

6 January 2016

**Audley Square Garage, 5 Audley Square, W1K 1DS**

in the City of Westminster

planning application no. 15/02197/FULL

**Strategic planning application stage II 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**

Demolition of existing buildings (with exception of 4 Red Lion Yard) and construction of a residential development comprising 30 residential units, resident's facilities (including gym, swimming pool and spa), car parking and associated servicing and landscaping.

**The applicant**

The applicant is **Caudwell Properties Ltd**. The agent is **DP9** and the architect is **Robert A.M. Stern Architects (RAMSA)**.

**Strategic issues**

The residential-led redevelopment within the **Central Activities Zone** is in accordance with strategic objectives and as established by the extant planning permission. Outstanding strategic planning concerns relating to **housing, heritage** and **urban design, climate change** and **transport** have been satisfactorily addressed.

**The Council's decision**

In this instance the City of Westminster has resolved to grant permission but giving delegated authority to refuse the application if the Section 106 agreement is not signed within 6 weeks of the date of the Committee resolution.

**Recommendation**

That the City of Westminster be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct that he is to be the local planning authority.

**Context**

1 On 25 March 2015, the Mayor of London received documents from the City of Westminster notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008:

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

2 On 30 April 2015, the Mayor considered planning report D&P/0621b/01, and subsequently advised the City of Westminster that while the application was generally acceptable in strategic planning terms, the application did not comply with the London Plan, for the reasons set out in paragraph 81 of that report but that the possible remedies set out in the same paragraph could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 8 December 2015, the City of Westminster resolved to grant planning permission for the application, but giving delegated authority for officers to refuse permission if the Section 106 is not signed within a specified date. On 29 December 2015 the Council advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application, and any connected application. The Mayor has until 11 January 2016 to notify the Council of his decision and to issue any direction.

4 The Mayor’s decision on this case, and the reasons, will be made available on the GLA’s website [www.london.gov.uk](http://www.london.gov.uk).

## **Update**

5 At consultation stage the City of Westminster was advised that the proposed residential development was in general accordance with strategic planning policy and was supported. However, the proposal raised a number of strategic planning concerns that needed to be resolved to comply with the London Plan. Addressing each of the points, the following is noted:

### Housing and affordable housing

6 At consultation stage, it was noted that the scheme was not proposing any affordable housing on-site, and reference was made to the extant permission, which had secured a contribution of £8.1 million towards Westminster’s Affordable Housing Fund. The principle of an off-site solution was considered to be acceptable when considering the scheme at Stage 1, but the details of this still needed to be confirmed in order to satisfy London Plan policy 3.12.

7 The applicant has submitted a financial viability appraisal, noting that it is not proposing to make a policy compliant contribution (the uplift generates a £43.7 million contribution using the Council’s adopted formula for financial contributions). The applicant is instead proposing to provide affordable housing in a mixed use development at 21-23 Farm Street, which is the Council’s existing street sweeping depot. The applicant has paid the City Council £33 million for the right to develop it and has submitted an application for 14 affordable housing units, together with a new depot.

8 The Council’s viability consultant has confirmed that this is the optimum solution for the Council in terms of affordable housing delivery, and a s106 obligation is proposed, setting out that Audley Street cannot be occupied until the Farm Street development is completed. Noting that the Farm Street application has not been approved, in order to provide certainty over affordable housing delivery, the City Council has also imposed a s106 requirement that secures a fallback position, requiring modernisation of the Farm Street depot at a maximum contribution of £9.4 million towards affordable housing if the proposed Farm Street scheme is not approved.

9 Overall, it is concluded that the affordable housing solution in this instance optimises overall provision and reflects the extant permission. There are no outstanding issues in relation to affordable housing.

### Density

10 At the initial consultation stage, the applicant's density calculations were queried. The applicant has subsequently confirmed that the scheme equates to 684 habitable rooms per hectare, which falls comfortable within the London Plan range. There are no outstanding issues.

### Heritage and urban design

11 The key concern raised at the initial consultation stage was in relation to the demolition of no. 4 Audley Street, a heritage asset that positively contributes to the conservation area and the setting of an adjacent listed building. It was noted that robust case had not been made, setting out any public benefits arising from the redevelopment that may outweigh its total loss.

12 The applicant has subsequently submitted a heritage report which presents the case for the demolition of No. 4 Audley Street. The tests in sections 66 and 72 of the Planning (Conservation Areas and Listed Buildings) Act 1990 which set out the duties for decision makers when they are considering developments which affect heritage assets need to be considered in this case. Considerable weight should be given in planning decisions to the preservation of listed buildings or their setting and to the preservation or enhancement of the character or appearance of conservation areas. If harm is caused to heritage assets the onus is on the applicant to demonstrate that there are sufficient material considerations to justify that harm.

13 Whilst GLA officers are of the view that the report underplays the contribution of No.4 to the Mayfair Conservation Area and that it cannot be dismissed as '*an unremarkable Edwardian refacing*' of an earlier building, it is concluded that a case has now been made that the demolition of No.4 will facilitate the erection of a distinctive, high quality new development that will enhance this part of the Mayfair Conservation Area and the setting of listed and other historic buildings in the vicinity. It removes the eyesore multi-storey garage, which without doubt exerts significant harm to the CA.

14 The loss of No.4, though regrettable in itself, would not exert substantial harm to the CA, leaving the majority intact and the benefits of the overall redevelopment, which is a far more sensitive to its historic context and the character of the CA than either the garage or the consented scheme, are such that they would outweigh the loss of this historic building. The proposal would therefore, on balance, accord with the NPPF paragraphs 133 and 134 and London Plan policies 7.8 and 7.9. The proposed scheme is a well-considered new residential development, which responds well to the predominantly classical character of this conservation area in terms of its architectural design, palette of traditional materials, and massing.

15 The applicant was also asked to respond to a query regarding the ground floor studios and their internal quality. The applicant has reviewed the layouts and reconfigured these units, and the units meet BRE recommendations and are generous in size.

16 The Council has secured a series of conditions requiring facade detailing and materials to be submitted for approval, which is welcomed in terms of ensuring sufficiently high architectural quality.

### Climate change

17 At the consultation stage, it was noted that the scheme was meeting London Plan targets in relation to energy, but further information was sought in order to verify the carbon savings. In particular, the applicant was asked to provide the results of its overheating analysis and confirm any requirements for comfort cooling, noting that there is a high demand for cooling due to the basement swimming pool in particular. This in turn is linked to the applicant's proposal to use ground source heat pumps as a renewable energy source, noting that CHP should be optimised before considering the use of renewable technologies.

18 The applicant has stated that due to the high cooling demand of the basement, GSHP is required to provide both space heating to the domestic dwelling and hot water top-up to the swimming pool in order to balance the system, and as a result CHP cannot be used to provide space heating to the dwellings or the pool. GSHP and CHP heating solution is the preferred option and it meets the 35% carbon emission target, and the applicant has committed to serving the site by a single set of heat distribution pipework. The heat from the GSHP will be used to pre-heat the system. The applicant has confirmed that the primary circuit will contain capped-off connections to allow future connection to a district heating network, which is welcomed.

19 As the scheme progresses to detailed design, consideration should be given to the cost of operating and managing the CHP, noting its small size. The applicant should also ensure that the system is designed so that the pre-heat temperatures does not adversely impact the performance of the CHP, for instance ensuring that the return temperatures remain lower than a maximum set by the CHP supplier (even under part-load) to avoid the CHP unit controls shutting down the unit unnecessarily.

20 In addition, the City Council secured a condition (13) requiring submission of a detailed scheme to prevent overheating of the residential units, which is welcomed. This should be carried out in line with CIBSE Guidance TM52 and TM49. Sample DER and TER sheets have been provided and the applicant has clarified points raised in relation to the retained building (No. 4 Red Lion Yard).

21 Following various exchanges of information, the outstanding energy issues have been resolved. In relation to the query regarding the provision of green roofs, the applicant has set out a design rationale for their exclusion from the scheme based on architecture and heritage grounds, and this is accepted in this instance. As such the proposal complies with London Plan policies on climate change.

## **Transport for London's comments**

22 In regard to matters raised by TfL at Stage 1, a construction logistics / management plan, and Electric Vehicle Charging Points (all spaces will have active provision) will be secured. Cycle Hire Scheme membership, parking permit restrictions for residents, the redesign of cycle parking and most significantly the reduction of car parking provision (a 1.29 ratio per dwelling is proposed) have not been secured, nor it must be noted were a number of the transport issues raised within the Stage 1 Report recorded or identified within the committee report.

23 Whilst the failure to address the transport issues set out above is disappointing, on balance, as the development would involve the welcome removal of an underused public car park and a disused petrol filling station, the net transport impact would remain positive. As such, in this context, no objection is raised to the development in regard to its compliance with the transport policies of the London Plan.

## **Response to consultation**

24 The City Council notified 1,138 nearby owners and occupiers, with a total of 23 objections, including the Residents Society of Mayfair and St James's. Amenity concerns were raised in relation to loss of daylight, sunlight and privacy, noise and vibration from plant. Objections were also received in relation the design, height, bulk, and scale of development, and in relation to parking stress and congestion. Two letters of support have been received.

25 In relation to the objections and points raised, these have been addressed in the Council report and strategic matters about design and transport and scale of development in particular, have been addressed in this report and the initial Stage 1 consultation.

26 In terms of statutory consultees, Historic England has raised concern over the redevelopment of 4 Audley Square and that its loss is regrettable but notes that the application should be determined in accordance with national and local policy guidance and on the basis of City Council specialist conservation advice.

## **Article 7: Direction that the Mayor is to be the local planning authority**

27 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage one, therefore there is no sound planning reason for the Mayor to take over this application.

## **Legal considerations**

28 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## **Financial considerations**

29 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

30 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

31 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

## Conclusion

32 The principle of the residential-led mixed use redevelopment of the site is supported in accordance with strategic policy. The issues raised at consultation stage regarding affordable housing and the loss of No.4 have been addressed and outstanding concerns in relation to climate change and transport have generally been satisfied. As such, the application is now acceptable in strategic planning terms and there are no sound reasons for the Mayor to intervene in this particular case.

---

for further information, contact GLA Planning Unit (Development & Projects team):

**Colin Wilson, Senior Manager – Development & Projects**

020 7983 4783 email [colin.wilson@london.gov.uk](mailto:colin.wilson@london.gov.uk)

**Justin Carr, Strategic Planning Manager (Development Decisions)**

020 7983 4895 email [justin.carr@london.gov.uk](mailto:justin.carr@london.gov.uk)

**Samantha Wells, Principal Strategic Planner**

020 7983 4266 email [samantha.wells@london.gov.uk](mailto:samantha.wells@london.gov.uk)

---

**Audley Square Garage, 5 Audley Square,  
W1K 1DS, London  
in the City of Westminster**

**planning application no. 15/02197/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**

Demolition of existing buildings (with exception of 4 Red Lion Yard) and construction of a residential development comprising 30 residential units, resident's facilities (including gym, swimming pool and spa), car parking and associated servicing and landscaping.

**The applicant**

The applicant is **Caudwell Properties Ltd**. The agent is **DP9** and the architect is **Robert A.M. Stern Architects (RAMSA)**.

**Strategic issues**

The proposed residential development is supported in principle. However, outstanding strategic concerns with regards to **housing, heritage** and **urban design, climate change** and **transport** should be resolved before the application is referred back to the Mayor.

**Recommendation**

That Westminster City Council be advised that while the application is generally acceptable in strategic planning terms, the application does not comply with the London Plan, for the reasons set out in paragraph 81 of this report; but that the possible remedies set out in the same paragraph could address these deficiencies.

**Context**

1 On 25 March 2015 the Mayor of London received documents from the City of Westminster 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 5 May 2015 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 of the Schedule to the Order 2008:

#### *Category 1C*

*1. Development which comprises or includes the erection of a building of one or more of the following descriptions—*

*(c) the building is more than 30 metres high and is outside the City of London.*

3 Once Westminster City 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](http://www.london.gov.uk).

### **Site description**

5 The 0.32 hectare application site is located within the south-west of Mayfair, with Hyde Park to the west and Green Park to the south. The site forms an urban block facing onto Audley Square (which is not a square in a formal sense but is set back from the main building line of the street) to the west, off South Audley Street, which runs from Grosvenor Square, alongside the site, south to Curzon Street. The site is bounded to the North by Hill Street, which runs west from Berkeley Square all the way to Hyde Park. Waverton Street bounds the site to the east.

6 The application site comprises four existing building elements that lie within the Mayfair Conservation Area and the Royal Parks Conservation Area. The buildings are Audley Square Garage (a garage of nine levels at 5-7 Audley Square and a former filling station at 5-7 Waverton Street); The Ascott (49 Hill Street), a 1930's eight storey building comprising 56 serviced apartments; No.4 Audley Square, a five storey Georgian town house; and No.4 Red Lion Yard, a self-contained mews property. No buildings within the application are listed but there are a number of listed buildings in the immediate vicinity.

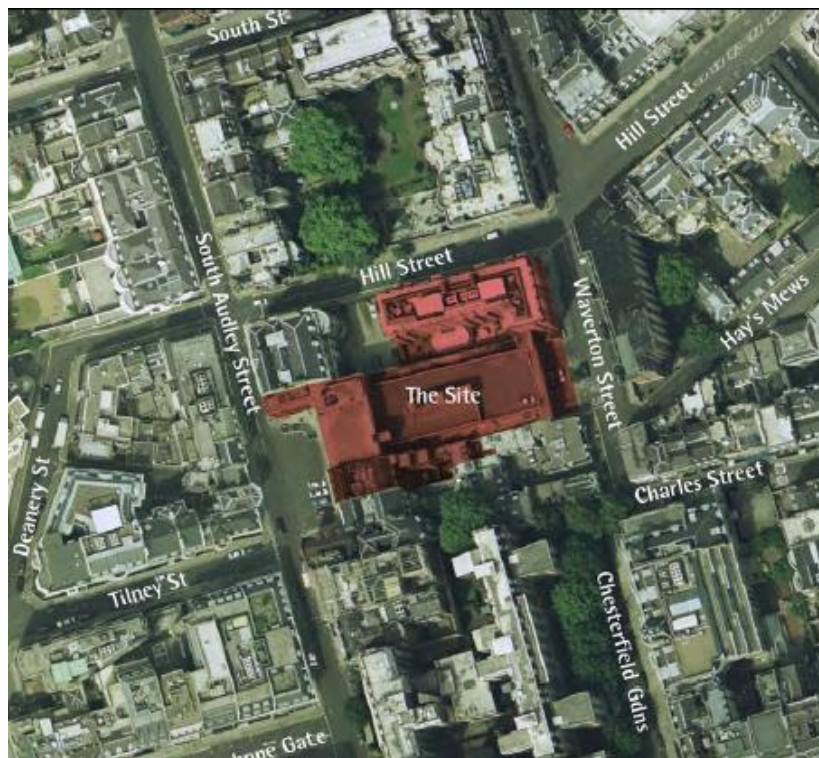


Figure 1: Audley Square site location



7 The site falls within the Core Central Activities Zone (CAZ) and is in a predominantly residential area.

8 All of the streets that bound the site form part of the local borough road network. The nearest section of the Transport for London road network (TLRN) is the A4202 Park Lane, located 140 metres to the west. The nearest section of the strategic road network (SRN) at Piccadilly (A4) lies approximately 500 metres to the south of the site. The site is well served by local buses with 15 routes available within a reasonable walking distance on Park Lane and Piccadilly. Three London Underground stations lie within a reasonable walking distance, at Green Park (660 metres to the east), Hyde Park Corner (700 metres south) and Bond Street (850 metres north). The site thus has an excellent public transport accessibility level (PTAL) of 6b, on a scale of 0 to 6b, where 6b is the most accessible.

## Details of the proposal

9 Caudwell Properties Ltd is seeking planning permission for the demolition of the existing buildings (with the exception of no.4 Red Lion Yard which is to be retained with minor alterations) and the construction of a residential development comprising 30 residential units and resident's facilities, including gym, swimming pool and spa, 41 basement car parking spaces and associated servicing and landscaping.

10 The proposed development would be provided over eight storeys plus a lower ground floor/garden and five basement levels.

## Case history

11 The site benefits from an existing planning consent for residential development (LPA reference: 12/08019/FULL) that was granted in 2013. The consent is for the development of a smaller site that comprises Audley Square Garage and "The Ascott" only. The consent allows for 24 residential units, a gym and swimming pool, the creation of roof terraces, green roof and solar collectors, car parking and cycle parking, a Council street cleansing depot, vehicular access from Waverton Street and landscaping on Audley Square.

12 The consent was for a modern design by Foster & Partners. Whilst the previously consented scheme provides high quality accommodation, the applicant, who acquired the main site and adjoining properties in 2011, is now submitting a new full planning application with a different architectural approach, more complimentary to the site's historic Mayfair context and conservation area setting. In comparison with the extent permission, the massing has been significantly reconfigured with the inclusion of a courtyard garden.

13 The applicant consulted with the GLA prior to submitting its application.

## Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- Housing *London Plan; Housing SPG; London Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG;*
- Affordable housing *London Plan; Housing SPG, Draft Revised Housing Strategy;*
- Density *London Plan; Housing SPG*
- Central Activities Zone *London Plan; Town Centres SPG*

- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG;*
- Tall buildings/views *London Plan*
- Historic environment *London Plan; Shaping Neighbourhoods: Character and Context SPG*
- Access *London Plan; Accessible London SPG: Achieving an Inclusive Environment*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change and Energy Strategy; Mayor's Water Strategy;*
- Transport and parking *London Plan; the Mayor's Transport Strategy.*

15 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 Westminster Councils' City Plan: Strategic Policies (November 2013), Westminster's Unitary Development Plan (UDP), and the 2015 London Plan consolidated with alterations since 2011.

16 The following are also relevant material considerations:

- The National Planning Policy Framework and National Planning Policy Guidance;
- Westminster City Management Plan (CMP) revision: City management policies revision and policy topic papers; Interim note on Affordable Housing Provision (March 2011);

## **Principle of development**

17 As set out in paragraph 7, the site is located within the Central Activities Zone as identified in the London Plan. London Plan policies acknowledge the diverse range of uses that exist within the CAZ and support a mix of local and strategic uses to support the area's distinct offer. The London Plan also recognises that the CAZ is a place where people live, and that having a range of homes within the CAZ helps to support its strategic function.

18 The principle of the development is established by the 2013 planning consent which involves the demolition of the Audley Square garage and fuelling station and The Ascott building.

### Loss of car park and fuelling station

19 The proposal would result in the loss of the Audley Square garage which the applicant indicated was underused for traditional short-term car parking in an area well served by a number of other car parks in the vicinity. The application documents also note that the City Council declared on April 2008 that the car park was surplus to operational requirements and no longer needed as a car park.

20 The proposed redevelopment would also result in the loss of the underused fuelling station, which the applicant indicated has not provided services for a number of years.

21 The loss of these facilities does not raise any strategic issues.

### Loss of short stay apartments

22 The proposal would result in the loss of serviced apartments for temporary sleeping accommodation. Whilst the Mayor's Housing SPG recognises this type of accommodation as important to London's economy, London Plan policy generally favours increase housing provision for residents. At the local level, Westminster UDP sets out that changes of use of non

purpose-built short-let accommodation to permanent residential accommodation will be encouraged. The proposal is therefore in accordance with the UDP.

23 The loss of the short stay apartments does not raise any strategic issues.

#### Loss of the street cleansing depot

24 The extant consent includes accommodation for the WCC street cleansing depot which is currently located at Farm Street. The applicant advised that the City had agreed that the cleaning depot was best located on its existing site. There is therefore no provision for a cleansing depot on site.

#### Residential use

25 London Plan Policy 3.3 seeks to increase London's supply of housing and in doing so sets borough housing targets. The London Plan (consolidated with alterations since 2011) sets Westminster a minimum borough target of 1,068 additional homes per year between 2015 and 2025, which the proposal will contribute to and is supported.

#### Summary

26 The principle of a residential development meets the strategic objectives for the CAZ, and is supported.

### **Housing and affordable housing**

27 The application considered here includes a total of 30 residential units, totalling 28,757 sq.m., that are all proposed as market units. A detailed of the housing mix is provided below:

<b>Unit type</b>	<b>Market</b>	<b>% of units</b>
studio	3	<b>10</b>
one-bed	2	<b>7</b>
two-bed	1	<b>3</b>
three-bed	4	<b>13</b>
four-bed	9	<b>30</b>
Five-bed +	11	<b>37</b>
<b>Total</b>	<b>30</b>	<b>100</b>

Table 1: Mix of housing units (Dp9)

#### Affordable housing

28 London Plan Policies 3.11 and 3.12 require the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units, taking into account; the need to encourage rather than restrain development; the housing needs in particular locations; mixed and balanced communities, and; the specific circumstances of individual sites.

29 Policy 3.12 of the London Plan expects affordable housing to be provided on-site, as on on-site provision generally gives the greatest certainty of actual provision as well as meeting the

Plan's policies on mixed and balanced communities. In exceptional circumstances, and in order to maximise affordable housing delivery however, it is recognised that, where it would have demonstrable benefits, it may be provided off-site or through a cash in-lieu contribution ring fenced and if appropriate 'pooled', to secure efficient delivery of new affordable housing.

30 At the local level, due to scarce land availability and significant land values in the City of Westminster, there is an acute difficulty in providing enough affordable homes to serve the population in need of such a home. In order to address this, Westminster's City Plan Policy S16 requires developments of either 10 or more additional units or over 1,000 sq.m. additional residential floorspace to provide a proportion of the floorspace as affordable housing on site. Westminster's interim note on affordable housing provision sets this affordable floorspace target at 25% within the Core CAZ. Where the Council considers that this is not practical or viable, the affordable housing should be provided off-site in the vicinity, however, only if this option has been thoroughly explored and proved impractical or unfeasible, can financial contribution in lieu of affordable housing be accepted.

31 The application does not include any affordable housing units on-site. The extant consent did not provide for any on-site affordable housing either but a payment to Westminster's Affordable Housing Fund of £8.128 million was agreed in 2013.

32 The applicant has argued that the inclusion of on-site affordable housing would result in the loss of very high value private residential floorspace which would be significantly detrimental to scheme viability and cannot be supported. It also argued that there were design-based reasons as to why on-site provision of affordable housing was not appropriate on this particular site, such as the lack of ability to separate out the accommodation from the private homes, thus enabling efficient management from a housing association's perspective and a reduction in the service charge liability.

33 The applicant has submitted a financial viability report on a private and confidential basis in support of its proposals, which is being independently assessed by the City Council. Whilst GLA officers have not yet had the benefit of seeing the Council's consultant independent assessment, GLA officers accept that provision of affordable housing cannot be provided on-site and that the generation of high residential values on-site could allow for a better outcome by way of a direct off-site solution or a payment in lieu of on-site accommodation.

34 GLA officers will review the Council's appraisal of the applicant's viability statement before the scheme is referred back at stage 2 to determine whether the proposed affordable housing offer is the optimum that can be achieved.

### Housing Choice

35 London Plan Policy 3.8 promotes housing choice and seeks a balanced mix of unit sizes and types in new developments. It also requires that 10% of new housing is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

36 The proposed scheme provides a mix of 1, 2, 3, 4 and 5+ bed units, plus studio apartments. Five townhouses would be created, plus a combination of single-storey apartments, duplex units and one triplex penthouse unit. Table 1 above set out the detailed mix of units proposed as part of the scheme. The proposed development includes a total of 24 large size units (with three or more bedrooms), which equates to 80% of the total number of units. This proposed mix of units is acceptable.

37 10% of the apartments have been designed to be capable of being adapted; this complies with London Plan Policy 3.8.

## Housing quality

38 London Plan Policy 3.5 promotes quality in new housing provision, with further guidance provided in the Mayor's Housing SPG.

39 The planning application proposes very high quality accommodation that the applicant describes in value terms as 'super-prime'. The application documents demonstrate that the Mayor's space standards would be met, together with compliance with the Lifetime Homes standard, which is welcomed. All of the units will be dual aspect with views out to the street and into a central courtyard garden that will provide communal outdoor amenity space. Private landscaped terraces are also provided at the setbacks at the upper floors. This level of both private and communal amenity space is acceptable. It is also noted that the site is in close proximity of Hyde Park immediately accessible (150 metres away) to the west and Green Park to the south.

## Density

40 London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, design principles set out in London Plan Chapter 7 and public transport capacity. Table 3.2 provides the density matrix in support of this policy. Based on the characteristics of the location set out in paragraph 8, the site can be regarded as having a 'central' setting with a very high PTAL rating. For this setting, the matrix suggests a residential density in the region of 650-1,100 habitable rooms per hectare and between 140 - 405 units per hectare.

41 The density of the development is 94 units per hectare, whilst this appears relatively low it reflects the larger units the scheme contains and the habitable rooms per hectare is likely to be within the London Plan density range. An indication of the density per habitable rooms per hectare should be provided by the applicant.

## **Heritage and urban design**

42 The proposals involve the demolition of buildings and redevelopment of the site which sits at a visually prominent corner location within the Mayfair Conservation Area. It is agreed that the multi-storey Audley Square garage detracts from the character of the conservation area by virtue of design and its demolition and redevelopment is welcomed.

43 No. 4 Audley Square is a Georgian townhouse, which was altered in the 1890's, when the front brick elevation was replaced by the current Portland Stone elevation. This is not unusual for buildings of this period and it would usually occur when building leases came up for renewal and there are numerous similar examples within this and adjacent conservation areas. The building was also damaged in World War Two by the bombs that destroyed the neighbouring buildings. In addition later interventions to the building's interior have included amongst other things the addition of a lift, again not unusual for buildings of this age. No.4 Audley Square although not listed is considered to make a positive contribution to the character and appearance of the conservation area and to the setting of the adjacent listed buildings. It should also be noted that the applicant's heritage appraisal advised that the value and characteristics of the building could be retained and enhanced through the building's sensitive redevelopment.

44 Since the application proposes to demolish the existing building in its entirety, it will lead to the total loss of the significance of the designated heritage asset. The NPPF states that substantial harm or total loss of significance of a designated heritage asset should be outweighed by substantial public benefits. Officers consider that notwithstanding the design

merits of the replacement building a case has yet to be made that the public benefits outweigh the total loss of this heritage asset.

45 The demolition of 49 Hill Street is also regrettable as an attractive example of 1930's architecture. However, its loss has already been accepted as part of the 2013 consented scheme. It is understood that 4 Red Lion Yard will be retained with minor alterations to the building.

46 The site is adjoined and within the visual setting of a number of Grade II listed buildings, each of which present formal frontages onto the street while also forming a consistent scale which contributes to the sense of enclosure to the surrounding street scene and the character of the wider conservation area. The latest proposal broadly draws from the townscape and massing principles of the consented modernist scheme and introduces an appropriate neo-classical design response to the site.

47 The scheme's layout is generally well thought out and aims to maximise street based activity to all three public facing edges with the inclusion of individual ground floor entrances to town houses which is welcomed. Entrances to residential cores are well articulated and legible from the public realm. Residential quality meets a high standard, with large units providing efficient core to unit ratios and a high proportion of dual aspect. Further clarity on the internal layouts of ground floor studio units is needed as they appear compromised by the curved building line of the principal entrance from Waverton Street and are likely to receive limited daylight penetration due to their relative depth in relation to the size of window openings.

48 The proposal departs from the internal layout of the consented scheme and introduces an internal courtyard garden which while providing limited opportunity for residential amenity, enables units to be cross ventilated which is welcomed.

49 The form and massing strategy is broadly supported and the building is designed to maintain a consistent six to eight storey shoulder height to acknowledge the predominant scale and character of the conservation area. It is noted that while the additional height in relation to the existing building is set back behind the main building frontage, the increase of height to the ridge line of 2.3 metres and 4 metres is particularly prominent in views on the approach from the east along Hill Street. The applicant is therefore advised to continue to work with Council officers to ensure that the setback levels are designed to appear recessive in relation to the lower levels to avoid any harm to the setting of listed buildings or the special character of the conservation area. The additional height resulting from the introduction of a high level pediment element along the western frontage broadly aligns with the scale of neighbouring development along Audley Square and contributes to a formal symmetrical public facing frontage to the building. This design approach is supported in principle, however, the Council is encouraged to secure key details across the scheme to include window reveals, ridge lines and projecting bays to ensure the highest standards of architecture are built through and the character of the conservation area is protected, in line with the objectives of London Plan Policy 7.8.

## **Inclusive design**

50 In accordance with London Plan Policies 3.8 and 7.2, and as mentioned above, all of the residential units meet the Lifetime Homes standards and 10% of units are capable of easy adaptation for wheelchair users. Lifts ensure that there is level access to all units within the development. In terms of parking, three blue badge spaces will be provided. Further comments on these parking spaces are provided in the transport section of this report.

## **Climate change adaptation**

51 The applicant has submitted a sustainability report carried out in accordance with GLA guidance. It is intended that the development will achieve Code for Sustainable Homes Level 4. The proposal includes a number of measures in response to strategic policies regarding climate change adaptation, which are welcomed and should be secured by conditions. Measures proposed include use of water efficient/low flow sanitary fittings to conserve potable water, greywater recycling from the splashback waste water collected from the swimming pool for WC flushing, rainwater harvesting for landscape irrigation purposes in line with London Plan Policy 5.13, in addition to external planting and other biodiversity features.

52 As green roofs were secured as part of the consented application, and as the site is located in the CAZ, in accordance with London Plan Policies 5.10 and 5.11, the delivery of green roofs should be secured by the Council for this development proposal as well.

## **Climate change mitigation - energy**

### Energy efficiency standards

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.

54 The demand for cooling will be minimised through cross-ventilation. The applicant has stated that a TM52 overheating analysis has been undertaken, however, the results have not been included in the report. The applicant should provide the results of the TM52 and include analysis using CIBSE guide TM49. The applicant should also confirm whether comfort cooling is required to meet the TM52/TM49 criteria. Should it be demonstrated that the passive or other measures proposed have successfully addressed the risk of overheating without the need for mechanical cooling, then the applicant should reconsider the inclusion of comfort cooling.

55 The development is estimated to achieve a reduction of 4 tonnes per annum (1%) in regulated CO<sub>2</sub> emissions compared to a 2013 Building Regulations compliant development. The applicant should provide sample SAP worksheets (both DER and TER sheets) for the development including efficiency measures alone should be provided to support the savings claimed (rather than the compliance sheets provided).

56 The applicant should also provide information on how the existing building (No. 4 Red Lion Yard) has been accounted for in the modelling assessment.

### District heating

57 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.

58 The applicant is proposing to install a site heat network. A drawing showing the route of the heat network linking all buildings on the site has been provided.

59 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.

### Combined Heat and Power

60 The applicant is proposing to install a 27 kWth gas fired CHP unit. The CHP is sized to provide the domestic hot water load only. A reduction in regulated CO<sub>2</sub> emissions of 40 tonnes per annum (14%) will be achieved through this second part of the energy hierarchy.

61 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.

#### Renewable energy technologies

62 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install Ground Source Heat Pumps (GSHP) to provide space heating and comfort cooling to the apartments as well as hot water to the swimming pool.

63 In line with the energy hierarchy, the use of CHP should be optimised before considering the use of renewable technologies and therefore this approach is not supported. The applicant should confirm that the CHP will be the lead heat source for all building uses (including space heating), with the GSHP acting as a top up. Additionally, the use of separate distribution systems for heating and domestic hot water is not supported as there is a concern that two distribution networks within the building could lead to overheating within the building. The heat distribution infrastructure within the building should be designed to minimise pipe lengths.

64 A reduction in regulated CO<sub>2</sub> emissions of 56 tonnes per annum (23%) will be achieved through this third element of the energy hierarchy. For the GSHP details of the Energy Efficiency Ratio (EER) and Coefficient of Performance (COP) of the heat pump is required.

#### Summary

65 Overall, it has been calculated that a reduction of 100 tonnes of CO<sub>2</sub> per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 35%. The carbon dioxide savings meet the target set within Policy 5.2 of the London Plan, however, the comments above should be addressed before compliance with London Plan energy policy can be verified

## **Transport**

#### Car & cycle parking

66 TfL raise no objection to the loss of the existing car park, nor the fuel filling station which has been unused for several years.

67 41 car parking spaces are proposed to serve 30 dwellings (a 1.29 ratio). London Plan (consolidated, 2015) Policy 6.13 identifies that 'All developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit'. The site benefits from an 'excellent' level of public transport accessibility. The proposed parking level is therefore wholly excessive and contrary to Policy 6.13 in this regard, and should be reduced. It is also significantly higher than the level of existing level of households with car ownership in the West End Ward (0.29). TfL recommends that the development be car free (aside from wheelchair accessible spaces). Of the 41 spaces, three are identified as wheelchair accessible spaces. This element is considered to be acceptable, although the parking space identified to be allocated to unit TH5 may be inadequately sized to serve in that function and should be reviewed.

68 Notwithstanding the above comments on total parking levels, 20% active and 20% passive provision for electric vehicle charging points (EVCPs) should be secured by condition /



s106. Lifetime Homes space provision in accordance with the Accessible London SPG and ongoing allocation/management of all physically unallocated parking spaces within a car parking management plan should also be secured by condition/s106. A S106 clause should restrict future occupants from applying for local parking permits within the controlled parking zone (CPZ).

69 95 cycle parking spaces are proposed, involving a mix of spaces within private enclosed areas/allocated store rooms and communal spaces. The level exceeds the minimum 55 spaces now required by Policy 6.9, but it is noted that a large proportion of these spaces lie in positions obstructed by car parking spaces, or are in areas with limited space to manoeuvre/access. The proposals should be revised to ensure that at least 55 fully accessible spaces can be provided, across all units. The scheme also appears to lack lifts with sufficient dimensions to practically accommodate a bicycle horizontally. Access to the basement level cycle parking should also therefore be reviewed.

#### Trip generation

70 Reference to trip generation data within the preceding application is made in the submitted transport statement, including the hotel use (using comparable TRAVL data) and the car park (a site survey), and a review of more recent TRICS data has been used in regard to the serviced residential accommodation. TRICS data has also been used in order to forecast trips from the proposed dwellings. The analysis demonstrates a reduction in total trip numbers, and in particular vehicular trips, which is welcomed by TfL.

#### Public transport

71 The proposed development would not lead to a specific impact upon mechanised public transport networks requiring mitigation (beyond the mayoral CIL contribution). TfL would however require a contribution in the form of a minimum of 3 years membership (per dwelling) to the Cycle Hire Scheme to be secured by s106 agreement.

#### Pedestrian environment

72 In accordance with London Plan Policy 6.10, TfL welcomes the improvements towards the external public realm within the immediate vicinity of the site. Any consequential relocation of existing on street parking bays should not serve to increase the level of carriageway taken up by this use in the local area.

#### Construction logistics

73 In line with London Plan Policy 6.3, a construction logistics plans (CLP) of a form fully in line with TfL guidance should be secured by section 106 / condition. The detailed CLP should be submitted and agreed prior to commencement of development. The matters addressed by the CLP are likely to form part of a construction or site environmental management plan, in line with Westminster's working practice.

#### Travel plan

74 A draft residential travel plan has been submitted as part of the transport statement. As noted above, the development is considered to include a wholly excessive level of private car parking, and those measures proposed within the travel plan would not be able to adequately mitigate the impact of the excessive level of private car parking.

## Mayoral CIL and Crossrail Levy

75 In accordance with London Plan Policy 8.3, the Mayoral Community Infrastructure Levy (CIL) came into effect on 1st April 2012. All new developments that create 100 sq.m. or more of additional floor space are liable to pay the Mayoral CIL. The levy is charged at £50 per square metre of additional floor space in Westminster. The site also lies within the Central London Crossrail Charging area, though the scheme does not include any chargeable floorspace.

76 Westminster City Council has not yet adopted a borough Community Infrastructure Levy.

## Local planning authority's position

77 The Council's position on the planning application is unknown at this stage.

## Legal considerations

78 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.

79 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

80 There are no financial considerations at this stage.

## Conclusion

81 London Plan policies on the principle of development, housing, heritage and urban design, inclusive design, climate change and transport are relevant to this application. Whilst the application is supported in principle, there are outstanding strategic planning concerns. Further discussion is therefore required regarding the following issues:

- **Principle of development:** The principle of a residential development is supported in strategic terms.
- **Housing:** GLA officers accept that provision of affordable housing cannot be provided on-site. However, the generation of high residential values on-site should provide for an off-site solution or a payment in lieu of on-site accommodation. GLA officers will review the Council's appraisal of the applicant's viability statement to determine whether the proposed affordable housing offer is the optimum that can be achieved.

- **Heritage and urban design:** The proposal involves the demolition of no.4 Audley Square, a heritage asset that positively contributes to the conservation area and the setting of an adjacent listed building, a case has still not been made that the public benefits arising from the redevelopment outweigh its total loss. The increased height of the building is prominent in some views and the applicant is encouraged to work with Council officers to ensure that the setback levels are designed to appear recessive in relation to the lower levels to avoid any harm to the setting of listed buildings or the special character of the conservation area. Key details across the scheme to include window reveals, ridge lines and projecting bays should be secured by the Council to ensure the highest standards of architecture and to protect the character of the conservation area. Further clarity on the internal layouts of ground floor studio units is also needed.
- **Climate change adaptation:** The application's proposed sustainable measures and the delivery of green roofs should be secured by condition.
- **Energy:** The carbon dioxide savings meet the target set in London Plan Policy 5.2, however, further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.
- **Transport:** The proposed parking level is wholly excessive and contrary to London Plan Policy 6.13 and should be reduced. The layout of the proposed cycle parking spaces should be reviewed. Other outstanding matters set out by Transport for London above need to be resolved in order to demonstrate full compliance with relevant London Plan policies.

---

For further information, contact GLA Planning Unit (Development & Projects Team):

**Colin Wilson, Senior Manager – Development & Projects**

020 7983 4783 email [colin.wilson@london.gov.uk](mailto:colin.wilson@london.gov.uk)

**Justin Carr, Strategic Planning Manager (Development Decisions)**

020 7983 4895 email [justin.carr@london.gov.uk](mailto:justin.carr@london.gov.uk)

**Hermine Sanson, Senior Strategic Planner**

020 7983 4290 email [hermine.sanson@london.gov.uk](mailto:hermine.sanson@london.gov.uk)

---