

117-125 Bayswater Road

in the City of Westminster

planning application no.15/10671/FULL

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

The application is for the redevelopment of 2-4 Queensway, 117-125 Bayswater Road and 7 Fosbury Mews involving the demolition of all existing buildings and the development of a mixed use retail and residential building.

The applicant

The applicant is **Bayswater Road (Holdings) Ltd** and the agent is **Bilfinger GVA**.

Strategic issues

The principle of a mixed use development of the site for the proposed uses is accepted, but issues in relation to **affordable housing, children and young person's play, energy** and **transport** need to be resolved before stage 2 referral. However, for the reasons set out in the report the **loss of non-designated heritage assets and impact on the Conservation Area** is not acceptable and contrary to London Plan Policy.

Recommendation

That Westminster Council be advised that while the application is acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 76 of this report; but the possible remedies set out in that paragraph could address these deficiencies.

Context

1 On 13 January 2016 the Mayor of London received documents from Westminster Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 11 February 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 1C(c), of the Schedule to the Order 2008:

1C(c). Development which comprises or includes the erection of a building more than 30 metres high and is outside the City of London.

3 Once Westminster Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site is located at the southern end of the Queensway conservation area and consists of four buildings and a vacant site facing Bayswater Road and Royal Park of Kensington Gardens. The building current uses include retail, hotel, public house and residential floorspace with the plot on the corner of Bayswater Road and Inverness Road.

6 The site has frontage to Bayswater Road, which forms part of the Strategic Road Network (SRN), and Queensway and Inverness Terrace which form part of the local road network generally. The Transport for London Road Network (TLRN) is approximately 1km from the site in each direction.

7 The site is well served by buses with 5 services stopping nearby on Bayswater Road and Queensway. Queensway Station (London Underground) is opposite the site, with pedestrian access from the corner of Bayswater Road and Queensway, and Bayswater (London Underground) is approximately 300 metres to the north of the site. Measured on a scale of 1a – 6b where 6b is the highest, the site has a PTAL of 6a, which is considered excellent.

Details of the proposal

8 The application is for the redevelopment of 2-4 Queensway, 117-123 Bayswater Road and 7 Fosbury Mews involving the demolition of all existing buildings and the development of a mixed-use retail and residential scheme. Key features of the scheme are:

- A single building of up to ten storeys (35.1 metres) with three basement levels.
- The massing is based on a single rectangular building with stepped back profile at upper floors
- Ground floor plan accommodating residential entrance lobby, retail units of varying sizes and entrance to a health spa.
- Basement level one accommodating restaurant/retail floorspace, GP/dentist surgery and cycle storage.
- Basement level two accommodating a health spa including pool.
- Basement level three accommodating plant rooms including CHP and chillers.

Case history

9 The application proposals have been subject to a pre-application meeting and a report D&P/3607/JA Pre-app was issued on 13 April 2015.

Strategic planning issues and relevant policies and guidance

10 The relevant strategic issues and corresponding policies are as follows:

- Historic Environment *London Plan; World Heritage Sites SPG; Circular 07/09*
- Mix of uses *London Plan*
- Housing *London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG*
- Affordable housing *London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy*
- Retail/town centre uses *London Plan; Town Centres SPG*
- Density *London Plan; Housing SPG*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; London Housing Design Guide; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Tall buildings/views *London Plan, London View Management Framework SPG*
- Access *London Plan; Accessible London: achieving an inclusive environment SPG;*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*
- Transport *London Plan; the Mayor's Transport Strategy; Land for Industry and Transport SPG*
- Parking *London Plan; the Mayor's Transport Strategy*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG*

11 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the, saved policies of the 2007 Westminster Unitary Development Plan, Westminster City Plan: Strategic Policies (November 2013) and the London Plan (Consolidated Alterations since 2011 (March 2015).

12 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework
- Westminster Council Planning Obligations SPG (2008)
- Draft Minor Alterations to the London Plan 2015

Principle of development

13 The applicant is proposing to replace the existing retail, leisure (public house), hotel and residential uses with a mixed use redevelopment incorporating retail, leisure and residential use. London Plan policy 2.10 sets out strategic priorities for the CAZ, which include supporting the distinct offer of the CAZ based on a rich mix of local as well as strategic uses and bringing forward and implementing development frameworks for CAZ opportunity and intensification areas to benefit local communities as well as providing additional high quality, strategic development capacity.

Extant consents/hotel use

14 There are parts of the application site which are subject to extant consents and this has material weight in considering the principle of the site redevelopment. The extant consents consist of the following schemes:

- Permission was granted in 2008 for a building of six storeys at 117-122 Bayswater Road.
- Permission was granted in 2009 for a residential building of six storeys on the vacant corner plot of 117-118 Bayswater Road, this was implemented through basement excavation works.
- Permission was granted in 2012 for a residential development with ground floor retail floorspace occupying 119 –122 Bayswater Road excluding the vacant corner site and retained façade of 122 Bayswater Road.

15 These consents have implications for the land use principles of the site redevelopment. The hotel use would be protected by London Plan policy, but the extant consents allow for its removal and replacement by retail and residential use. Therefore the loss of hotel use is acceptable in this instance.

Table 1: Land use

Existing		Proposed	
use	Sq.m.	use	Sq.m.
Mixed retail & bureau de change	433	Retail A1 (max)	1,215
Coffee shop (A10)	338	Car show room (sui generis) up to figure	643
Restaurant (A3/A5) (now demolished)	511	Restaurant (A3) up to figure	572
Hotel (C1)	2,150	Spa & recreation (D2)	1,835
Dentist (D1)	127	Dentist (D1)	220
Residential (C3)	841	Residential (C3)	13, 514
Total	4,400	Total	4,485

Former Public house

16 At the pre-application stage concern was raised in relation to the loss of The Black Lion Public House a mid-Victorian building occupying 123 Bayswater Road. This has since become a coffee shop with residential accommodation above and is now defined as a former public house. The applicant's planning statement states that there was no local community reaction when the public house ceased trading in January 2015 and the change to a coffee shop was undertaken given the lack of evidence that the public house was a valued local community asset. It further states this change of use has been confirmed as lawful through the grant of a Certificate of Lawful Existing Use by Westminster Council in November 2015.

17 In February 2015 Historic England confirmed in a Certificate of Immunity from listing that although the public house building was not without some interest, it is not worthy of statutory listing.

18 Due to the increasing loss of public houses (pubs) across London plan policy has been made more proactive in retaining their use and protecting them against demolition. 4.8 Bc Supporting a successful and diverse retail sector and related facilities and services states:

B) LDFs should take a proactive approach to planning for retailing and related facilities and services and: c. provide a policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses, justified by robust evidence.

19 Furthermore, supporting paragraph 4.48A states:

“The Mayor recognises the important role that London’s public houses can play in the social fabric of communities (see also policy 3.1B) and recent research highlights the rapid rate of closures over the past decade and factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses.”

20 The London Plan offers protection to existing public houses, in this instance the functional use of the building has been changed from this use to a coffee shop and residential accommodation above which has been confirmed by Westminster Council issuing of a Certificate of Lawful Existing Use. The building itself is not listed with Historic England confirming this through a Certificate of Immunity from listing. The loss of a former public house use is accepted.

Residential and retail use

21 The existing land use and the extant consent allow for a mixed residential and retail use on parts of the application site and this is acceptable in relation to specific parts of the development site in land use terms.

Regeneration Impact

22 The corner site of 117-118 Bayswater Road has been vacant since the clearance of the site and the demolition of a fire damaged serviced apartments building. The building demolished in 1984 and despite site related planning consents has remained undeveloped, its continuing semi-vacant state has a negative and detrimental impact on the character and appearance of the conservation area. The bringing forward of this site and the sites covered by the extant consent for development is supported.

Housing

Housing mix

23 London Plan policy 3.8 encourages a full range of housing choice. This is supported by the London Plan Housing SPG, which seeks to secure family accommodation within residential schemes, particularly within the social rented sector, and sets strategic guidance for councils in assessing their local needs. Policy 3.11 of the London Plan states that within affordable housing provision, priority should be accorded to family housing. Also relevant is Policy 1.1, part C, of the London Housing Strategy, which sets a target for 42% of social/affordable rented homes to have three or more bedrooms.

Table 1: housing mix (apartments)

	no.	%
1 bed	9	16.
2 bed	23	42
3 bed	12	22
4 bed	9	16
Duplex 4/5 bed	2	2
Total	55	100

24 The housing mix appears reasonably balanced with a fairly even split across unit size and allows for 40% larger 3+ bed units.

Affordable housing

25 London Plan policy 3.11 (Affordable housing targets) requires borough councils to “seek the maximum amount of affordable housing”. In order to give impetus to a strong and diverse housing sector, 60% of affordable housing provision should be for social rent and affordable rent and 40% for intermediate rent or sale. Priority should also be given to affordable family housing.

26 Furthermore the London Plan (Consolidated Alterations since 2011 (March 2015) policy 3.12 section C states: *‘Affordable housing should normally be provided on-site. In exceptional cases where it can be demonstrated robustly that this is not appropriate in terms of the policies in this Plan, it may be provided off-site. A cash in lieu contribution should only be accepted where this would have demonstrable benefits in furthering the affordable housing policies in this Plan and should be ring-fenced and, if appropriate, pooled to secure additional affordable housing either on identified sites elsewhere or as part of an agreed programme for provision of affordable housing.’*

27 The Westminster Council affordable housing requirement set by its Core Strategy policy CS16 which states: *The council will achieve at least 22% of new homes to be affordable to 2012, and exceed 30% for the remaining of the plan period, and will work with its partners to facilitate and optimise the delivery of new affordable homes.*

28 The applicant’s viability report sets out the case for off-site provision on the basis that any affordable housing on-site would be unviable to such a degree that it would not proceed. This is based on the argument that the inclusion of an additional access core required by a Registered Provider would compromise the design. In addition the service charge would be at such a high level that it would be unacceptable to a Registered Provider.

29 The applicant has undertaken a site search and has made an offer to purchase a site 1.2 miles away at 382 Edgware Road, which has an extant planning permission for a change of use and extension for nine residential units. It has held discussions with Westminster Council concerning this offer and its relationship with the wider Church Street estate regeneration as possible units used to decanting residents while the estate is being refurbished or alternatively as intermediate housing. If the applicant’s bid to purchase the site is not successful or linked delivery proves unviable, then a financial contribution will be made towards Westminster Council’s Affordable Housing Fund.

30 The applicant has explored options for affordable housing and has engaged with Westminster Council on exploring options at 382 Edgware Road linked to the Church Street estate regeneration. This is welcome as it also corresponds with a Housing Zone and securing of this option is strongly supported in preference to than a further financial contribution towards Westminster Council’s Affordable Housing Fund.

31 The applicant’s viability assessment should be independently reviewed on behalf of Westminster Council and its findings together with details of the finalised option for affordable housing provision shared with GLA officers before the committee stage of the application.

Children and young person’s play

32 Children and young people need free, inclusive and accessible spaces offering high-quality play and informal recreation opportunities in child-friendly neighbourhood environments. Policy 3.6 of the London Plan seeks to ensure that all children and young people have access to such provision. The challenge facing boroughs and their partners in play provision will be to find opportunities to retain and increase the provision of play and informal recreation, particularly in housing developments.

33 The applicant has not completed an assessment of child yield from the development and this should be provided and inform the play space strategy.

Heritage assets

34 London Plan Policy 7.8 'Heritage Assets and Archaeology' states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. The proposal in its immediate vicinity will have a potential impact on designated assets in the form of Palace of Westminster and St Margaret's Church (WHS)/Outstanding Universal Value (OUV).

35 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *"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"* and in relation to conservation areas, *special attention must be paid to "the desirability of preserving or enhancing the character or appearance of that area"*.

36 The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

37 The redevelopment of the derelict site at the eastern end of this street block (formerly occupied by a pair of townhouses - Nos. 117-118) which has been vacant since the 1980s and greatly detracts from the character and appearance of this part of the Queensway Conservation Area is welcomed, as is the development of the Royal Bayswater Hotel (Nos 119-122) which may have been a terrace of some historic and architectural interest many decades ago but has suffered extensive and clumsy modernization. This portion of the site comprises about 60% of its total length fronting the Bayswater Road and Kensington Gardens.

38 It is officer opinion that No 4 Queensway has a lesser heritage value,-No 6 Queensway makes at best a neutral contribution to the conservation area.

39 The south-eastern quarter of the site has far greater heritage value, comprising two highly decorated late Victorian properties (Nos. 122 and 125 Bayswater Road/2 Queensway) standing either side of the older mid-19th century Black Lion public house (123 Bayswater Road). All three heritage assets have significant townscape merit making positive contributions to the character of the conservation area and all three are identified within Westminster Council's Queensway Conservation Area Audit as Buildings of Merit. The Audit also identifies 1-8 Fosbury Mews as being Buildings of Merit and emphasises the 'peaceful and hidden enclave' of the mews with its' private character, intimate feel and smaller scale' – this would change fundamentally if the new block of flats were to be constructed, looming over the mews and casting it in shadow for part of the day. Historic England declined to list the Black Lion in 2015, issuing a certificate of immunity from listing which is in place until 2020.

40 The adjacent blocks of flats to the east and north are substantial in scale and height - the late 1930s Porchester Gate (home of the Czech Military Intelligence Service during the Second World War) rises to 10-12 storeys and the early 1970s Consort House has a tower of 11 storeys and a podium of

four storeys, those to the west (comprising the Edwardian era Hilton Hotel) are 6-7 storey. The Grade II listed mid 19th century terraces lining Inverness Street are 5-6 storey.

41 There are a number of benefits to the historic environment of the scheme including the redevelopment of the majority of the site comprising vacant land or properties that are not identified as Buildings of Merit (i.e. about three quarters of the site) and the new entrance and gates to Kensington Gardens aligning with the southern end of Queensway, together with other public realm improvements. There is also precedent for a 10 storey development of this height and scale in Bayswater going back 75 years to the late 1930s Porchester Gate and Consort House which was designed nearly 50 years ago (and indeed on the eastern edge of Hyde Park along Park Lane, also largely during the interwar period). It is accepted that the new development, although much larger than the existing buildings on the site, would not harm the setting of the immediately adjoining Kensington Gardens or the Royal Parks Conservation Area in which it lies, nor the adjacent Bayswater Conservation Area.

42 The key issue is therefore the loss of the three Buildings of Merit and whether these demolitions would cause substantial harm to the Conservation Area, bearing in mind the public benefits (economic, social and environmental) of the scheme. These are set out in detail within the applicant's planning statement which makes a strong case for the development. The loss of the three historic buildings is considered substantially harmful to the character and appearance of the Conservation Area. That the scheme was not modified to address these concerns raised by the GLA at the pre-application stage to retain at least the front portions of these very distinctive heritage assets is a major issue. It is concluded that the benefits of the development including regeneration benefits and bringing forward the redevelopment of the vacant corner site do not outweigh the harm caused to the Conservation Area caused by these demolitions, and therefore does not accord with both national planning guidance and the London Plan (policy 7.8).

Urban design

Layout & public realm

43 The applicant proposals involve the demolition of entire portion of a city block on this stretch of the Bayswater Road. The ground floor plan accommodates the main residential entrance lobby on the corner of Queensway and Inverness Terrace with retail units of varying sizes and entrance to a health spa. This proposed approach to the building layout allows for a high degree of interaction with the public realm and the applicant is also committed to improving the public realm and contributing to a new park gate linking directly to Kensington Gardens as a terminus of Queensway and this enhancement of the public realm is strongly supported.

44 The residential floorplans are of a good quality with the apartments based around two separate cores with a maximum of five units per floor with each unit of a size in excess of London Plan minimum residential space standards.

Height, scale & massing

45 The proposed new development has a maximum height of 10 storeys with a stepped massing at the upper two floors and provides an entire linear block frontage to Kensington Gardens. As set out in the preceding heritage text the height, scale and massing of the development is similar to the adjacent Nos.3-8 Porchester Gate mansion block. The building form proposed is sensitively scaled and will contribute positively to the conservation area and the setting of the Royal Park.

Appearance & materials

46 The architecture of the proposed scheme is of a high quality and its appearance is of a suitable elegance for such a high profile location. The wave form of the primary Bayswater Road frontage is reflective of the Hilton Hotel (129 Bayswater Road) and has clearly defined base, middle crown and effectively turning the corner into Queensway and Inverness Terrace.

47 As would be expected the adopted palette of materials is of a high quality and emphasise the building composition, consisting of natural stone, reconstituted stone, satin bronze effect finish metal and mat grey/ champagne colour finish metal. The ground and first floor frontage/canopy base are clad in metal with satin bronze effect finish around the shop front glazing; the main body of the building is clad in natural stone with reconstituted stone on projections and undulating balconies with cornices emphasised by satin bronze effect finish metal; and the recessed crown of the building is defined by metal cladding with a light colour finish.

Access

48 Inclusive design principles if embedded into the development and design process from the outset help to ensure that all of us, including older people, Deaf, disabled people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity. The aim of London Plan Policy 7.2 is to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum).

Residential units

49 Since October 2015 transitional arrangements are in place in the London Plan due to the phasing out of Lifetime Homes standard. The scheme should demonstrate in the design and access statement that 90% of residential units meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% meets Building Regulation requirement M4 (3) designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users

50 The applicant has submitted a scheme that is based on Lifetime Homes standards and the design & access statement provides typical flat layouts and plans of the wheelchair accessible homes which illustrate the relevant features. The floorplans identify where the wheelchair accessible homes are located and are distributed across tenure types and sizes to give disabled and older people similar choices to non-disabled people.

Public Realm

51 The design and access statement shows how disabled people access each of the entrances safely, including details of levels, widths and surface materials of the paths and seating arrangements.

Energy

52 The applicant has broadly followed the energy hierarchy and sufficient information has been provided to understand the proposals as a whole. Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

53 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and mechanical ventilation with heat recovery.

54 The demand for cooling will be minimised through solar shading. The applicant should provide evidence demonstrating how policy 5.9 has been addressed to avoid overheating and minimise cooling demand for each building use.

55 The development is estimated to achieve a reduction of 18% in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development. The applicant should provide the carbon dioxide emissions figures in tonnes per annum for each stage of the energy hierarchy. See Table 1 and Table 2 in the latest GLA assessment guidance for the required format: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>.

56 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

57 The applicant is proposing to install a site heat network. However, the applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network. The site heat network will be supplied from a single energy centre. Further information on the floor area and location of the energy centre should be provided.

58 The applicant is proposing to install a gas fired CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. Detailed information on the CHP should be provided in the energy assessment including the size of the engine proposed (kWe/kWth), the provision of any thermal store and suitable monthly demand profiles for heating, cooling and electrical loads. The applicant should provide information on the management arrangements proposed for the system, including anticipated costs, given that the management and operation of small CHP systems can significantly impact their long term financial viability. A reduction in regulated carbon dioxide emissions of 38% will be achieved through this second part of the energy hierarchy. The applicant should provide the carbon dioxide emission figures in tonnes per annum.

59 The applicant has investigated the feasibility of a range of renewable energy technologies but is not proposing to install any renewable energy technology for the development.

60 Based on the energy assessment submitted at stage I the energy strategy results in a reduction of 61 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 38%. The total carbon emissions savings in tonnes per annum for each stage of the hierarchy should be provided. Although the carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan further verification information is required before the scheme is compliant with the London Plan.

Transport

Network impact

61 While TfL is satisfied that the development proposals are unlikely to have a negative impact on the capacity of either public transport, the SRN/TLRN, there are however, a few issues which need to be addressed, as further detailed below.

Road network

62 TfL would expect a Delivery and Service Plan (DSP) and a Construction Logistics Plan (CLP) to be secured by condition to appropriately manage any potential adverse effects on the local road

network. The CLP should make adequate provision to ensure that the bus stop, along Bayswater Road, is not adversely impacted upon as a result of the development.

Walking and cycling

63 Cycle parking for all uses should comply with London Plan (2015) standards. Whilst the level of cycle parking proposed for the residential scheme is London Plan policy compliant, the level of cycle parking proposed for the non-residential uses of the scheme fails to meet London Plan standards. Cycle changing facilities should also be provided for staff of all commercial uses on site.

64 There is a proposal to widen the footway along Bayswater Road and Inverness Terrace which is supported by TfL. These measures should be secured as part of the S106 agreement.

Buses

65 TfL requests that £15,000 is secured for the upgrade of the bus shelter (referenced bus stop B) along Queensway. The funds should be secured as part of a S106 agreement and should be payable to Westminster Council.

Car parking

66 The non-residential development is car free, which is supported by TfL. However a ratio of 1.2:1 parking spaces per unit are proposed for the residential element. Overall 67 car parks are proposed which TfL considers to be wholly excessive given the excellent PTAL of the site. The developer, in conjunction with Council, should consider a reduction in the level of car parking subject to retaining at least the 7 proposed blue badge parking spaces to comply with the London Plan, some of which should accommodate high vehicles used for occupied wheelchairs. Car parking should be equipped with electric vehicle charge points to comply with London Plan (2015) standards. The Blue Badge parking and electric vehicle charge points should be secured by condition. Residents should be exempt from applying for parking permits (except for blue badge holders). A car parking management plan will be required, to be agreed by the Council prior to commencement. This should be secured by condition.

London Underground

67 London Underground (LU) infrastructure lies beneath Bayswater Road and TfL requests that no works to the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) should occur without the prior approval of London Underground.

Travel planning

68 The travel plan should be secured through the s106 agreement. It should contain ambitious targets particularly relating to the uptake of cycling and should be secured, enforced, monitored and reviewed as part of the S106 agreement. It is noted in the TA that there is a cycle docking station opposite the site, and many in close vicinity. TfL requests that the Travel plan secures funding for cycle hire membership for each residential unit for a minimum of three years (£90 per unit).

The Mayor's CIL

69 In accordance with London Plan policy 8.3 the Mayor commenced CIL charging for developments on 1st April 2012. Within the London borough of Westminster Council the charge is £50 per square metre. The site is also in the area where section 106 contributions for Crossrail will be

sought in accordance with London Plan Policy 6 and the associated SPG 'Use of planning obligations in the funding of Crossrail' (April 2013).

Local planning authority's position

70 No known at time of report preparation.

Legal considerations

71 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

72 There are no financial considerations at this stage.

Conclusion

73 London Plan policies on CAZ, mixed use, housing mix, affordable housing, children & young person's play, heritage, urban design, access, energy and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principal of land use:** The application proposals raise a number of complex planning issues, which were raised at the pre-application stage. The principle of the proposed land use is acceptable, but the loss of heritage assets and impact on the Conservation Area is contrary to the London Plan.
- **Housing mix:** The housing mix appears reasonably balanced with a fairly even split across unit size and allows for 40% larger 3+ bed units.
- **Affordable housing:** The applicant has explored options for affordable housing and has engaged with Westminster Council on exploring options at 382 Edgware Road linked to Church Street estate regeneration. This is welcomed as this also corresponds with a Housing Zone and the securing of this option is strongly supported in preference to a further financial contribution towards Westminster Council's Affordable Housing Fund.

The applicant's viability assessment should be independently reviewed on behalf of Westminster Council and its findings together with details of the finalised option for affordable housing provision shared with GLA officers before the committee stage of the application.

- **Children and young person's play:** The applicant has not completed an assessment of child yield from the development and this should be provided with a child yield that relates to play space strategy.

- **Heritage:** The loss of the three historic buildings is considered harmful to the character and appearance of the Conservation Area. That the scheme was not modified to address these concerns raised by the GLA at the pre-application stage to retain at least the front portions of these very distinctive heritage assets. It is concluded that the benefits of the development do not outweigh the harm caused to the Conservation Area caused by these demolitions, and therefore does not accord with both national planning guidance and the London Plan (policy 7.8).
- **Urban design:** The design of the replacement building is considered to be of a high quality.
- **Access:** Issues relating to access have been addressed in the applicant's design and access statement.
- **Energy:** Based on the energy assessment submitted at stage I the energy strategy results in a reduction of 61 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 38%. The total carbon emissions savings in tonnes per annum for each stage of the hierarchy should be provided. Although the carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan further verification information is required before the scheme is compliant with the London Plan.
- **Transport:** The applicant should in particular respond to concerns raised in relation to residential car parking over provision. It should also respond to issues raised in relation to public transport network impact, securing of Delivery and Service Plan (DSP)/Construction Logistics Plan (CLP) and Travel Plan, walking and cycling, buses, and mitigating development impacts on London Underground.

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