation to soil depths.

#### **9.10.8 Construction impact**

Objections have been received from neighbouring properties regarding the impact of construction, including noise, and traffic.

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. Whilst the concerns of local residents are well understood, it is established planning law that planning permission cannot be refused due to the impact of construction. It is considered that through appropriate controls and careful management the impact from construction works can be lessened.

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

- Will be inspected and monitored by the City Council's Code of Construction Practice Team;
- Will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel;
- Pay the charges arising from site inspections and monitoring; and
- 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 Environmental 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 Construction Logistics Plan (CLP) condition (as requested by TfL), CoCP condition and hours of building work condition are recommended to limit and mitigate the impacts of construction on surrounding occupiers.

#### **9.11 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 the ES referred to throughout the report above.

The Council sought independent EIA advice from Avison Young to review the ES submitted and advise upon the adequacy of the ES. Avison Youngs Initial Report dated March 2022 sought clarification and further information on a number of the ES sections.

Following receipt of this information Avison Young confirmed their opinion that the ES is sufficiently sound and accurately presents the environmental impacts of the development in April 2022.

Following the receipt of revisions in January and February 2023, the applicant submitted a statement of conformity, to demonstrate that the changes did not have any significant impacts on the original ES. Following the submission of some additional information/clarifications, AY has confirmed that no additional information is required and the ES has suitable Environmental information to inform their decision.

#### *Assessment*

All likely significant environmental effects noted in the EIA are assessed either within the main sections of this report or below. These effects are:

- Air Quality;
- Built Heritage;
- Climate Change
- Daylight, Sunlight and Overshadowing; and
- Noise and Vibration;
- Socio-Economics;
- Townscape and Visual Impact;
- Traffic and Transport
- Wind Microclimate;

The cumulative impacts of the development and other schemes have also been assessed above. Additional mitigation measures are proposed within the recommended conditions and planning obligations. CIL contributions would also mitigate the impact of the development on primary and secondary education and healthcare facilities.

Notwithstanding this mitigation, the proposed development would have moderate to major adverse noise and vibration residual effects on local residents during demolition and construction. The proposed development would also have major adverse effects on daylight and sunlight to neighbouring residential properties.

#### **9.11.1 Air Quality**

The site is located within an Air Quality Management Area along with being partially located within the Edgware Road Air Quality Focus Area. Policy 32 of the City Plan seeks to ensure that developments improve air quality. The Environmental Sciences Officer has provided commentary on the submitted information as follows:

##### *Construction Traffic*

Construct traffic movements are more than the IAQM/EPUK screening criteria, along Edgware Road, Penfold Street and Broadley Street. A detailed assessment of potential impacts has been undertaken, where it has been confirmed that construction air quality impacts associated with traffic has been confirmed to be negligible.

##### *Operational Impacts*

##### Vehicle traffic

The applicant has confirmed that the proposed development will reduce the number of parking spaces in comparison to the existing provision on site. It has also been confirmed that there is a net decrease in vehicular trips in all roads assessed, including Penfold Street and Salisbury Street, therefore an air quality impact assessment on existing sensitive receptors was scoped out.

#### Combustion Sources

No combustion sources (boilers) are proposed onsite. A back up emergency generator is proposed that will only be used in a testing or emergency scenario therefore the impacts to local air quality are not considered significant. In order to ensure that the usage is controlled, a condition is recommended to limit the operation of emergency plant.

#### Occupational Exposure

Concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> have been predicted at new sensitive receptor locations within the proposed development. Air quality is predicted to meet all relevant air quality national objectives and therefore the proposed development would not introduce new receptors into an area of poor air quality.

The City Plan requires developments to meet World Health Organization guideline value for PM<sub>2.5</sub>. Paragraph 8.7.34 confirms that modelled future PM<sub>2.5</sub> concentrations have been predicted to be above the WHO guideline values at some receptors within the proposed development, therefore mitigation will be required.

Use Class E is proposed which has the potential to introduce sensitive uses such as nurseries/medical facilities in the developments. Nurseries/medical facilities are sensitive receptors and will be required to meet the same national objectives to a residential development including any outdoor space (applicable for nurseries). It is recommended that if a nursery or other sensitive uses is proposed then they should not be positioned at this location and or mechanically ventilated with appropriate air quality filtration.

The applicant has stated that Air quality would be acceptable, although based on the information that is available, it is recommended that appropriate mitigation is applied to applicable areas.

To ensure appropriate mitigation is provided to those units where façade concentrations are predicted to exceed the relevant guideline, a ventilation condition is recommended.

#### *Air Quality Positive*

An air quality positive statement has been provided that sets out the measures to implement on site to improve local air quality. It should be noted that as site B and C are only at outline stage and the detailed elements of the scheme will only be known when the detailed application is submitted, it is recommended that a revised air quality positive statement is submitted.

#### *Air Quality Neutral*

An air quality neutral calculation has been completed following the recently adopted GLA 2023 guidance. For Sites A, B and C the development meets the required building emissions and transport emissions. A further calculation has been provided for site A,

where it has been confirmed that site A will meet the required air quality neutral emissions. In order to ensure that sites B and C remain air quality neutral, a condition is recommended to confirm those sites are air quality neutral.

#### **9.11.2 Built Heritage**

It is not considered that the demolition and construction phases of the Proposed scheme will give rise to any significant residual effects.

The impact of the development both during construction and on completion has been determined as minor neutral and negligible neutral.

The proposed impact of the scheme has been fully considered within the Design and Heritage section of this report.

#### **9.11.3 Climate Change**

This has been fully considered within the Environment Section of this report. The ES has considered the magnitude of impact during operations as 'low' subject to suitable mitigation.

#### **9.11.4 Daylight, Sunlight, Overshadowing and Solar Glare**

During construction a number of tall temporary structures are likely to be present on-site, which in some cases would marginally increase the size of the proposed schemes massing. The effects are not considered to be significantly worse than the completed scheme and temporary.

The impact of the proposed development has been fully considered within the Amenity Section of this report. The assessment is based on the detailed scheme for Site A, but a worst case scenario for Sites B and C as the final design is yet known. The impact is summarised as:

In terms of daylight, of the 90 existing buildings assessed, the 27 buildings highlighted would experience little to no impact (less than 20% alteration). The other remaining 63 buildings have impacts which range from Negligible to Major Adverse.

In terms of sunlight, of the 39 existing buildings assessed, 20 would experience little to no impact (less than 20% alteration). The other 19 buildings experience effects ranging from Negligible to Major Adverse.

In terms of overshadowing, of the 13 areas assessed, areas 3 to 7 would see a reduction greater than 40% in the total area seeing at least 2 hours of sun, which is considered a Major Adverse effect. All the other areas experience negligible effects.

For solar glare, viewpoints travelling south along Church Street, and south along Mulready Street experience Minor Adverse effects (not significant). All other viewpoint experience negligible effects.

#### **9.11.5 Noise and Vibration**

The assessment considers demolition and construction works noise and vibration (including construction traffic), operational traffic noise, building services, fixed plant noise, and market activity noise.

The activities carried out during the demolition and construction phase are likely to result in temporary medium long term moderate adverse noise and vibration effects at surrounding properties within close proximity to the Application Site. The impact from construction traffic is considered as legible to minor adverse. These impacts can be mitigated through the use of the Councils Code of Construction Practice Guidance.

On completion, fixed plant and machinery will be of negligible significance for receptors. The operation of the Church Street Market is expected to remain largely unchanged, therefore the effects will range from negligible to minor adverse. However changes to operational traffic will be negligible to minor beneficial through interventions proposed as part of the development.

#### **9.11.6 Socio Economics**

The assessment considers construction employment generated as a result of the demolition and construction phase of the Proposed Scheme, and the effects associated with the operation of the Proposed Scheme regarding net employment generation, spending by new residents and the provision of local social infrastructure.

A review of the baseline position regarding provision of social infrastructure in the vicinity of the Proposed Scheme indicates that there is currently a surplus of primary and secondary education places; the provision of primary healthcare is better than the nationally recommended GP to patient ratio; and there are a number of open spaces and play spaces accessible from the location of the Proposed Scheme.

During demolition and construction, employment will be generated with an estimated 197 jobs per annum net and 252 jobs per annum gross, which represents a minor beneficial effect. The assessment estimates that as the net commercial floorspace is reduced by the Proposed Scheme, the development will result in the loss of 165 jobs compared with the baseline conditions (i.e. the Greater London economy), a minor adverse (not significant) effect is predicted. Avison Young note that these figures are based on Class E floorspace, however as this does not set the final use, the figures are unknown. This would only be known once details of uses are known.

In terms of the proposed housing, Overall, the indicative masterplan could deliver up to 553 affordable units (325 additional units), equating to a 50% affordable housing off, representing a moderate beneficial (significant) effect on the target housing provision in Westminster. Avison Young note that this relates to the masterplan, and is therefore only provisional numbers as Sites B and C have not yet been designed. For Site A, 213 affordable units are proposed (73 additional units), which represents minor beneficial (not significant) permanent effect.

The resident population associated with the completed Proposed Scheme (as revised) is estimated to contribute £11,570,757 through spending to the local economy per annum, after the effects of leakage and displacement are taken into consideration, a minor beneficial (not significant) effect.

The demand for additional social infrastructure (primary and secondary education, and primary healthcare) is expected to be met by the existing provision in the vicinity of the

Proposed Scheme, based on currently available information on capacity, representing negligible (not significant) effects.

The proposed masterplan is anticipated to contribute up to 5,797sqm of open space to the local area, representing a minor beneficial (not significant) effect.

The requirement for play space associated with the resident population of the Proposed Scheme is expected to be met by the proposed provision onsite, with additional provision offsite producing a surplus of play space, resulting in a minor beneficial (not significant) effect (5,158sqm required playspace - 5,797sqm is proposed).

#### **9.11.7 Townscape and Visual Impact**

The effects of the Proposed Scheme are considered over both the demolition and construction and the completed and operational phases. During demolition and construction phases the impact has been considered to range between negligible and moderate adverse on townscape and visual receptors.

In terms of the completed development, the introduction of mid-rise and taller buildings as part of the Proposed Scheme are not assessed as being uncharacteristic in the particular context and it would only result in a small alteration of the character of the baseline townscape and visual character of the area. The assessment considers the development would have a neutral to moderate beneficial effect on visual receptors within the area.

The impact of the development has been fully considered by officers within the Design and Heritage section of this report.

#### **9.11.8 Traffic and Transport**

The site is centrally located in close relation to key transport hubs including Edgware Road Station and Marylebone Station. It has good provision of accessibility to the pedestrian network and public transport routes. The adjacent Edgware Road supports approximately 26,804 vehicle trips per day.

During demolition and construction the peak average daily vehicle trips will comprise 35 heavy delivery vehicle (HDV) trips and 35 light goods vehicles (LGV) trips at Site A. All the increases in number of vehicles on the link roads are categorised as negligible effects.

Once complete, the net trip generation for Sites A, B and C together is a reduction of 34 vehicle trips from the existing site. The reduction in vehicle trips associated with the Application Site is due to the significant reduction in parking spaces.

The following are set out as mitigation measures for the development

- Construction Logistics Plan (Demolition and Construction);
- Framework Travel Plan (Complete and Operational);
- Delivery and Servicing Plan (Complete and Operational); and
- Car Park Management Plan (Complete and Operational).

The impact of the development has been fully considered within the Highways Section of this report.

### 9.11.9 Wind Microclimate

The assessment considers the impact of the development on the wind microclimate around the Application Site and surrounding area.

In the baseline scenario off-site pedestrian throughfares are windier than suitable during the windiest season. Those affected are Newcastle Place, adjacent to the existing Westmark Tower, around the south-western corner and south of the vacant Paddington Green Police Station on Harrow Road, between Blocks A-D of the Paddington Green scheme, at the north-western corner of the existing building at the intersection of Paddington Green, Hall Place and Church Street and at the north-western corners of Braithwaite Tower and Hall Tower. Potential safety concerns would be expected at these locations. Additionally, off-site entrances between 340 Edgware Road and 352 Edgware Road and the bus stop fronting Harrow Road (Edgware Road (Stop EX)) have windier than suitable conditions. All other locations, onsite and offsite, have suitable wind conditions for their intended use.

During demolition and construction, the introduction of the Proposed Scheme would not materially change the wind conditions on-site with all locations remaining suitable for sitting to strolling use during the windiest season. The impact is therefore considered as negligible.

Once complete, the easternmost entrance to the retail unit at the northern corner of Site A, the top two south-western facing external walkways/balcony locations of Block A2, the top two north-eastern facing balconies at the northern corner of both Block A1 and Block A2 would be windier than suitable for their intended use, representing minor adverse effects (significant). However, following implementation of mitigation, the effect would be downgraded to negligible. Impacts on all other locations on and off-site are considered as negligible (not significant).

The mitigation measures for the easternmost entrance to the retail unit at the north of plot A2 could consist of screens or planting extending 1.5m from the building facade and 2m tall, or through recessing the entrance by 1.5m. However, screens would be impractical to the retail entrance, so the applicant has suggested that this could be mitigated through removal of the most affected retail entrance.

It is also recommended that the windier than suitable external walkways/balcony locations could be mitigated by implementing balustrades at least 50% solid and 1.5m in height or alternatively, using side screens at least 1.8m in height on their upwind side. Details of such screens will be secured by condition.

### 9.11.10 Cumulative Effects and Effect interactions

Two types of cumulative effect have been assessed: Type 1 being a combined effect of individual impacts of the proposed scheme, such as noise, traffic effects or dust on a single receptor; and Type 2 being the combined effect of several development schemes, which may on a singular basis not be significant, but cumulatively, will have a significant effect.

#### Type 1



*Demolition and construction phase effects*

There will be some impact during demolition and construction on early occupants of Site A (when the other sites are being developed) and other local residents. These impacts will be temporary and can be reduced as far as reasonably possible through securing a Construction Environmental Management Plan (CEMP).

*Completed development effects*

Following completion, neighbouring occupiers, on-site users and amenity spaces may experience combined adverse and beneficial impacts. These effect interactions show that there is the potential for a series of effect interactions to take place once the Proposed Scheme is completed, due to a combination of effects from socio-economic benefits delivered by the Proposed Scheme (minor to moderate beneficial), improved visual view with the completed Proposed Scheme (negligible to moderate beneficial), reduction of vehicle flows on local road links (moderate beneficial), a slight increase in noise associated with Church Street Market (negligible to minor adverse), and reduction of daylight and sunlight on surrounding residential properties (negligible to major adverse).

**Type 2***Demolition and construction phases:*

Subject to a CEMP no significant cumulative effects are anticipated in relation to noise, vibration and air quality. Due to the stage of completion or in terms of planning consideration, adjacent sites are not expected to have a significant or protracted uplift in construction flow traffic.

In terms of daylight, sunlight and overshadowing, it is considered that the effects during construction would be temporary and not be any worse than those presented by the completed Proposed Scheme and cumulative scheme without mitigation. Therefore the effects would range from temporary, Direct, Short Term and Negligible to Major Adverse as per the completed Proposed Scheme.

No significant cumulative effects are anticipated in relation to built heritage, climate change, wind microclimate or on townscape and visual receptors.

With regard to socio-economics the combined effects of the cumulative schemes are likely to have a significant moderate beneficial effect on construction employment, due to the potential for the cumulative schemes to generate a large number of construction phase jobs (in addition to the Proposed Scheme).

*Complete and Operation Phase Effects:*

352 Edgware Road will experience a Moderate adverse effect in terms of sunlight as a result of the Paddington Green Police Station. In terms of daylight, no additional impact is expected. When considered against other benefits and the scheme as a whole this impact is considered similar to other properties affected by the development and as considered elsewhere in this report.

In terms of overshadowing, no additional overshadowing of sensitive amenity areas occurs in the cumulative scenario apart from during winter, where Paddington Green Police Station would overshadow some areas for a short period of time. This effect is not

considered significant.

No likely significant cumulative effects are expected to occur in relation to ecology, wind microclimate, air quality, built heritage, noise and vibration townscape and visual receptors as a result of the Proposed Development and cumulative schemes.

The combination of the Proposed Development and cumulative schemes will result in minor beneficial effect on employment, and significant beneficial effects in relation to housing, affordable housing, and additional spending. The increase in residents may place additional demand on existing social infrastructure such as school provision and healthcare services. However this has been indicated as able to be absorbed into existing provisions. Additional infrastructure could be secured through use of the CIL.

A number of the cumulative developments will provide new private and public open or landscaped space as well as play space. Therefore, it is assessed that the cumulative developments will have a beneficial effect on open space and play space provision

## **9.12 Planning Obligations & Pre-Commencement Conditions**

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

- a) Provision of affordable units on-site (Site A comprising of 171 social rented units and 42 intermediate units at London Living Rent) prior to the occupation of the market units;
- b) Right to return for leasehold and social housing tenants in line with Westminster Hosing Renewal Policy;
- c) Provision of early, mid and late-stage viability review mechanisms for Sites B&C and early and late-stage reviews for Site A, in accordance with policies H5 and H8 of the London Plan and the Mayor's Affordable Housing and Viability SPG;
- d) Provision of minimum of 50% affordable housing when measured in habitable rooms masterplan wide. Of those affordable habitable rooms across Sites A, B and C that are an uplift against the existing provision, 60-70% should be provided as social and 30-40% should be provided as intermediate rent. The market units within each subsequent phase not to be occupied until all affordable housing units are ready for occupation.
- e) Provision of a carbon offset payment of £374,184 (index linked) on commencement of Site A. Provision of carbon offset payment as calculated and agreed for Sites B and C, provided on commencement;
- f) Payment of a financial contribution towards an additional cycle hire docking station of £220,000 or enlargement of an existing docking station within the vicinity of the masterplan with an equal proportion provided prior to commencement of each phase of development;
- g) Payment of the cost of highway works associated with the development of each phase;
- h) Provision of lifetime car club membership (25 years) for each residential on Sites A, B and C;
- i) Contribution of £50,000 towards an on-street electric vehicle charging point, prior to commencement of Site A
- j) Provision of a Walkways Agreement to ensure that pedestrian routes through Site A are open to the public 24 hours a day and maintained;
- k) Stopping up and dedication of the highway where necessary masterplan wide;

- l) Car parking management plan where parking is provided on Sites A, B and C;
- m) Car lift management plan for Site A;
- n) Submit an Employment and Skills Plan and a financial contribution of £128,400 towards the Westminster Employment Service prior to commencement of development of Site A. Provision of Employment and Skills Plan, and financial contribution if required, for Sites B and C, provided on commencement;
- o) Library on Site A provided at peppercorn rent and fitted out to Category B prior to occupation of any market units on Site A;
- p) Provision of the library garden on Site A;
- q) All residents, regardless of tenure to be provided access to communal private amenity spaces within their block;
- r) Provision of playspace within both private and public realm prior to occupation of market housing of each phase of development.
- s) "Be seen" energy monitoring;
- t) Payment of £25,000 (total) towards tree planting in the vicinity of the masterplan with an equal proportion provided prior to commencement of each phase of development
- u) Payment of cost of monitoring the agreement.

The estimated CIL payment for Site A is:

- WCC: £2,855,827.49 (indexed)
- MCIL2: £1,041,050.47 (indexed)

The CIL payment for Sites B & C will not be known until the size of the developments are known.

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

Draft conditions will be provided ahead of planning committee along with confirmation from the applicant of adherence to any pre-commencement conditions.

### **9.13 London Plan**

This application is GLA referable. The GLA have advised in their Stage 1 response in January 2022 that whilst the proposal is supported in principle, the application does not currently comply with the London Plan, as summarised within the consultation section of this report. Following the revisions to the scheme, re-consultation was undertaken with the GLA in January 2023, with the applicant seeking to address the areas of concern from the previous year. No formal response has been received in relation to the re-consultation, however the GLA has confirmed that the following are acceptable: air quality; flood risk/water; and whole life cycle carbon. The Circular Economy team have made some further comments, which are being addressed by the applicant and will need to be resolved prior to stage 2.

If Committee resolve to grant permission, the application needs to be reported back to

the Mayor and the Mayor has 14 days to direct approval or refusal.

## 10. Conclusion

The comprehensive estate renewal proposed will create a high quality neighbourhood for both the existing and new residents on this part of Church Street. 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 which seek to intensify the use of land and optimise the delivery of new homes including affordable homes.

It has been identified that the development (Sites A, B and C) will not cause harm to any designated heritage assets, including to their settings. Site A will result in some small degree of harm to the setting of the row of non-designated traditionally scaled buildings which front Edgware Road, and which run parallel with the western extent of the application site. However, in these views that harm is somewhat mitigated by, or compensated for by good design and high quality architecture.

There will be significant negative impacts as a result of the proposed development on adjacent occupiers and land in terms of losses of light, sunlight, overshadowing and sense of enclosure. This is contrary to policies 7, 33 and 38C of the City Plan. This is largely due to the generally low rise nature of surrounding properties, who would be negatively impacted by any additional bulk on the site. However, this has to balance with the significant public benefits this hybrid application will generate.

The development will also result in a considerable loss of retail floorspace across the site, with Class E floorspace reducing by around 50%, contrary to Policy 14 of the City Plan. However, a new purpose built library is to be provided directly onto Church Street, which will take up a large proportion of the retail frontage on Site A. This new library will maintain activity and vitality and provide a replacement, purpose built community facility. Across the masterplan, details of the new retail units will be reserved as following phases of development come forward, to ensure that these maintain the vitality of the Shopping Centre.

The negative impacts of the development must be weighed against the public benefits of the scheme, which include (not exhaustive):

- Considerable uplift in residential accommodation, with Site A delivering an increase from 145 to 428 units, and the illustrative masterplan delivering an increase from 400 to 1120 units.
- 50% increase in affordable housing (units) on Site A with a target of a similar provision across the masterplan, subject to future viability testing.
- A new purpose built library on Site A and additional community space on Site B.
- Purpose built market infrastructure to Church Street and on Sites A and B.
- New public realm including New Street Gardens on Site A, playspace across the masterplan and to Church Street Market.

The package of public benefits is significant in terms of the development plan's strategic aims and policies 1, 6, 8, 9 and 17 of the City Plan. Subject to conditions, the proposed development also meets or largely meets all other relevant development plan policies, including policies 12, 13, 24, 25, 27, 28, 29, 32, 33, 34, 35, 36, 37, 38, 40, 42, 44 and 45 of the City Plan.

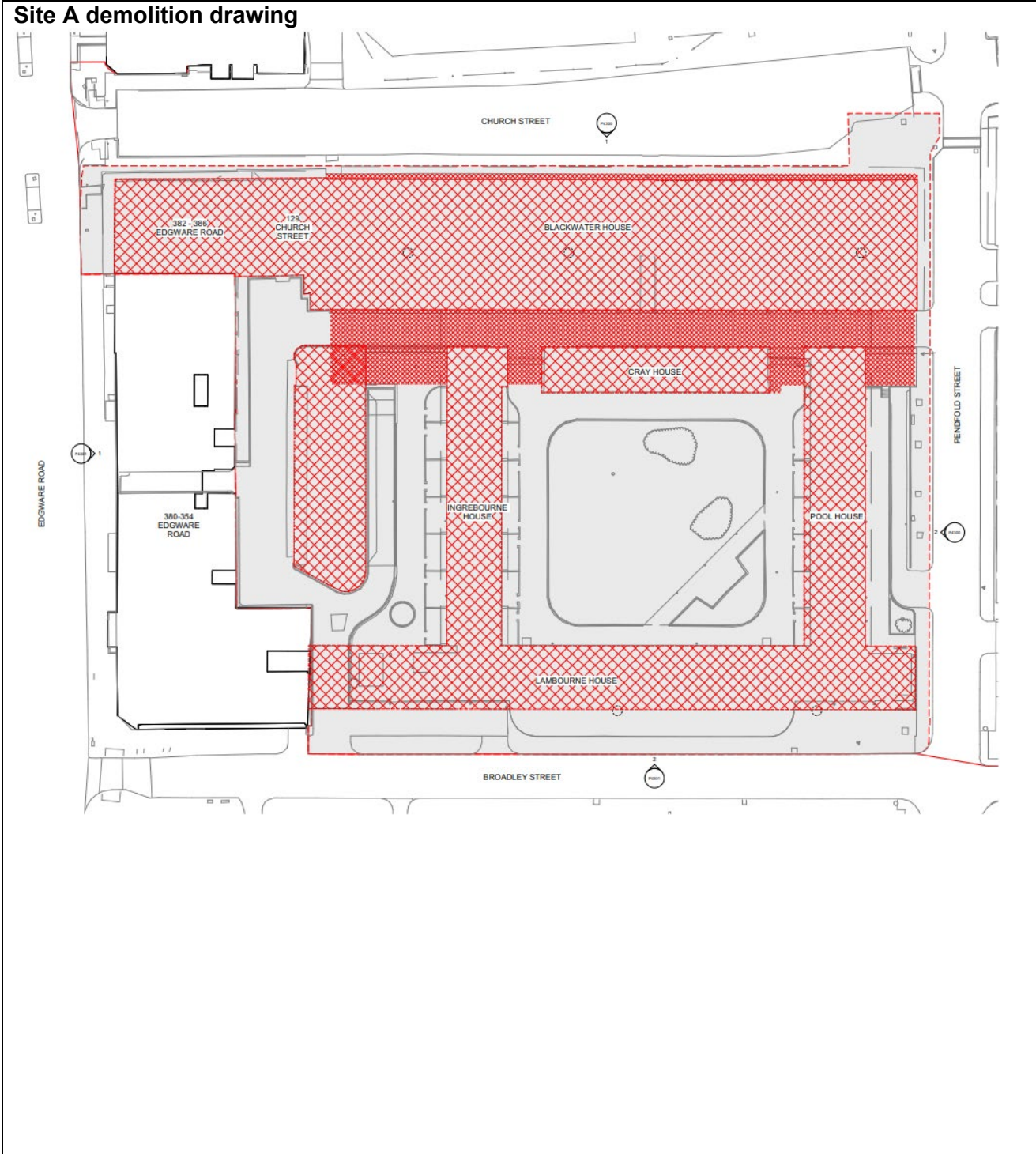
In conclusion the development will deliver a high quality development, which has been subject to extensive public consultation for many years. While the development will cause harm to residents amenity and result in a loss of retail, on balance, the proposed development is in accordance with the Development Plan when read as whole. The proposed development would 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. Site A will deliver an uplift of 283 units of which 50% will be affordable. Sites B & C will deliver a considerable uplift of additional units, which will be subject to future applications. Enhancements are proposed to the public realm and Church Street Market, which are welcomed and will help to promote greening within the borough and deliver infrastructure for a rejuvenated Church Street Market.

It is therefore recommended that this hybrid application is granted subject to the conditions and reserved matters, set out in the draft decision letter, which will be provided prior to committee and a section 106 agreement to secure the planning obligations listed in section 9.12.

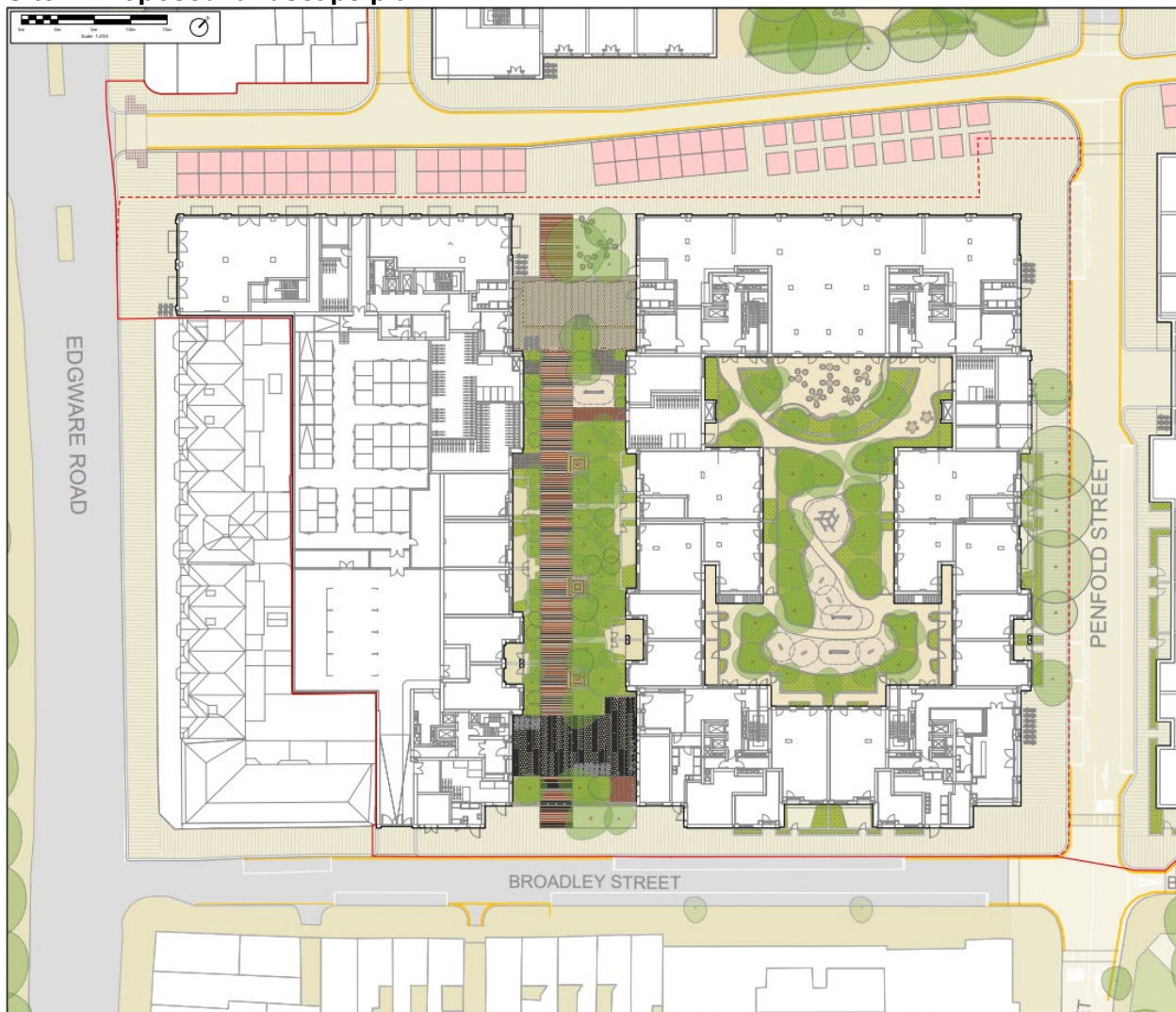
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **RUPERT HANDLEY** BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk).

**11. KEY DRAWINGS**

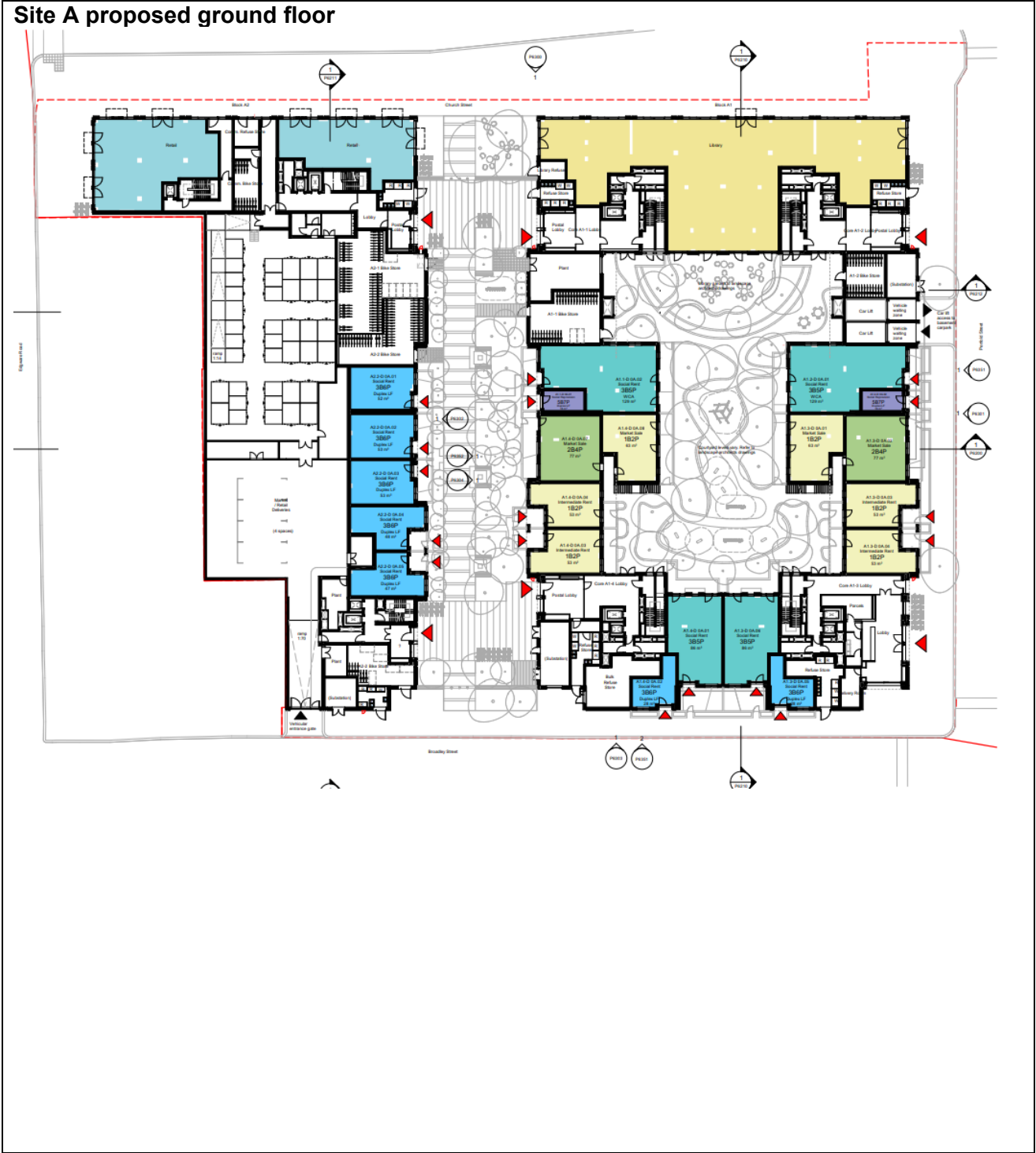


### Site A Proposed landscape plan





Site A proposed ground floor

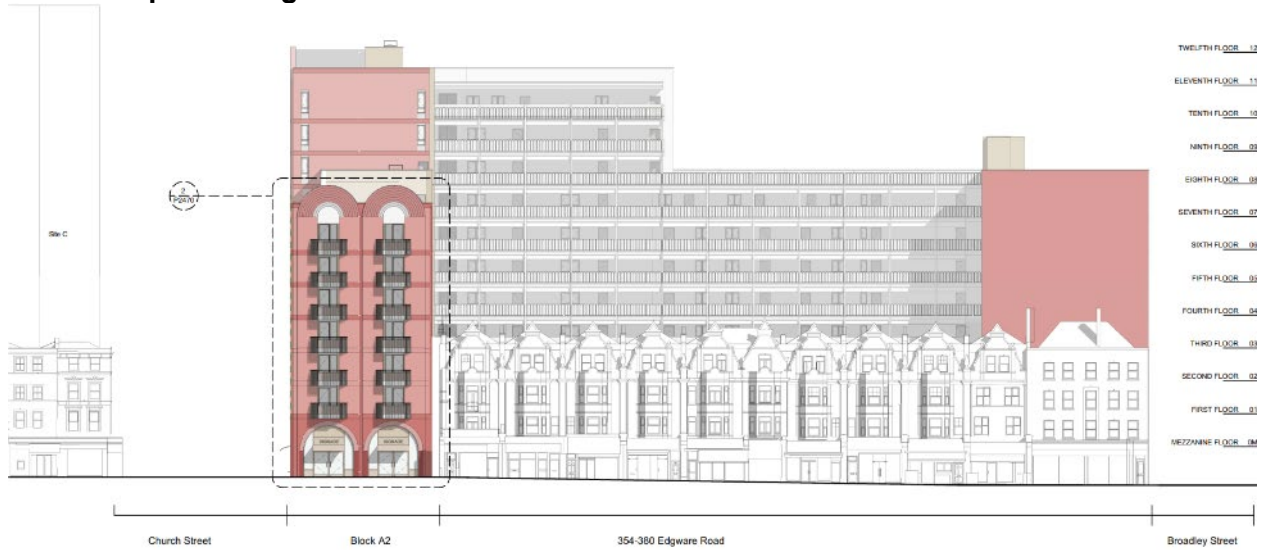




**Site A Proposed Church Street elevation – view south east**



**Site A Proposed Edgware Road elevation – view north east**



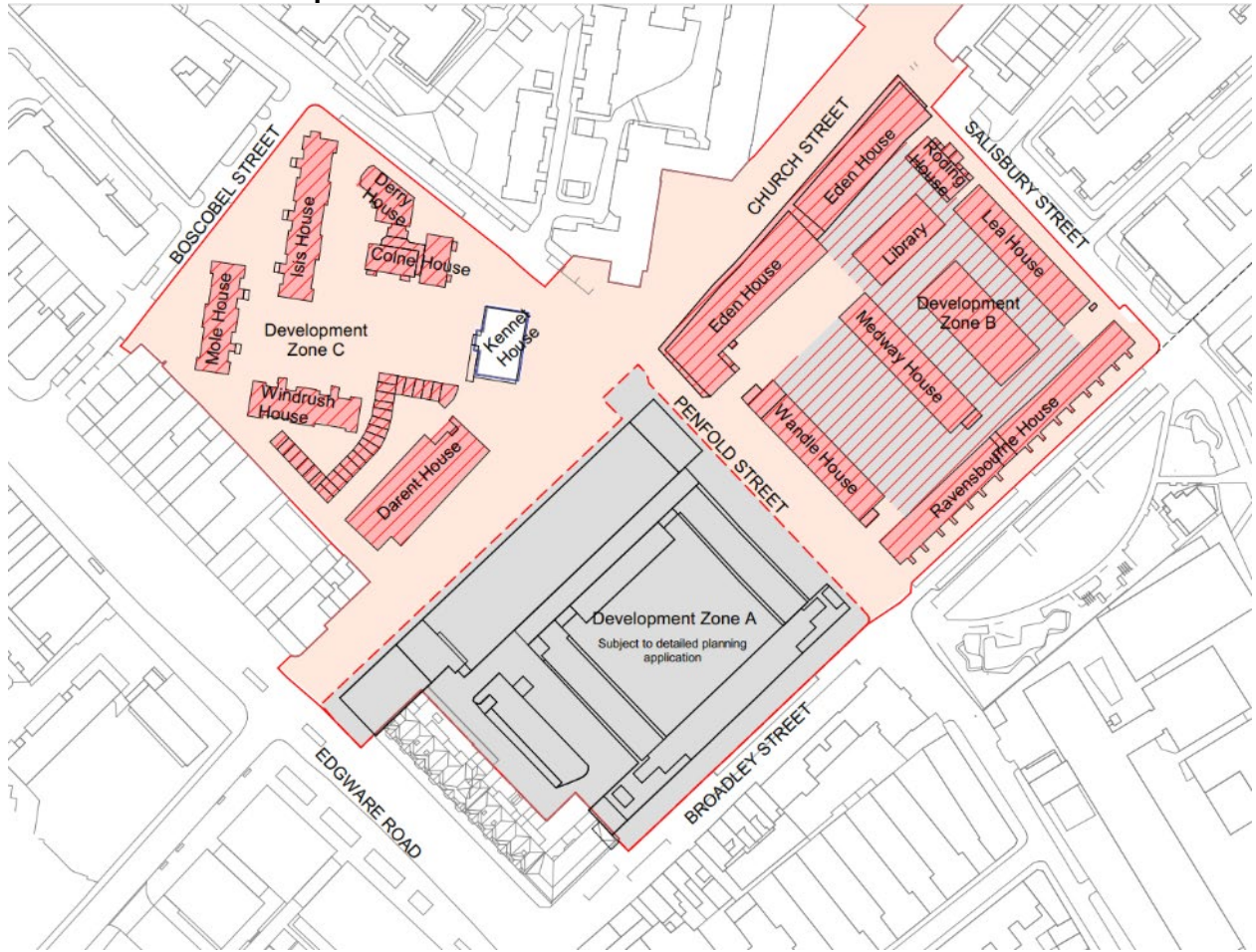
### Site A Proposed Broadley Street elevation – view north west



### Site A Proposed Penfold Street elevation – view south west



**Site B & C demolition plan**





**Parameter plan showing maximum building heights for Outline Sites B&C**



## Appendix 1: Summary of Daylighting results from the proposed scheme (highlighted addresses pass BRE guidance)

Table 11-7: Daylight effects of the Proposed Scheme

Address	VSC						NSL					
	Total No. of Windows	No. Windows that meet BRE criteria	Below BRE Guidelines criteria			Total	Total No. of Rooms	No. Rooms that meet the 0.8 times former value criteria	Below BRE Guidelines criteria			Total
			20-29.9% Reduction	30-39.9% Reduction	>40% Reduction				20-29.9% Reduction	30-39.9% Reduction	>40% Reduction	
West End Gate- Lawrence Mansions	106	85	4	7	10	21	69	65	2	1	1	4
West End Gate- Garrett Mansions	156	136	15	2	3	20	124	113	6	3	2	11
West End Gate Bond Mansions	138	138	0	0	0	0	80	80	0	0	0	0
Whitfield House	53	52	1	0	0	1	53	53	0	0	0	0
1-12 Wytham House	47	18	13	10	6	29	41	29	7	5	0	12
Imps Pre School	1	0	0	1	0	1	1	0	1	0	0	1
Hailsham Court	45	19	8	1	17	26	33	24	1	0	8	9
33 Mulready Street	27	5	2	4	16	22	14	3	2	0	9	11
20-30a Salisbury Street	6	0	2	1	3	6	4	4	0	0	0	0
Portman Day Nursery	38	11	4	1	22	27	12	8	0	0	4	4
52 Church Street	8	8	0	0	0	0	8	8	0	0	0	0
44 Church Street	6	6	0	0	0	0	3	3	0	0	0	0
46 Church Street	6	6	0	0	0	0	3	3	0	0	0	0
48 Church Street	4	4	0	0	0	0	2	2	0	0	0	0
50 Church Street	4	4	0	0	0	0	2	2	0	0	0	0
133 Broadley Street	4	0	4	0	0	4	4	1	1	0	2	3
352 Edgware Road	18	18	0	0	0	0	14	12	1	1	0	2

Address	VSC						NSL					
	Total No. of Windows	No. Windows that meet BRE criteria	Below BRE Guidelines criteria			Total	Total No. of Rooms	No. Rooms that meet the 0.8 times former value criteria	Below BRE Guidelines criteria			Total
			20-29.9% Reduction	30-39.9% Reduction	>40% Reduction				20-29.9% Reduction	30-39.9% Reduction	>40% Reduction	
131 Broadley Street	5	0	0	5	0	5	5	3	1	1	0	2
129 Broadley Street	5	0	0	3	2	5	5	1	2	2	0	4
127 Broadley Street	5	0	0	0	5	5	5	0	0	1	4	5
125 Broadley Street	5	0	0	0	5	5	5	0	1	0	4	5
123 Broadley Street	5	0	0	0	5	5	4	1	3	0	0	3
121 Broadley Street	5	0	0	0	5	5	5	3	0	2	0	2
119 Broadley Street	5	0	0	0	5	5	5	3	0	2	0	2
117 Broadley Street	5	0	0	0	5	5	5	3	0	2	0	2
115 Broadley Street	5	0	0	0	5	5	5	1	2	1	1	4
Elmer House	36	0	0	0	36	36	30	0	0	2	28	30
103-113 Broadley Street	18	2	0	0	16	16	11	0	1	0	10	11
33-40 Gilbert Sheldon House	30	20	2	0	8	10	24	23	1	0	0	1
1-32 Gilbert Sheldon House	24	24	0	0	0	0	24	22	1	1	0	2
361 Edgware Road	4	4	0	0	0	0	4	4	0	0	0	0
379 Edgware Road	6	6	0	0	0	0	6	6	0	0	0	0
377 Edgware Road	2	2	0	0	0	0	2	2	0	0	0	0
375 Edgware Road	8	8	0	0	0	0	6	6	0	0	0	0
371-373 Edgware Road	7	7	0	0	0	0	6	6	0	0	0	0

VSC

NSL

Address	Total No. of Windows	No. Windows that meet BRE criteria	Below BRE Guidelines criteria				Total	Total No. of Rooms	No. Rooms that meet the 0.8 times former value criteria	Below BRE Guidelines criteria			Total
			20-29.9% Reduction	30-39.9% Reduction	>40% Reduction	20-29.9% Reduction				30-39.9% Reduction	>40% Reduction		
369 Edgware Road	7	7	0	0	0	0	4	4	0	0	0	0	
367 Edgware Road	6	6	0	0	0	0	4	4	0	0	0	0	
365 Edgware Road	3	3	0	0	0	0	3	3	0	0	0	0	
363 Edgware Road	9	9	0	0	0	0	4	4	0	0	0	0	
359 Edgware Road	6	6	0	0	0	0	6	6	0	0	0	0	
355-357 Edgware Road	16	16	0	0	0	0	16	15	1	0	0	1	
353 Edgware Road	3	3	0	0	0	0	3	3	0	0	0	0	
349-351 Edgware Road	9	9	0	0	0	0	9	9	0	0	0	0	
King Solomon Academy	137	117	11	9	0	20	34	29	3	2	0	5	
Westmacott House	37	22	4	5	6	15	19	19	0	0	0	0	
422 Edgware Road	21	21	0	0	0	0	18	18	0	0	0	0	
424 Edgware Road	3	3	0	0	0	0	3	3	0	0	0	0	
430 Edgware Road	4	4	0	0	0	0	4	4	0	0	0	0	
428 Edgware Road	8	8	0	0	0	0	8	8	0	0	0	0	
432 Edgware Road	2	2	0	0	0	0	2	2	0	0	0	0	
426 Edgware Road	3	3	0	0	0	0	3	3	0	0	0	0	
74-88 Cherwell House	119	8	19	22	70	111	93	32	9	10	42	61	
1-53 Cherwell House	29	0	0	0	29	29	23	0	4	8	11	23	

VSC

NSL

Address	Total No. of Windows	No. Windows that meet BRE criteria	Below BRE Guidelines criteria				Total	Total No. of Rooms	No. Rooms that meet the 0.8 times former value criteria	Below BRE Guidelines criteria			Total
			20-29.9% Reduction	30-39.9% Reduction	>40% Reduction	20-29.9% Reduction				30-39.9% Reduction	>40% Reduction		
54-72 Cherwell House	43	13	8	6	16	30	43	22	4	6	11	21	
Devonshire House	5	5	0	0	0	0	3	3	0	0	0	0	
358 Edgware Road	8	1	0	0	7	7	6	0	0	1	5	6	
354-356 Edgware Road	21	0	3	15	3	21	18	6	5	4	3	12	
360 Edgware Road	8	0	0	1	7	8	6	0	0	0	6	6	
364 Edgware Road	8	0	0	0	8	8	6	0	0	0	6	6	
372 Edgware Road	14	0	0	0	14	14	9	0	0	0	9	9	
374 Edgware Road	7	0	0	0	7	7	6	0	0	0	6	6	
376 Edgware Road	5	0	1	0	4	5	4	0	1	0	3	4	
378 Edgware Road	8	0	0	0	8	8	6	0	0	0	6	6	
380 Edgware Road	7	0	2	0	5	7	6	0	1	0	5	6	
362 Edgware Road	8	0	1	1	6	8	6	0	0	0	6	6	
9 Venables Street	12	2	0	0	10	10	8	0	0	0	8	8	
392 Edgware Road	7	1	0	0	6	6	7	1	0	0	6	6	
388 Edgware Road	3	0	0	0	3	3	3	0	0	1	2	3	
404-406 Edgware Road	6	0	0	0	6	6	6	0	0	0	6	6	
414 Edgware Road	3	0	0	3	0	3	3	1	1	1	0	2	
418 Edgware Road	2	0	0	2	0	2	2	0	1	0	1	2	

VSC

NSL

Address	Total No. of Windows	No. Windows that meet BRE criteria	Below BRE Guidelines criteria				Total	Total No. of Rooms	No. Rooms that meet the 0.8 times former value criteria	Below BRE Guidelines criteria			Total
			20-29.9% Reduction	30-39.9% Reduction	>40% Reduction	20-29.9% Reduction				30-39.9% Reduction	>40% Reduction		
410 Edgware Road	6	0	0	2	4	6	6	0	0	1	5	6	
390 Edgware Road	7	0	2	0	5	7	6	1	0	1	4	5	
138 Church Street	4	0	0	0	4	4	4	0	1	0	3	4	
5 Venables Street	15	0	0	0	15	15	14	0	0	0	14	14	
402 Edgware Road	3	0	0	1	2	3	3	1	0	1	1	2	
9a Venables Street	3	0	0	0	3	3	1	0	0	0	1	1	
416 Edgware Road	3	0	0	2	1	3	3	0	0	0	3	3	
408 Edgware Road	9	1	0	4	4	8	6	1	0	0	5	5	
125 Boscobel Street	4	0	2	1	1	4	4	2	0	0	2	2	
123 Boscobel Street	2	1	1	0	0	1	2	2	0	0	0	0	
142 Church Street	2	0	0	0	2	2	2	0	0	0	2	2	
140 Church Street	2	0	0	0	2	2	2	0	0	0	2	2	
Kennet House	237	131	13	20	73	106	173	144	9	10	10	29	
Wallis Building-65 Penfold Street	11	9	2	0	0	2	4	4	0	0	0	0	
The Old Aeroworks-17-19 Hatton Street	38	17	7	11	3	21	18	16	1	1	0	2	
60 Penfold Street	58	43	1	6	8	15	32	30	2	0	0	2	
Wey House	21	17	1	1	2	4	11	11	0	0	0	0	
Miles Place	2	2	0	0	0	0	1	1	0	0	0	0	

VSC

NSL

Address	Total No. of Windows	No. Windows that meet BRE criteria	Below BRE Guidelines criteria				Total	Total No. of Rooms	No. Rooms that meet the 0.8 times former value criteria	Below BRE Guidelines criteria			Total
			20-29.9% Reduction	30-39.9% Reduction	>40% Reduction	20-29.9% Reduction				30-39.9% Reduction	>40% Reduction		
Cotes House	12	12	0	0	0	0	6	6	0	0	0	0	
<b>TOTAL</b>	<b>1883</b>	<b>1085</b>	<b>133</b>	<b>147</b>	<b>518</b>	<b>798</b>	<b>1326</b>	<b>912</b>	<b>76</b>	<b>71</b>	<b>267</b>	<b>414</b>	

Appendix 2: Summary of Sunlight results from the proposed scheme (highlighted addresses pass BRE guidance)

Table 11-8: Sunlight effects of the Proposed Scheme

Address	Total	Pass	APSH			WPSH		
			20-29.9% Reduction	30-39.9% Reduction	>40% Reduction	20-29.9% Reduction	30-39.9% Reduction	>40% Reduction
West End Gate-Lawrence Mansions	11	11	0	0	0	0	0	0
West End Gate-Garrett Mansions	10	10	0	0	0	0	0	0
West End Gate Bond Mansions	10	10	0	0	0	0	0	0
Whitfield House	53	53	0	0	0	0	0	0
1-12 Wytham House	2	2	0	0	0	0	0	0
Hailsham Court	21	8	1	0	9	0	0	12
33 Mulready Street	14	3	0	0	9	0	0	10
20-30a Salisbury Street	4	3	0	0	0	0	0	1
Portman Day Nursery	12	7	0	0	5	0	0	1
52 Church Street	8	8	0	0	0	0	0	0
44 Church Street	3	3	0	0	0	0	0	0
46 Church Street	3	3	0	0	0	0	0	0
48 Church Street	2	2	0	0	0	0	0	0
50 Church Street	2	2	0	0	0	0	0	0
352 Edgware Road	5	5	0	0	0	0	0	0
103-113 Broadley Street	1	0	0	0	1	0	0	0
363 Edgware Road	2	2	0	0	0	0	0	0
King Solomon Academy	12	12	0	0	0	0	0	0
Westmacott House	19	19	0	0	0	0	0	0
422 Edgware Road	18	18	0	0	0	0	0	0
74-88 Cherwell House	81	20	2	1	55	0	0	54
1-53 Cherwell House	23	0	0	0	17	0	0	20
54-72 Cherwell House	39	5	2	2	23	0	0	34
376 Edgware Road	1	0	0	1	0	0	0	1
380 Edgware Road	2	0	1	1	0	0	0	2
362 Edgware Road	2	0	0	2	0	0	0	0
9 Venables Street	2	0	0	0	2	0	0	2
392 Edgware Road	1	1	0	0	0	0	0	0
138 Church Street	4	1	0	0	1	0	0	3
125 Boscobel Street	2	2	0	0	0	0	0	0
123 Boscobel Street	2	2	0	0	0	0	0	0
142 Church Street	2	0	0	0	2	0	0	2



Address	Total	Pass	APSH			WPSH		
			20-29.9% Reduction	30-39.9% Reduction	>40% Reduction	20-29.9% Reduction	30-39.9% Reduction	>40% Reduction
140 Church Street	2	0	0	0	1	0	0	2
Kennet House	95	64	1	1	15	0	1	30
Wallis Building-65 Penfold Street	4	4	0	0	0	0	0	0
The Old Aeroworks- 17-19 Hatton Street	18	14	0	0	2	0	0	4
60 Penfold Street	32	28	0	0	0	0	0	4
Wey House	11	9	1	1	0	0	0	2
Cotes House	6	6	0	0	0	0	0	0
<b>Total</b>	<b>541</b>	<b>337</b>	<b>8</b>	<b>9</b>	<b>142</b>	<b>0</b>	<b>1</b>	<b>184</b>